



Information Sheet

Applying to access information when incarcerated in Queensland

Can I make an RTI or IP application when I'm in prison?

Yes. People in custody have the right to make applications for access to documents under the *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (Qld) (**IP Act**).

What documents can I request without making an RTI or IP application?

Some documents are available directly from your correctional centre. These include, for example, bail undertakings, bench charge sheets, and some forms, eg an order for the transfer of a prisoner and an order for prisoner to attend court. A full list of documents should be available from your correctional centre.

What if the document I want is not available from the correctional centre?

If you cannot get the documents you want from the correctional centre, you will need to make a formal access application under the RTI Act or the IP Act.

Which Act do I apply under?

It depends on whether the documents will have your personal information (information about you) in them. If every document will have your personal information in it, you can apply under the IP Act with no application fee. If some or all of the documents you want won't have your personal information in them, you have to apply under the RTI Act.

Will it cost anything?

There is no application fee or processing charges for an IP application. From 1 July 2022, there is an RTI application fee of \$53.90 and possible processing charges of \$8.35 per fifteen minutes spent working on the application. There may also be access charges of \$0.25 per A4 page for paper copies under RTI and IP, but these will not apply for electronic copies.

How do I make an application?

You can fill out an approved application form and send it to the agency which holds the documents you are seeking. You can request a copy of the form from your correctional centre or, if you have access to the internet, you can apply online at www.rti.qld.gov.au.

If you are unable to access a form, you can write a letter requesting the documents you are seeking. You must ensure that the letter clearly says that you want to make an application under the RTI Act or the IP Act and it must include:

- an address that correspondence about your application can be sent to
- enough information for the agency to identify the documents you wish to access
- certified evidence of identity if you are seeking access to your personal information (discussed below); and
- the application fee if you are making an RTI Act application.

How do I provide evidence of identity?

If you wish to access your personal information you need to include certified evidence of identity with your application. While you are in custody, you can meet this requirement by having a copy of your Prisoner Identity Card signed by a Corrective Services Officer as a true copy of your Prisoner Identity Card.

How long will it take?

An agency has 25 business days to process an application that meets all the requirements. It may sometimes take longer, for example if the agency needs to consult or asks for extra time because they are very busy.

Which agency holds the documents?

You can apply to any Queensland government agency for documents. We have listed a few below.

Queensland Corrective Services holds prisoner and incarceration records. Applications should be sent to:

Queensland Corrective Services
Legal, RTI and Privacy Unit
GPO Box 1054
Brisbane QLD 4001

The *Department of Justice and Attorney-General* holds Public Prosecutions records relating to the prosecution of offences. Applications should be sent to:

Right to Information and Privacy Unit
Department of Justice and Attorney-General
GPO Box 149
Brisbane QLD 4001

The *Queensland Parole Board* hold information about parole applications, submissions, decisions etc. Applications should be sent to Queensland Corrective Services at the above address, because they process applications for the Parole Board.

Health Agencies hold prisoner health records. This will generally be the hospital closest to your correctional centre, but the correctional centre should be able to advise which specific hospital you should send your application to.

The *Queensland Police Service* hold records such as investigation reports, records of interview, witness statements and prosecution briefs. Applications should be sent to:

Right to Information & Privacy
Queensland Police Service
GPO Box 1440
Brisbane QLD 4001

Where can I get more information?

For general queries about the RTI and IP Act, information about review rights, which agency you should send your application to, and agency contact details, you can contact the OIC Enquiries Service.

Phone: (07) 3234 7373

Post: Office of the Information Commissioner
PO Box 10143
Adelaide Street
Brisbane QLD 4001

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.

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