

23 August 2017

Mr James Smith  
Email: [foi+request-3928-1ff1a23a@righttoknow.org.au](mailto:foi+request-3928-1ff1a23a@righttoknow.org.au)

Dear Mr Smith

**Application under the *Right to Information Act 2009***

I refer to your application received by the Department of Tourism, Major Events, Small Business and the Commonwealth Games (DTESB) on 8 August 2017 seeking access under the *Freedom of Information Act 1992* to:

*"I request 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"*

Please note from 1 July 2009 the *Right to Information Act 2009* (Qld) (RTI Act) replaced the *Freedom of Information Act 1992* in Queensland, therefore your request will be processed under the RTI Act.

Your application has been allocated the reference number of 17-070, could you please use this reference number in all future communications.

The Department of Environment and Heritage Protection (EHP) is authorised to deal with information access applications on behalf of DTESB under section 30(3) of the RTI Act and section 50(3) of the *Information Privacy Act 2009* (Qld) (IP Act).

**Publication of information on the disclosure log**

Please be aware that section 78(2) of the RTI Act requires the department to publish the date made and the details of the information sought for **valid RTI applications** online on the department's disclosure log.

When the department makes a decision to grant access to a document, the document will also be published online on the department's disclosure log. The applicant's name and any entity that will use or benefit from the documents will also be published at this time. Any documents that contain your personal information will not be published on the disclosure log.

The department may remove the following types of information from documents prior to their publication on the disclosure log:

- information that would unreasonably invade an individual's privacy, including an individual's name;
- information of a confidential nature that was communicated in confidence, and information protected from disclosure under a contract;
- information which may be defamatory;
- information the publication of which is prevented by law;
- information where disclosure would cause substantial harm to an entity.

Further information about the disclosure log can be found on the department's website.

### **Non-compliant Applications**

Please note pursuant to sections 24(2) and (3) of the RTI Act, that an application is only considered a valid application once **all** of the following requirements are received by the department:

- 1) Requests must be on the approved form (or written correspondence if it is substantially the same as the approved form);
- 2) Requests must be accompanied by an application fee of \$48.00;
- 3) Requests must give sufficient information to enable an officer of the agency to identify the documents requested;
- 4) Requests must state an address to which notices can be sent;
- 5) Requests must state whether access to the documents is being sought for the benefit of, or use of, the applicant or another entity. If for another entity, the other entity's name must be provided.
- 6) If the requested documents contain personal information of the applicant, proof of identification requirements must be satisfied.

I have formed the view that your application is not valid because the application fee, benefit/use, and sufficient information regarding the information requested have not been provided to the department. I am therefore giving you the opportunity to provide the necessary requirements that will make your application compliant with sections 24(2) and (3) of the RTI Act.

### **Fees and Charges**

In accordance with section 24 of the RTI Act, you are required to pay the statutory application fee of \$48.00 before your request can be processed.

Please note that should the total processing time of the application exceed five hours, processing and access charges will be payable. A determination will be made as to your liability to pay processing and access charges. If processing charges are applicable to your application, a Charges Estimate Notice will be provided to you advising of the likely charges.

Payment should be made payable to the Department of Tourism, Major Events, Small Business and the Commonwealth Games and forwarded to:

Right to Information Services  
Department of Tourism, Major Events, Small Business and the  
Commonwealth Games  
GPO Box 2454  
Brisbane Qld 4001

### **Sufficient Information**

Requests for documents must give sufficient information to enable an officer of the agency to identify the documents requested pursuant to section 24(2)(b) of the RTI Act.

In order for the department to identify the information you are seeking access to, please confirm a specific timeframe you would like the documents to be captured within.

### **Benefit or Use**

In accordance with section 24(2)(d) and (e) of the RTI Act, you are required to state whether access to the documents is sought for the benefit or use of yourself or another entity.

Please provide a response stating whether access will benefit either (i) yourself; or (ii) if access is sought to the documents for the benefit or use of another entity, you are required to advise of the name of the other entity.

### **Required compliance items**

In accordance with section 24(2) of the RTI Act you must provide the following within 10 business days of receiving this letter:

- 1) Application fee**
- 2) Name of person or entity seeking to use or benefit from access to documents**
- 3) Sufficient information about the documents you are requesting (timeframe)**

If the above is not received by **6 September 2017**, I will send you a notice advising of my decision to refuse to deal with your application in accordance with section 33(5) of the RTI Act.

### **Duplicates**

Your application may capture numerous copies of exactly the same document. In order to reduce the time it takes to process your application and any processing charges that may apply, I will consider exact duplicates of documents to be outside the scope of your request. Exact duplicates of documents will therefore not be provided to you as part of your application unless you specifically request us to include them. If you do wish to request duplicate documents be included in your application, please advise us in writing within 10 business days of receiving this letter.

**Further Enquiries**

Should you wish to discuss your application in any way, please do not hesitate to contact me on telephone 3330 5134.

Yours sincerely



Mr Jose Orellana  
**Senior Right to Information Officer**  
**Right to Information Services**

**Privacy Statement**

Your personal information is being collected by the department to process your access application under the *Right to Information Act 2009*. Your information may be used by authorised officers within the department to assist with your application. Your information may be disclosed to other agencies where it is relevant to processing your application. Your personal information will not be disclosed to any other third party unless authorised or required by law.