



Information Sheet

GUIDELINE *Right to Information Act 2009*

What is the ‘public interest’? – a guide for applicants

This Information Sheet explains why the public interest is considered when an agency decides whether to give access to documents applied for under the *Right to Information Act 2009* (Qld) (RTI Act)¹.

What does the public interest have to do with my application?

The main purpose of the RTI Act is to give a right of access to Queensland government information unless, on balance, giving access would be contrary to the public interest. The agency is required to work out if giving access would be contrary to the public interest by applying the *exempt information provisions* and *public interest factors* to the documents you want to access.

Exempt information provisions relate to information that Parliament has already decided is contrary to the public interest to disclose. For more information, see [What is Exempt Information](#).

If the information is not *exempt* the agency must consider the lists of public interest factors contained in the RTI Act. The agency will weigh up all the relevant factors for and against disclosure and decide if, on balance, releasing the information would be contrary to the public interest.

Do my interests or concerns count as the public interest?

Just because information interests you doesn't mean it is in the *public* interest to release it. Generally, for something to be in the public interest it needs to affect more than just your private or personal interests. It needs to affect a significant part of the public or community. This is reflected in the public interest factors for disclosure, which include promoting government accountability, discussion of public affairs, effective oversight of government funds, and protection of the environment.

However, in some circumstances your private interests and the public interest can align. This can be the case, for example, where you're seeking information to pursue a legal action² or seeking medical information of a deceased family member to ensure your own health³.

How does the agency decide the public interest?

Balancing the public interest is not a simple maths equation: two factors for disclosure and only one factor against disclosure does not necessarily mean the information will be disclosed. When looking at the documents the agency must consider all relevant factors for and against disclosure. After identifying the

¹ Or Chapter 3 of the *Information Privacy Act 2009*.

² See [Accessing documents to pursue a legal remedy](#) for more information

³ See [Applying for medical records of a person who is deceased](#) for more information



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relevant public interest factors the agency decides how important each factor is and how much 'weight' to give to it.

For additional information and assistance please refer to the OIC's guidelines, or contact the Enquiries Service on 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