



Information Sheet

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

How to make an access application on behalf of a child

Can I make an access application on behalf of my child?

Yes. Under the *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (Qld) (**IP Act**) a parent can make an access application for their child if the child is under 18 years old.

This information sheet and [How to apply for government documents](#) will help you make an application on behalf of your child.

Who is a 'parent'?

Under the RTI and IP Act, a parent is any of the following:

- the child's mother
- the child's father
- a person who exercises parental responsibility for the child (including a person who is granted guardianship of the child under the *Child Protection Act 1999* (Qld) or under a decision or order of a court)
- a person who, under Aboriginal tradition, is regarded as a parent of the child; or
- a person who, under Torres Strait Islander custom, is regarded as a parent of the child.¹

Note

A person standing in the place of a parent on a temporary basis is not considered a parent of the child under the RTI Act or IP Act.

What if my child is over 18?

Access applications can only be made by a parent on behalf of a child if the child is under 18 years old. Once the child is over 18, they must make the application themselves or nominate someone to act as their agent. They can nominate you, but once they are over 18 you will need their written authority to make an application for them.

¹ Section 25 of the RTI Act.



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Contact the agency

You may want to contact the agency's RTI Unit or check the website before you apply. RTI officers can often provide advice about accessing information on behalf of your child and the website may have information about alternative access schemes.

How do I apply to access information on behalf of my child?

Application form

The application should be made on the approved application form. You can find the *Right to Information and Information Privacy Access Application* form at www.rti.qld.gov.au.

For access applications to Queensland Government departments only, you can complete and submit an application form online at: <https://www.smartservice.qld.gov.au/services/information-requests/apply.action>.

You can ask the relevant agency or the OIC Enquiries Service (contact details below) to email or post you a copy of the application form.

Once you have completed the application form, you can either post, fax or email it to the agency that holds the documents you want to access. The details of where to send the form should be available on the agency's website or you can contact the OIC Enquiries Service (details below) who will help you obtain them.

How to fill out the application form

The Information Sheet [How do I apply for government documents?](#) has detailed information on completing the application form.

At section 2 of the form, you will indicate you are applying on behalf of your child by ticking the 'yes' box at the question that asks if you are applying on someone else's behalf. This is where you'll write the child's name.

You also need to provide enough information about the documents you're looking for so the RTI Unit can identify and search for them. Being clear about the documents you are seeking will help the RTI officers locate the documents.

Application fee

If you are only applying for documents that will contain the child's personal information, you can make the application under the IP Act with no application fee. If any of the documents will not have the child's personal information in



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them, you must make the application under the RTI Act and pay the application fee.²

You can contact the agency for information on how to pay the fee with your application. If you lodge the application without paying the fee, the agency will contact you and let you know how to pay.

Evidence of identity and evidence of parent-child relationship

If the application is for documents containing the child's personal information, you need to supply certified evidence of your child's identity, evidence that you are their parent, and evidence of your identity.

Evidence of the child's identity and evidence of your parental relationship can be the same document (eg your child's birth certificate) or separate documents. If you are unsure of what to provide, contact the agency or the OIC Enquiries Service (details below) for assistance.

Examples of documents evidencing the child's identity and/or the parental relationship are:

Birth certificate

A birth certificate that identifies the person applying for the child as the parent.

Court Orders

Formal documentation issued by a court or other authority granting a person who has parental responsibility as a result of being granted guardianship of a child.

Correspondence and cards from government agencies

Correspondence from government agencies (eg, Centrelink or Medicare) may indicate that a person is a child's parent and a number of government-issued cards list a person's dependants, for example:

- Health Insurance Card
- Medicare Card
- Pensioner Health Care Card
- Centrelink Pensioner Concession Card
- Department of Veteran's Affairs Pensioner Concession Card
- Foster Carer Card

For evidence of your identity, you can provide ID such as a drivers licence, proof of age card, passport, or birth certificate.

² See [How to apply for government documents](#) for the amount.



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Copies of identification must be certified by a Justice of the Peace, Commissioner for Declarations, lawyer or notary public.

Will the documents be released?

You may not get full access to all documents. The RTI Act and IP Act provide for access to be refused to some kinds of information. They also allow an agency to refuse access to documents if it decides that disclosure of the information would not be in the child's best interests.

Are there any rights of review?

If the agency refuses access to any documents, they will give you a decision notice explaining their reasons. It will also explain how you can seek a review of the agency's decision, but you can read more about the RTI and IP Act's review rights in [Explaining Your Review Rights](#).

Can I make an amendment application on behalf of my child?

Yes. Under the IP Act, if you believe that personal information about your child is inaccurate, incomplete, out of date or misleading, you can make an amendment application for your child.

For more information about making an amendment application on behalf of your child, please refer to *How to amend personal information under the IP Act – a guide for applicants*.

For additional information and assistance, contact the agency that holds the information you are seeking or 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