



Information Sheet -

Applying to access information when incarcerated – a guide for prisoners

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?

You can request certain documents informally through your correctional centre, for example: *

- Bail undertakings
- Bench charge sheets
- Court Transcripts - Sentencing
- Criminal history
- Criminal Practice Rules Order 4, 8 Rule 3
- Form 9 – Order for the transfer of a prisoner
- Form 10 – Instrument ordering Chief Executive to produce prisoner
- Form 11 – Order for prisoner to attend court
- Form 29 – Application by prisoner for parole order
- Induction interview summary
- Letters/Memorandum to a prisoner
- Offenders sentence calculations, particulars of sentence, offenders description
- Particulars on admission
- Prisoner request forms
- Production of prisoner correspondence
- Property cards
- Qld Police Service inventory form
- Schedule of breach
- Warrant of commitment on a conviction where punishment is by imprisonment
- Warrant of commitment for trial for sentence Warrants remanding a prisoner

*Please note that this list of examples may not detail all the types of documents which may be accessed informally.

Which Act do I apply under?

This depends on what documents you wish to access. If you are only applying for documents that have your personal information in them you can apply under the IP Act – this means there is no application fee. If you are seeking access to any documents that do not contain your personal information, then you will need to apply under the RTI Act – this has a \$51.70 application fee¹.

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 the Department of Justice and Attorney-General 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.

¹ See Guideline – Fees and Charges available at www.oic.qld.gov.au/guidelines/for-government/access-and-amendment/processing-applications/fees-and-charges



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 (once it meets the requirements above). This may sometimes be longer, for example, when third party consultation is required or the agency requests that you give them an extension of time to deal with the application. You might also want to allow a few extra days for prison mail processing before writing to an agency again.

Which agency holds the information I'm seeking?

The *Department of Justice and Attorney-General* holds Queensland Corrective Services documents such as prisoner incarceration records and also Public Prosecutions records relating to the prosecution of offences. The Department of Justice and Attorney-General also processes access applications on behalf of the Queensland Parole Boards. The Queensland Parole Boards hold information about parole applications, submissions, decisions etc. Applications should be sent to:

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

Health Agencies hold prisoner health records. Your correctional centre should be able to advise you which hospital to send your application to.²

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

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

Who can I contact for more information?

For general queries about the RTI Act and the IP Act (including information about review rights) contact the OIC Enquiries Service on (07) 3234 7373 or by letter to:

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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² A list of RTI/IP contact officers for all Hospital and Health Services is accessible from <http://www.health.qld.gov.au/system-governance/contact-us/access-info/privacy-contacts/default.asp>