

# Applying for information: Which Act?

## Queensland's Information Access Scheme

Queensland's new information access scheme creates two different Acts that people can use to access information held by Queensland Government: the *Information Privacy Act 2009 (IP Act)* and the *Right to Information Act 2009 (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. Which Act your application will be dealt with under will depend on 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 form](#) or by contacting the relevant government agency.

Section 1 of the approved form asks the applicant 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:

- 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 the applicant's medical treatment in a public hospital*

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- documents that contain both personal information relating to yourself or on behalf of another person **and** 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 selection process the applicant participated in, including job applications submitted by other people*

See the table on page 3 for more guidance regarding specific examples of applications for documents.

### What will it cost me to apply?

There is an application fee of \$38.00 that must be paid when you apply for information 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.

For applications under the IP Act, there is no application fee. Remember, though, that Act will only apply where all you have asked for in your application is **your** personal information. Under the IP Act, there may be charges relating to accessing the documents.

If you ask for other information then your application will be decided under the RTI Act, even if you apply under the IP Act.

### Where do I go for more information?

The [Office of the Information Commissioner's website](#) contains guidelines on the RTI Act and the IP Act.

You can also get more information by contacting the Information Commissioner's helpline on 07 3234 7373.

**This guide 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](mailto:feedback@oic.qld.gov.au)

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

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**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.
An applicant applies for 'all documents relating to what the department did about my complaint'.	RTI Act	While the fact that a person made a complaint is their personal information, the applicant is asking for details about the department's actions. They are seeking more than just their personal information.
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.

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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	<p>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.</p> <p>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.</p>
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.