

Ref: R17-013

Mr James Smith

By email: James Smith <foi+request-3926-b886a777@righttoknow.org.au>

Dear Mr Smith

**Notice under section 33(2) of the *Right to Information Act 2009* (the RTI Act)**

I refer to your application received by the Department of Science, Information Technology and Innovation on 8 August 2017 in which you seek access to the following pursuant to section 23 of the RTI Act:

*"Documents related to the ten most recent instances where an employee has sought information, advice, guidance, or opinion on their social media use in a private capacity.*

*I limit the scope of documents to:*

- the original request from the employee*
- the agency/department's response*
- any follow-up questions and response*
- only those sent to a relevant HR / conduct / social media (or similar) team (rather than managers across all areas of the organisation)*
- where the original request was created in the last 2 years".*

I draw your attention to section 24(2) of the RTI Act which sets out the requirements of a valid application.

**Section 24 - Making access application**

**(2) The application must –**

- a) *be in the approved form and be accompanied by the application fee; and*
- b) *give sufficient information concerning the document to enable a responsible officer of the agency or the Minister to identify the document; and*
- c) *state an address to which notices under this Act may be sent to the applicant; and*
- d) *state whether access to the document is sought for the benefit of, or use of the document by –*
  - i. the applicant; or*
  - ii. another entity; and*
- e) *if access to the document is sought for the benefit of, or use of the document by, an entity other than the applicant—the name of the other entity.*

Your application is invalid because the application:

- is not in the approved form and accompanied by the application fee of \$48.00.
- does not state whether access to the document is sought for the benefit of, or use of the document by—
  - the applicant; or
  - another entity; and
  - if access to the document is sought for the benefit of, or use of the document by, an entity other than the applicant – the name of the other entity.

Under section 33(3), I must not refuse to deal with your application without providing you a reasonable opportunity to consult with a view to making your application in a way which complies with section 24(2).

The RTI Act provides a legally enforceable right to access documents of an agency (or a Minister) subject to the provisions in the RTI Act.

If you wish to proceed with your application, I request that you complete the enclosed application form and send it with a cheque for \$48.00 made out to the Department of Science, Information Technology and Innovation.

Postal address:

Department of Science, Information Technology and Innovation  
Right to Information and Privacy Unit  
GPO Box 5078  
Brisbane Qld 4001

Alternatively you may wish to apply through the Queensland Government's online portal at [www.rti.qld.gov.au](http://www.rti.qld.gov.au) where payment of the \$48.00 application fee can be made by credit card.

If I do not receive the application form and fee by 24 August 2017, I will proceed on the basis that your request does not comply with the requirements of a valid application under section 24 of the RTI Act, and decide under section 33 of the RTI Act to refuse to deal with it.

Your request has been allocated the reference R17-013, please use this number in any future correspondence. If you have any queries, please do not hesitate to contact the Right to Information and Privacy Unit by email at [rti@dsiti.qld.gov.au](mailto:rti@dsiti.qld.gov.au) or on telephone (07) 3719 7985.

Yours sincerely



Evan Hill  
**Deputy Director-General**

9 / 8 / 17

Encl. (1)