



Applying the legislation

GUIDELINE *Right to Information Act 2009*

Post-application documents

Under the *Right to Information Act 2009*¹ (Qld) (**RTI Act**), people have the right to apply to an agency² for access to documents. This right only extends to documents and information³ that exist on the day a valid application is received.⁴

Agencies have the discretion to give access to other documents created after the valid application was received, but these are called post-application documents⁵.

What is a post-application document?

A post-application document:

- is a document that did not exist or was not in the possession or control of the agency on the day the agency received the valid application; but
- is **not** one of the documents the RTI Act specifically allows an agency to create after receiving the valid application.

Agencies are not required to give an applicant a post-application document, but in some circumstances they may wish to do so, for example where a specifically relevant document arrived in the agency shortly after the date of the application.

There are no requirements for how an agency gives access to post-application documents, however:

- an agency cannot charge for a post-application document; and
- an applicant has no review rights in relation to a post-application document.⁶

What is not a post-application document?

Section 68 of the RTI Act provides for agencies to give access by creating written documents from:

- words recorded in the form of sound
- words in the form of shorthand or code; or
- information not contained in a written document, eg electronic databases, but only if a written document can be created using equipment ordinarily available to the agency.

1 And the *Information Privacy Act 2009* (Qld) (IP Act); in this guideline, references to the RTI Act include the IP Act.

2 In this guideline, references to an agency include a Minister.

3 Section 68 of the RTI Act allows an agency to create written documents from existing information after a valid application is received for the purposes of giving access.

4 Section 27(1) of the RTI Act.

5 Section 27(2) of the RTI Act.

6 Section 27(3) of the RTI Act.



Office of the Information Commissioner
Queensland

A written document created under section 68 is not a post-application document. Refer to [Providing access to documents](#) for more information on section 68 of the RTI Act.

Providing access to post-application documents

Agencies have the discretion to give post-application documents to an applicant, but unless the applicant agrees, post-application documents cannot be provided instead of documents in scope of the application.

Where the agency believes an applicant's scope could be satisfied by a post-application document, for example where they are seeking statistical data that does not exist but could be compiled, the agency could contact the applicant to discuss providing a post-application document.

When taking this approach, the decision maker should:

- Contact the applicant to see if they will accept post-application documents in place of all or part of their application. Where post-application documents will be an extra, rather than a substitute, the applicant's agreement is not necessary, but they should be clearly marked and their presence explained in the decision letter.
- If the applicant agrees to accept post-application documents in place of all or part of their application, confirm they will withdraw their application or amend their scope, whichever is appropriate.
- Ensure the applicant understands there is no charge for post-application documents but that there are also no review rights.
- Make a file note of the conversation with the applicant and/or confirm the conversation in writing.

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 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

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