



Applying the legislation

GUIDELINE *Right to Information Act 2009 and Information Privacy Act 2009*

Deletion of Irrelevant Information

The *Right to Information Act 2009* (Qld) (**RTI Act**)¹ provides a right of access to documents of an agency and Minister.² Because the right of access is to documents rather than information the RTI Act allows agencies³ to delete information from documents if it is not relevant to the application.⁴ Information is irrelevant if it is not within the scope of the application.

Note

Deleting irrelevant information is not a ground of refusal under the RTI Act; it is a practical way of removing information from a document that it is clear an applicant does not want. It is, however, a reviewable decision.⁵

Out of scope vs irrelevant information

The term 'out of scope' does not appear in the RTI Act. It is used to describe whole documents that do not fall within the terms, or *scope*, of an application. It cannot be used to describe *information* contained in documents that **do** fall within the scope of an application.

Irrelevant information is information contained within a *document* that is generally within the scope of an application but which also contains information that the applicant has not applied for.

Example

An application is for all records of stray **dogs** picked up by the local Council. The Council prepares a single report each financial year about all stray **animals** it picked up that year. The report is a document within the scope of the application, but the information it contains about stray cats and other animals is information that the applicant has not applied for: it is irrelevant information.

In these circumstances, information in the report that relates to animals other than stray dogs can be deleted as irrelevant information.

¹ And chapter 3 of the *Information Privacy Act 2009* (Qld) (**IP Act**).

² Section 23 of the RTI Act and section 40 of the IP Act. This right is subject to the provisions of the legislation.

³ In this Guideline references to agencies include Ministers unless otherwise specified.

⁴ Section 73 of the RTI Act and section 88 of the IP Act.

⁵ See the definition of 'reviewable decision' in schedule 5 of the RTI and IP Acts.



Whole documents that are not relevant to the terms of the application

When an agency conducts searches, it is not uncommon for documents to be returned that, on closer inspection by the decision maker, are not actually within the scope of the application. These documents are *out of scope* of the application.

Section 73 of the RTI Act only refers to deleting irrelevant *information*—other parts of the document must fall within the terms of an access application before it can be used. It cannot be used on whole documents that fall outside the terms of an application.

If an *entire document* is out of scope of an application, it should **not** be considered at all as part of the application nor should it be referred to in the notice of decision.

Mentioning whole documents that are out of scope of the application can be misleading and cause confusion for applicants. It may also increase the number of review applications as applicants may not understand or believe that the agency would have mentioned these documents if they did not relate to their application.

What is 'irrelevant' information?

Section 73 of the RTI Act applies when giving access to a document would also disclose information an agency reasonably considers is not relevant to the scope of the access application.

This means that agencies must assess whether information can reasonably, as opposed to irrationally or absurdly, be considered 'not relevant' to the terms of an applicant's access application.⁶ Generally, this will be where the information is not information that the applicant has applied for in their application.

If it is determined that the information can be categorised as irrelevant information then it may only be deleted where the agency considers that it is reasonably practicable to give access to a copy of a document from which the information has been deleted.

Removing non-personal information in IP Act applications

Under the *Information Privacy Act 2009* (IP Act), an individual can apply for documents containing their personal information. The fact that some information in the documents may not be the applicant's personal information is not sufficient on its own to make it irrelevant to the application.

⁶ *BDP and Medical Board; WNK (Third party)* (Unreported, Queensland Information Commissioner, 19 December 2007).



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Is it practicable to give access to a copy of the document?

It will be practicable to delete irrelevant information where it is feasible to produce a redacted version of a document from which irrelevant information has been deleted. This means that it will be practicable to delete information where it is physically or mechanically possible, and where the agency concerned has the necessary resources.

Please refer to [Providing Access to Documents](#) and, if the document is a video recording, the [Managing Access to Digital Video Recordings](#) for more information.

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