



Information Sheet

Information Sheet - *Right to Information Act 2009* and *Information Privacy Act 2009*

What to expect at External Review

The Office of the Information Commissioner's (OIC) External Review team has responsibility for reviewing *reviewable decisions* made by agencies and Ministers under the *Right to Information Act 2009 (RTI Act)* and *Information Privacy Act 2009 (IP Act)*.

If you have received a reviewable decision, you have 20 business days to apply for an external review. See [Explaining your review rights](#) for more information.

What can external review do?

External Review's role includes:

- reviewing decisions about whether documents are exempt or contrary to the public interest to release
- identifying whether agencies and Ministers have taken all reasonable steps to locate relevant documents
- deciding applications by agencies and Ministers for extensions of time to process applications; and
- deciding whether to accept late external review applications, ie whether to exercise the discretion to accept them outside the 20 business day period for seeking a review.

The RTI Act requires the External Review team to resolve external review applications informally wherever possible. However, if informal resolution cannot be achieved a formal decision will be issued. These will either affirm, vary, or set aside the agency or Minister's decision and are published on OIC's website.

What happens during an external review?

An external review can involve some or all of the following stages:

- Preliminary inquiries - establishing whether the OIC has jurisdiction to conduct the requested review.
- Early assessment and resolution—obtaining documents and any other relevant background information, identifying opportunities for informal resolution and negotiating settlement of the review.
- Informal resolution and preliminary view—forming a preliminary view on the issues remaining in dispute in the review and informing participants orally or in writing of the preliminary view.
- Inviting written submissions from the participants—these are sought to obtain a participant's views about the issues in dispute. Sometimes relevant information must then be given to other participants. This is a matter of procedural fairness.
- Decision—making a written determination on the issues in the review.



Office of the Information Commissioner Queensland

For more information about external review see [Explaining your review rights – a guide for applicants](#) and the video [Understanding External Review](#).

How long will an external review take?

The time taken to complete an external review varies depending on the particular circumstances of each application. The OIC's Early Assessment and Resolution team aims to resolve external reviews as quickly as possible. However, where, for example, the external review involves complex issues, large numbers of documents, or unexpected delay from the relevant agency it may take significantly longer.

The OIC will work with all participants of an external review to encourage settlement of the review without the need to issue a formal decision. This may be done by discussing the application with participants in the review, either by telephone or in writing. This discussion may involve the merits of an application and asking participants to consider resolving the matter based on OIC's view.

Where an external review cannot be informally resolved, the OIC will proceed to make a formal decision in the matter.¹ Reviews requiring a formal decision may take up to one year to finalise.

What OIC's External Review team cannot do

OIC's External Review team cannot:

- Provide legal advice of any kind, whether it relates to an external review matter or not.
- Investigate complaints about the conduct of agencies or the actions of agency officer including about how they handled an application.
- Answer questions about the content of released documents.
- Investigate complaints about agency's record keeping practices.
- Assist with privacy complaints about Queensland government agencies. For information about what to do if you believe your privacy has been breached see: [How to make a privacy complaint](#) and [Can I bring a privacy complaint to the OIC?](#)
- Provide information about RTI or IP Act matters unrelated to your external review. The OIC's Enquiries Service can provide general guidance about the RTI and IP Acts. They can be contacted on 07 3234 7373 or enquiries@oic.qld.gov.au.
- Assist with privacy or other complaints or information access requests relating to Commonwealth government departments, private businesses or organisations, including real estate agents, private medical facilities or insurance companies. For information about organisations that may be able to help, see [What the OIC can help with](#).

¹ Based on the circumstances as they exist at the time of the review - see *Palmer and Townsville City Council* [2019] QICmr 43 (3 October 2019) at paragraph 21



Office of the Information Commissioner
Queensland

For additional information and assistance please refer 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