



## Information Access Services

Requirements to process access application under the -

## Right to Information Act

The [Right to Information Act 2009 \(Qld\)](#) (RTI Act) should be used as a last resort if there are no other mechanisms under which applicants can apply to access information held by GCHHS.

The most common applications received by GCHHS under the RTI Act are:-

- Requests for information in relation to deceased patients;
- Requests from insurance companies for children's records; and
- Requests from the general public, including the media, for corporate records and statistics.

### Valid Application

A valid application must:

- Be made on the approved form, or in writing, provided all necessary information which would otherwise make an application valid is included (*see below*)
- Give sufficient information to enable an officer to identify the document(s) (for example, full name, date of birth, details of the records they require)
- Provide a postal address
- State whether the documents are sought for the benefit of, or use of another entity, and if so, the name of that entity
- Be accompanied by the application fee

The application must also be accompanied by supporting documentation to assist the responsible officer in determining whether it is in the public interest for the information to be released:

- If personal information is sought, an original or certified copy of evidence of identity of the applicant is required, along with an original or certified copy of evidence of identity for the person to whom the information relates:
  - If the individual is deceased, a death certificate is suitable evidence of identity.
  - If the information relates to a request by an insurance company for information relating to an insurance claim involving a child, the insurance company is acting as an agent of the child, and the following documents are required:
    - Evidence of identity of the insurance company employee requesting the information;
    - Evidence of the insurance company's authority to act as the agent of the child and consent to obtain medical records;

- Evidence of identity of the parent who provided the authority to the insurance company;
- The child's birth certificate naming the parent who provided the authority to the insurance company. Alternatively, the parent may provide evidence of identity of the child and further supporting documentation to satisfy the responsible officer of the relationship between the parent and child (for example, Court Order or Parenting Plan).
- Additional supporting documentation to assist making the public interest decision can also include:-
  - Last will and testimony
  - Marriage certificate
  - Evidence of appointment of the Public Trustee, a Guardian, Power of Attorney or Litigation Guardian
  - Notice of Claim for Damages
  - Insurance policy documentation or Insurance Claim Form

## Time Frame for Compliance

- Within 25 business days, or longer if provided for under the RTI Act.

## Access Charges

- Application, Processing and Access Charges are payable in accordance with the [Right to Information Regulation 2009 \(Qld\)](#)
- The responsible officer must issue a Charges Estimate Notice (CEN) as soon as reasonably practicable after the conclusion of conducting searches for documents relevant to the application

## Acknowledgment Letter

Within 5 working days of receiving an application, whether compliant or not, the responsible officer is to send out an acknowledgment letter.

- If compliant, an acknowledgement letter can be sent by normal post confirming the details of the requested information and due date.
- If non-compliant, an acknowledgement letter should be sent by registered post to the applicant confirming what steps they need to take to make their application compliant and the timeframe within which they must comply.

## Consultation

Within two days of receipt of a sensitive application, a meeting is to be conducted between the responsible officer, Senior Director Governance and Risk, Executive Director Governance Risk and Commercial Services and Senior Director Communications and Engagement. The purpose of the meeting is to determine which individuals or divisions may hold records relevant to the request and consider who may need to be formally consulted, both internally and externally, under the RTI Act.

## **Disclosure Log**

Upon releasing the documents approved for release, the responsible officer is required to update RTIPs to reflect the decision made in relation to publishing the documents on the GCHHS Disclosure Log.

Documents containing personal information cannot be published on the Disclosure Log.

For documents not containing personal information, the responsible officer is to update the Disclosure Log and forward a copy to [GCHWeb@health.qld.gov.au](mailto:GCHWeb@health.qld.gov.au) for publishing on the GCHHS internet page.