



Information Sheet

Guideline – *Right to Information Act 2009* and *Information Privacy Act 2009*

What to expect when you apply for documents

This Information Sheet will give you an overview of what to expect after you have made a valid application under the *Right to Information Act 2009* (Qld) (RTI Act) or the *Information Privacy Act 2009* (Qld) (IP Act).¹

Note

This resource provides general information only. Contact the agency² you applied to if you have questions about your specific application.

Contact from the agency

The agency is not required to acknowledge receipt of your application, which means you may not be contacted by the agency if your application is valid and able to be processed.

However, the agency should contact you if there are problems with your application, if they need more information, or they need to clarify anything about the documents you want to access. If you want to confirm your application has been received and that there are no issues with it, you will need to contact the RTI Unit directly.

The OIC Enquiries Service does **not** have access to your application but they may be able to assist you in contacting the relevant agency's RTI Unit. The Enquiries Service can be contacted on 07 3234 7373 or by emailing enquiries@oic.qld.gov.au.

How long will your application take to process?

The standard timeframe set out in the Acts for an agency to process your application is **25 business days** from the date they receive a valid application. This is called the 'processing period' and it does not include weekends or public holidays.

¹ If you have been advised that your application is not valid or noncompliant then you should discuss this with the agency you applied to.

² In this information sheet all references to an 'agency' include Ministers, unless otherwise specified.



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The processing period will be longer in some circumstances. For example, if the Acts require the agency to consult with a third party, it will be extended by ten business days. There are also certain events which will 'pause' the processing period.

Extensions of time

The Acts allows an agency to ask for extra time to work on your application and the agency is allowed to continue working on your application unless you refuse the request. If you do not want to give the agency extra time, you need to make this clear to the agency, preferably in writing. An agency is allowed to ask for more than one extension, however you do not have to agree even if you agreed to the first extension.

You will still have review rights if you allow the agency extra time to work on your application.

How much will it cost?

Processing charges

There are no processing charges for applications made under the IP Act. If you applied under the RTI Act then there will be processing charges, but they won't apply for any work the agency does on documents that contain your personal information.

Processing charges apply for the time taken by the agency to process your application, for example, the time they spend searching for or retrieving the documents and making a decision on your application.

If the agency spends less than 5 hours working on your application then the processing charges will be waived.

Access charges

There may be access charges under both the RTI Act and the IP Act if you choose to get photocopies of the documents to which you are given access. There won't be any access charges if you choose to receive the documents by email or on a disc.

Other access charges may apply, for example the cost of copies of x-rays or for recordings to be transcribed.

Financial hardship

If you are the holder of a concession card recognised by the Acts you can ask for the processing and access charges to be waived due to financial hardship. For further information please refer to the Information Sheet [Applying for financial hardship as an individual](#).



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If you are a non-profit organisation in financial hardship you could consider applying for financial hardship status from the Information Commissioner. See [Applying for financial hardship – organisations](#) for more information.

Charges Estimate Notice (CEN)

If you applied under the RTI Act, the agency will give you a written *estimate* of how much your application is likely to cost. This is called a ‘charges estimate notice’ or CEN. The final amount you will need to pay when your application is complete will not be more than the amount quoted in the CEN.

Any final processing or access charges will have to be paid *before* you are allowed to access any released documents, and they will have to be paid even if you are not given access to any documents.

Do I need to respond to a CEN?

When you receive the CEN you have 20 business days to:

- agree to the estimated charges
- narrow the scope of your application in order to reduce the estimated processing and access charges
- withdraw your application; or
- apply for a waiver of the processing and access charges on the grounds of financial hardship.

The agency will usually give you a schedule of documents (see below) with the CEN, which may help you to identify documents you could decide to remove from your application. This could reduce the scope of your application and possibly the amount of the estimated charge.

If you narrow or reduce the scope of your application, or successfully apply for financial hardship, the agency will give you a second CEN. When you receive the second CEN you will have a further 20 business days to respond and either agree to the estimated charges (even if they are zero dollars) or withdraw the application. An agency can only issue a maximum of two CENs so it is important to ensure that you complete your discussions with the agency about reducing the scope of your application before the second CEN is issued.

Note

If you have agreed to a CEN, you will be liable to pay the final processing charges even if the agency’s decision is to refuse full or part access to the documents requested. The charges are still payable even if you decide not to access any of the documents released to you.



Schedule of documents

If you applied under the RTI Act, the agency must give you a schedule of documents before the end of the processing period, unless you agree not to receive one. The schedule of documents sets out the general classes of documents relevant to your application, for example, emails, plans etc.

The agency does not have to give you a schedule of documents if you applied under the IP Act.

Third party consultation

If an agency intends to release a document that contains information that would concern a third party, the Acts require the agency to take reasonable steps to consult with them to obtain their views. The agency makes this decision based on the specific documents and what is being considered for release, and a third party is only consulted about two things:

- is the document one to which the RTI Act/IP Act does not apply; and
- is the information exempt or contrary to the public interest to release?

If a third party objects to release, the agency can still decide to give you access. However the agency has to defer giving you a copy of the document so that the third party has an opportunity to apply for a review of the decision. The agency should provide you with more detailed information if this occurs.

Will I get access?

Depending on what you have applied for, you may not be given access to everything. The Acts set out specific kinds of information that is generally not released, either because Parliament has decided that it is exempt information or because releasing it would be contrary to the public interest.

Please refer to [What is Exempt Information](#) and [What is the Public Interest](#) for more information.

Decision notice and statement of reasons

When the agency has finished processing your application, it should send you a letter setting out its decision. Generally speaking, if a decision refuses access to a document in full or in part, the decision notice must state the reasons for the decision to refuse access and set out your rights to seek a review of the decision.

Decisions for access applications under the IP Act may also refer to sections of the RTI Act. This is because the IP Act says that an agency may refuse access using the same reasons for refusal set out in the RTI Act.



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Review rights

The Acts give you the right to seek review of certain decisions under the legislation. An overview of these review rights, including Internal Review and External Review, are outlined in [Explaining your review rights – a guide for applicants](#).

Deemed decision

If the agency does not give you a decision in the time allowed by the legislation this is called a 'deemed decision', as the agency is deemed to have refused you access to all the documents you applied for.

If this happens, you only have the right to apply to the OIC for an external review. Sometimes, the agency may ask the Information Commissioner for more time to work on the application. Alternatively, the application may be dealt with by the OIC.

If you applied under the RTI Act and your application went deemed, the agency must refund your application fee.

For additional information and assistance please refer to the OIC's guidelines, or contact the Enquiries Service on 07 3234 7373 or email enquiries@oic.qld.gov.au.

This information sheet is introductory only, and deals with issues in a general way. It is not legal advice. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.

If you have any comments or suggestions on the content of this document, please submit them to feedback@oic.qld.gov.au.

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Changes to legislation after the update date are not included in this document.