



Information Sheet

INFORMATION SHEET – *Right to Information Act 2009* and *Information Privacy Act 2009*

Applying for documents: Which Act? - A guide for applicants

Queensland's Information Access Scheme

Queensland's information access scheme creates two different Acts that people can use to access documents held by Queensland Government: *the Information Privacy Act 2009* (Qld) (**IP Act**) and the *Right to Information Act 2009* (Qld) (**RTI Act**).

Both the RTI Act and the IP Act allow people to apply for documents containing information. The IP Act creates a right for individuals to apply for their own personal information. The RTI Act creates a right for individuals to apply for all other information. The Act under which your application will be dealt will depend upon the type of information you are seeking.

What is personal information?

Personal information is information or an opinion about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Information does not have to be correct in order to be personal information. Information does not have to contain a name to be personal information.

Simply put, your personal information is information that is about you. It does not have to be sensitive or relate only to your private life. It could, for example, be information about where you work or where you go to school, or about your business affairs or your work roster.

Which Act is relevant to my application?

Applications for access to information under the RTI Act or the IP Act must be made on the approved form¹ or by contacting the relevant government agency².

There is a section on the approved form for applicants to indicate which description most closely describes their application for access by checking one of three boxes.

If you indicate that you are seeking access to:

¹ The approved form can be downloaded from the RTI website at www.rti.qld.gov.au or, alternatively, you can contact the OIC Enquiries service on 3234 7373 to request a copy to be sent to you.

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



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- documents that are non-personal in nature – your application will be dealt with under the RTI Act.
For example – documents about a new government initiative
- personal information relating to yourself or on behalf of another person – your application will be dealt with under the IP Act.
For example – documents about your medical treatment in a public hospital
- documents that contain both personal information relating to yourself or on behalf of another person and documents which may contain the personal information of another person and/or non-personal information – your application will be dealt with under the RTI Act.
For example – documents about a recruitment process for a Queensland government job you applied for, including job applications submitted by other people

The [table of example applications and scenarios](#) contained within this information sheet may provide further guidance for determining which Act applies.

What will it cost me to apply?

There is an application fee³ that must be paid when you apply for access to documents under the RTI Act. No action can be taken on your application until this fee is paid. There may also be charges relating to processing the application and accessing the documents.

There is no application fee for applications seeking access to only documents containing your personal information under the IP Act. Under the IP Act, there may be charges relating to accessing the documents.

Where do I go for more information?

The Office of the Information Commissioner's website (www.oic.qld.gov.au) contains guidelines and information sheets on the RTI Act and the IP Act.

For further information on how to make access applications under the RTI Act or IP Act please refer to the following information sheets:

- *How to make an application under the RTI Act*
- *How to make an application under the IP Act*

³ See [Guideline – Fees and Charges](#)



Table of example applications and scenarios

Application	Which Act?	Why?
An applicant applies for 'my medical records'.	IP Act	The applicant is seeking documents about himself that is his personal information. It is inevitable that there will be the personal information of others contained in the document—such as the names of nurses or doctors—but that is not enough to make this into an application which must be decided under the RTI Act.
An applicant applies for 'all documents about the complaint made about me'.	IP Act	The applicant is seeking documents about herself. The fact that someone has made a complaint about an individual is their personal information. It is also the personal information of the person who made the complaint, but that does not stop it from being the personal information of the applicant.
Applying for photographs of dogs, including my dogs, and interview recordings of a person attacked by my dogs where the photos and recordings have no information about me.	RTI Act	The fact that the photographs and recordings triggered an investigation and were shown to the victim of a dog attack are not enough to make them personal information about the applicant. The fact that photos are of an applicant's dog are not enough to make it the applicant's personal information where there is no information of the applicant, or linkable to the applicant, written or marked on the photos. ⁴
An applicant applies for 'details of all grievance investigations undertaken in 2008'.	RTI Act	The applicant may or may not have been the subject of one of those grievance investigations. Regardless, the applicant's request is for information about each and every investigation, which means that the intent is for more than just information about himself.

⁴ As occurred in *Tomkins and Rockhampton Regional Council QICmr 2* (22 January 2016)



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Application	Which Act?	Why?
An applicant applies for documents about her child's care in an after school program.	IP Act or RTI Act	If the mother is making the application on behalf of the child under section 45 of the IP Act, then this will be an IP Act application. If it is not being made on behalf of the child, then it is an RTI application, because it is one individual applying for the personal information of another individual.
An applicant applies for documents relating to the shifts worked by a deceased person.	RTI Act	A deceased person does not have personal information, so the application for information about the deceased is not an IP application.
An applicant applies for all documents about complaints made about public service officers in Town X.	RTI Act	Regardless of whether the applicant is one of those public service officers or one of the people who complained, this will be an RTI application, because applicant is seeking more than just the applicant's personal information.
An applicant applies for documents about the protests to ban logging in a state forest.	RTI Act	Even if the applicant was one of the protesters, the applicant is clearly seeking access to more than just the applicant's personal information.

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