



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 information access application for their child, if the child is under 18 years old. The application must meet certain requirements so that the agency¹ has evidence that you, as the parent, are entitled to make the application on behalf of your child.

This information sheet provides information to help you meet those requirements.

Who is a 'parent'?

A child's parent means 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 Aboriginal child
- a person who, under Torres Strait Islander custom, is regarded as a parent of the Torres Strait Islander child.²

Note

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

What if my child is over 18?

Access applications can only be made on behalf of a child who is under 18 years of age. If the child is over 18, then they must make the application themselves or they may choose to nominate someone to act as their agent.

¹ In this information sheet, references to an "agency" include Ministers, unless otherwise specified.

² Section 25 of the RTI Act.



Note

It may help to speak with the Right to Information Unit and check on the agency's website before you make an application. The RTI officers can provide advice about accessing information on behalf of your child. Many agencies also have information on their websites about how you can access information without making a formal application under the RTI Act or IP Act.

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

Application form

The Information Sheet *How do I apply for government documents?* will also be of assistance when completing the application on behalf of your child.

The application should be made on an approved application form. You can download and print a copy of the approved *Right to Information and Information Privacy Access Application* form from the internet at www.rti.qld.gov.au.

Once you have completed the application form, you can either post, fax or email it to the relevant agency. The agency will be able to provide you with contact details for where the completed form should be sent.

OR

For access applications to some Queensland Government departments, you can complete and submit an application form online at www.rti.qld.gov.au.

OR

You can ask the relevant agency to send you a paper copy of the application form which can then be returned to the agency once you have completed it.

How to fill out the application form

The application form **must** provide an address to which the agency can send written correspondence. The address can either be a postal address or an email address. The application form **must** also contain enough details about the documents being requested to enable the agency to identify the documents. By being as clear as possible about the documents you are seeking, you will be helping the agency to quickly locate the documents.

At **section 2** of the form you should indicate that you are seeking access to information on behalf of your child. You will also be required to provide evidence of your relationship with the child to establish that you are their parent.

The application form indicates which sections on the form must be completed.



Application fee

If the application is limited to seeking documents which contain the personal information of your child then it could be made under the IP Act which does not have an application fee. However, if you are requesting access to any documents which do not contain your child's personal information then there is an application fee³ which **must** be provided with the application form.

Evidence of identity and evidence of parent-child relationship

To make a valid application for your child, you will need to supply certified evidence of your child's identity if you are seeking access to their personal information, as well as some form of evidence that you are their parent. You may be required to supply evidence of identity for yourself so that the agency can verify that you are the parent making the application.

These could be the same document (eg your child's birth certificate) but, as the documentation will vary according to the nature of the relationship, the agency should be able to assist you further if you are unsure about what to provide as evidence.

Some examples include:

Birth certificate and photo identification

A birth certificate that identifies the person applying for the child as the parent is clear evidence of the parental relationship. Supporting evidence of identity, to establish that they are in fact the person named as a parent may also be required to be provided.

Court Orders

A person who has parental responsibility as a result of being granted guardianship of a child under law is likely to have formal documentation issued by a court or other authority which proves this relationship. Evidence of this may include:

- a copy of the court order
- evidence of identity (that is, verify that you are the person who is appointed by the court order); and
- evidence that the terms of the order are broad enough to authorise the application being made for the 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'. A number of government-issued cards indicate a person's 'dependants'.

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



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The following cards may list dependants:

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

If you are applying on behalf of your child for their personal information then the copies of identification must be certified by a justice of the peace, commissioner of declarations or a lawyer as a true copy of the original.

In some circumstances the agency may allow you to provide your certified identification electronically. If they do not, you will need to provide it by post.

Will the documents be released?

You may not get full access to all the documents you have requested for your child. The RTI Act and IP Act set out certain types of information that may be withheld from disclosure.

There are also sections of the legislation which allow an agency to refuse access to documents if it decides that disclosure of the child's personal information would not be in the child's best interests.

Are there any rights of review?

If access is refused to any documents (either in full or in part) then the reasons for this will be outlined in a decision notice from the agency. The decision notice will also outline any rights of review that apply in relation to the decision.

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 in a document held by an agency 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*.

Can I make a privacy complaint on behalf of my child?

The privacy protections in the IP Act apply to individuals regardless of age, so children are able to make a privacy complaint if they consider their privacy has been breached.

If a parent makes a privacy complaint on their child's behalf, the child should still be involved with the complaint where possible. For more information on this, please refer to the Guideline: *Applications by and for children*.



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