



Decision and Reasons for Decision

Citation:	<i>Q80 and Department of Justice</i> [2025] QICmr 71 (16 October 2025)
Application Number:	318264
Applicant:	Q80
Respondent:	Department of Justice
Decision Date:	16 October 2025
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT OR UNLOCATABLE - applicant submits further documents and metadata should exist - whether agency has taken all reasonable steps to locate relevant documents - whether further documents are nonexistent - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(e) and 52(1)(a) of the <i>Right to Information Act 2009</i> (Qld) ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - OTHER ACCESS AVAILABLE - forms submitted to the Registry of Births, Deaths and Marriages - whether access is available under another Act - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(f) and 53(a) of the <i>Right to Information Act 2009</i> (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Department of Justice (**Department**)² under the *Information Privacy Act 2009* (Qld) (**IP Act**)³ to access to a range of information from the Registry of Births, Deaths and Marriages (**RBDM**) including birth, change of name, and marriage records, and associated metadata.⁴
2. The Department located 10 pages and decided to refuse access to six pages on the basis that other access was available and to parts of two pages on the basis that disclosure would, on balance, be contrary to the public interest,⁵ and to disclose the

¹ Access application dated 9 August 2024, which became valid on 13 August 2024.

² At the time of the application, the Department was known as the Department of Justice and Attorney-General.

³ On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) (**IPOLA Act**) came into force, effecting significant changes to the IP Act and *Right to Information Act 2009* (Qld) (**RTI Act**). References in this decision to the IP and RTI Acts, however, are to those Acts as in force prior to 1 July 2025. This is in accordance with Chapter 8 Part 3 of the IP Act and Chapter 7 Part 9 of the RTI Act, comprising transitional provisions requiring that access applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted.

⁴ For the period 1 January 2005 to 9 August 2024.

⁵ Decision dated 12 September 2024. This is the *reviewable decision* the subject of this external review.

remaining parts of the two pages and two full pages to the applicant. The Department also decided to refuse access to marriage records and metadata on the basis the information sought was nonexistent.

3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision refusing access to information. During the external review, the Department agreed⁶ to disclose to the applicant two partial pages,⁷ and located and disclosed three pages of metadata, comprising screenshots of RBDM's electronic database.⁸ However, the applicant remained dissatisfied⁹ with the information disclosed, continued to raise concerns about missing documents and metadata, and provided submissions to OIC in support of his case.¹⁰ I have examined the applicant's submissions for the purpose of making this decision, and have addressed them to the extent they are relevant to the issues for determination in this review.
4. In reaching my decision in this review, I have taken into account evidence, submissions, legislation and other material as set out in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information¹¹ and in doing so, I have acted in accordance with section 58(1) of the HR Act.¹²
5. For the reasons set out below, I vary¹³ the Department's decision and find that:
 - a. access may be refused to further documents, including marriage records and metadata, on the basis such documents do not exist;¹⁴ and
 - b. access may be refused to six pages¹⁵ on the basis that access is available to those documents under another Act.¹⁶

Issues for determination

6. There are two issues for determination in this review.
7. Firstly, I have considered whether access may be refused to marriage records and metadata on the basis they do not exist (**Nonexistent Documents**).¹⁷ Given the applicant's concerns about sufficiency of the Department's searches, I have examined whether the Department has taken all reasonable steps to locate documents responsive to the application.
8. Secondly, I have examined the applicant's entitlement to access the six pages to which the Department decided to refuse access on the basis that access is available under another Act (**Other Access Documents**).¹⁸

⁶ Email dated 26 January 2025 following a preliminary view being conveyed to the Department by letter dated 14 January 2025.

⁷ To which partial access had been refused on contrary to public interest grounds. Accordingly, this decision does not examine the issue of contrary to public interest information.

⁸ Disclosed to the applicant on 14 April 2025.

⁹ Following disclosure of the additional information and metadata by the Department and a preliminary view being conveyed to the applicant on 14 April 2025.

¹⁰ Submissions dated 16 May 2025. The applicant's submissions are extensive, comprising 13 pages of written submissions addressing OIC's preliminary view and attachments totaling 23 pages.

¹¹ Section 21 of the HR Act.

¹² OIC's approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

¹³ Under section 123(1)(b) of the IP Act.

¹⁴ Section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act.

¹⁵ As described in paragraph 9 of these reasons.

¹⁶ Section 67(1) of the IP Act and sections 47(3)(f) and 53(a) of the RTI Act.

¹⁷ Section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act.

¹⁸ Section 67(1) of the IP Act and sections 47(3)(f) and 53(a) of the RTI Act.

Information in issue

9. The six pages of Other Access Documents comprise:

- two completed applications to register a change of name for the applicant (**Change of Name forms**);¹⁹ and
- a completed application for registration of the applicant's birth (**Birth Registration form**).²⁰

Nonexistent Documents

Relevant law

10. Under the IP Act, an individual has a right to be given access to documents in the possession or under the control of an agency to the extent they contain their personal information.²¹ While the legislation is to be administered with a pro-disclosure bias,²² the right of access is subject to certain limitations, including grounds for refusing access, as set out in the IP Act and RTI Act.²³
11. Access to a document may be refused under the RTI Act if it is nonexistent or unlocatable.²⁴ A document will be nonexistent if there are reasonable grounds to be satisfied it does not exist.²⁵ A document will be unlocatable if it has been or should be in the agency's possession and all reasonable steps have been taken to find the document, but it cannot be found.²⁶
12. To be satisfied that a document does not exist, the Information Commissioner has previously identified a number of key factors to consider, including the agency's structure, its recordkeeping practices and procedures and the nature and age of requested documents.²⁷ By considering relevant key factors, a decision-maker may conclude that a particular document was not created because, for example the agency's processes do not require creation of that specific document. In such instances, it is not necessary for the agency to search for the document, but sufficient that the circumstances to account for the nonexistence are adequately explained by the agency. If searches are relied on to justify a decision that the documents do not exist, all reasonable steps must be taken to locate the documents. What constitutes reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the circumstances.

¹⁹ Pages 5 to 8 of the originally located documents.

²⁰ Pages 3 to 4 of the originally located documents.

²¹ Section 40 of the IP Act.

²² Section 64 of the IP Act.

²³ Section 67(1) of the IP Act and section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly: section 67(2) of the IP Act.

²⁴ Sections 47(3)(e) and 52(1)(a) of the RTI Act.

²⁵ Section 52(1)(a) of the RTI Act.

²⁶ Section 52(1)(b) of the RTI Act.

²⁷ These factors are identified in *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) (*Pryor*) at [19], which adopted the Information Commissioner's comments in *PDE and the University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) at [37]-[38] (*PDE*). These factors were more recently considered in *B50 and Department of Justice and Attorney-General* [2024] QICmr 33 (7 August 2024) at [15], *T12 and Queensland Police Service* [2024] QICmr 8 (20 February 2024) [12], and *G43 and Office of the Director of Public Prosecutions* [2023] QICmr 50 (12 September 2023) [19].

13. The Information Commissioner's external review functions include investigating and reviewing whether agencies have taken reasonable steps to identify and locate documents applied for by applicants.²⁸ On external review, the agency or Minister who made the decision under review has the onus of establishing that the decision was justified or that the Information Commissioner should give a decision adverse to the applicant. However, where the issue of missing documents is raised, the applicant bears a practical onus of demonstrating that the agency has not discharged its obligation to locate all relevant documents.²⁹ Suspicion and mere assertion will not satisfy this onus.³⁰
14. Section 48 of the IP Act deals with the issue of metadata requests as follows:

48 Application for metadata

- (1) *An access application for a document is taken not to include an application for access to metadata about the document unless the access application expressly states that it does.*
- (2) *If an access application for a document expressly states that access to metadata about the document is sought, access to the metadata does not need to be given unless access is reasonably practicable.*
- (3) *In this section—*
metadata, about a document, includes information about the document's content, author, publication date and physical location.

Searches, evidence and submissions

15. The applicant sought access as follows:³¹

For [the applicant]:

1. *A copy of all versions of their birth certificate including metadata*
2. *All change of name record and their associated documents (e.g. register listing itself, deed poll, applications, supporting materials, notices and orders including metadata)*
3. *All marriage records and associated documents (e.g. register listing itself, marriage license, marriage certificate and supporting materials including metadata).*

All exact copies and their metadata are also required.

Time period/date range 01 January 2005 to 9 August 2024

16. The documents located by the Department can generally be described as:
- a 'white copy' of the applicant's birth certificate
 - screenshots of Vitalware showing the applicant's birth registration information and change of name information; and
 - the Birth Registration form and Change of Name forms.
17. The applicant submitted that the Department '*should have located additional documents and therefore I will contend sufficient of search an issue central to this review*' and further contended that the Department '*has not explained how it conducted searches*' and that

²⁸ Section 137(2) of the IP Act. The Information Commissioner also has power under section 115 of the IP Act to require additional searches to be conducted during an external review. The Queensland Civil and Administrative Tribunal confirmed in *Webb v Information Commissioner* [2021] QCATA 116 at [6] that the RTI Act '*does not contemplate that [the Information Commissioner] will in some way check an agency's records for relevant documents*' and that, ultimately, the Information Commissioner is dependent on the agency's officers to do the actual searching for relevant documents.

²⁹ See *Mewburn and Department Local Government, Community Recovery Resilience* [2014] QICmr 43 (31 October 2014) [13].

³⁰ *Parnell and Queensland Police Service* [2017] QICmr 8 (7 March 2017) [23]; *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) [36]; *Y44 and T99 and Office of the Public Guardian* [2019] QICmr 62 (20 December 2019) [38].

³¹ As set out in the decision following the applicant's letter dated 23 August 2024 clarifying the scope of the application.

an ‘*explanation of the locations searched and methodologies used will be helpful in determining why it has not located certain documents.*’³²

18. In relation to the searches undertaken for marriage records and metadata the Department’s decision outlined as follows:³³

RBDM have conducted searches for marriage certificates and any other documents about you that relate to item three of your application and confirm no documents exist in RBDM’s possession and control.

In relation to your request for supporting materials, including metadata, RBDM have advised:

- *no email interactions would have occurred in relation to the birth registration as RBDM did not use email in 1994;*
- *email from hospital containing birth notification never existed (nor did a birth notification for this record); and*
- *there are no email interactions saved in the RBDM database regarding your Change of Name applications and such email interactions are unlikely to have ever occurred.*

19. Search records provided³⁴ by the Department reveal that initial searches were conducted by RBDM of its electronic database, Vitalware, of the Birth, Marriages and Multimedia modules, using search terms including variations of the applicant’s name and date of birth, resulting in the location of records related to the applicant’s birth registration.³⁵ Further searches were conducted of Vitalware following clarification of the scope of the application, again using variations of the applicant’s name and date of birth, however no further documents were located.³⁶

20. In relation to metadata, following further searches during the external review, three pages of metadata, comprising screenshots of Vitalware, were located and disclosed to the applicant.³⁷ In relation to metadata associated with birth documents, the Department submitted:³⁸

We note that the digital version of the white copy birth document [page 1 of the located documents] was produced post RTI application, from our electronic database (Vitalware), as a type of extract from the births register, to illustrate to the RTI unit the information held by RBDM for [the applicant]. However, this is not his birth certificate and was not a document that existed in RBDM’s files before the RTI search request. Birth certificates are only produced by RBDM on demand, upon receipt of an application from a person seeking a birth certificate. They are documents containing information ‘certified’ as being extracted from the register, at that point in time. RBDM does not keep copies of a person’s birth certificate, rather they are issued directly to the applicant as a hard copy certificate on paper with built in security features.

The database does not create a note or record that a white copy (non security) version was printed by the system, that would be considered metadata for the record. It is an on-demand printed document, similar to how a ‘receipt’ may be printed but not recorded by the system.

21. In relation to metadata for the Birth Registration Application form and Change of Name Application forms, the Department submitted:³⁹

These birth and change of name records were received many years ago as hard copy forms, and have been digitised and electronically updated with system changes in the years since

³² External review application dated 10 October 2024.

³³ Decision at pages 5-6.

³⁴ On 18 November 2024.

³⁵ Search record dated 22 August 2024.

³⁶ Search record dated 29 August 2024.

³⁷ On 14 April 2025.

³⁸ Email dated 23 January 2025 from RBDM attached to submissions dated 26 January 2025.

³⁹ Email dated 23 January 2025 from RBDM attached to submissions dated 26 January 2025.

receipt ... information like the 'date received' stamp on the forms is largely what [an] applicant is seeking...

22. In relation to his request for 'all versions of [his] birth certificate including metadata', the applicant submitted:⁴⁰

With regards to the providing of all versions of my birth certificate, I have had multiple name changes, my birth certificate has been issued multiple times, and those name changes and issued certificates would have either resulted in the creation of completely new datasets, modified datasets with metadata changes and/or the production of imaged copies of my birth certificate.

...

Page 4 of the documents released in response to my access application does not contain metadata, it contains registrable information. It is assumed this is my up-to-date birth certificate information.

...

The three additional pages located by the department consist of legacy registrable data, not metadata. Legacy data refers to older information stored in outdated systems, formats or databases that still retain some form of value. It should be noted that the legacy data would also have its own metadata, and that metadata is likely held in the tabs located at the bottom of the page (i.e. critical alert, user notes, multimedia, security, audit, and admin).

23. In relation to his request for all 'change of name record and their associated documents including metadata', the applicant submitted:⁴¹

...the department only looked for the change of name applications and associated communications within vitalware and that searches conducted within vitalware were not sufficient. It may be the case that some supporting materials and/or administrative documents would be held on vitalware, but that cannot be said for correspondence and other administrative documents which are not directly associated with the making of the application itself; these are likely held on another departmental database.

...

... The department has simply listed one system without explaining the types of documents held on that system and what documents were believed to exist in relation to my application.

...

... the department only located 6 pages worth of documents across what should be 3 separate applications (i.e. 1 x birth registration application and 2 x change of name applications). It should be noted that currently, a birth registration application is 5 pages, and a change of name application is 7 pages. Considering these facts, the applications alone should have resulted in 17 pages; and that is not included supporting materials, administrative documents and any communications relating to said applications.

...

The department has not located any metadata associated with request item 2... this includes the metadata for the change of name applications that may or may not have been located ... I would just like to point out that while I may be able to access change of name applications via administrative release, that does not apply to the change of name application metadata, which I have specifically requested access to as part of this application.

24. In relation to his request for all 'marriage records and associated documents ... including metadata', the applicant submitted (footnote omitted):⁴²

...the department only really provided a combined response that the RBDM database (vitalware) was searched using variations of my name ... The department needs to differentiate between how searches are conducted for marriage, name and birth related documents and then explain the specific steps it took in locating marriage related documents.

⁴⁰ Submission dated 16 May 2025 at pages 7-8.

⁴¹ Submission dated 16 May 2025 at pages 9-10.

⁴² Submission dated 16 May 2025 at pages 10-11.

... the registrar must maintain a register for each type of registrable event. Registrable events include births, deaths, marriages, change of names, adoptions, change of parentages, or some other event prescribed by another act that requires recording by the registrar. It is further noted that a register may be wholly or partly in the form of a database, document, or some other form considered appropriate. The reason this is important particularly with respect to my requests for further information is that it is unclear what information is recorded in vitalware, what searches are possible in vitalware, whether any of the registers were actually searched, and if so what registers and how. The only information provided by the department was that multimedia modules of vitalware were searched using variations of my name and date of birth, however this suggests that the registers were not searched, and they only really looked for white copies of documents held in those multimedia modules.

Findings

25. Having examined the located documents, the external review application and applicant's submissions, the Department's decision, search records and its submissions, and the outcome of specific inquiries with RBDM, I am satisfied that targeted searches and inquiries have been undertaken to locate information relevant to the terms of the application. I accept that Vitalware is the RBDM database that stores documents and metadata sought by the applicant and that relevant search terms were used in conducting searches of the relevant modules within Vitalware.
26. As to all versions of the applicant's birth certificate sought at item 1, the Department's submissions that a birth certificate is '*only produced by RBDM on demand*' following receipt of an application and payment of a fee and '*RBDM does not keep copies of a person's birth certificate*' as '*they are issued directly*' to the person who made the application provides a reasonable explanation for why documents responding to item 1 do not exist. In relation to metadata, while I acknowledge the applicant's concerns regarding the information contained within Vitalware regarding his birth registration, I accept that Vitalware does not retain information regarding the printed versions of the applicant's birth certificate and, therefore, find that metadata responsive to item 1 also does not exist.
27. I acknowledge the applicant's concern that the Department has not located all pages regarding the Change of Name Application forms given his contention that the currently available application form⁴³ is seven pages. On my review of the Change of Name Application forms, I note that each form comprises two pages and there is no indication on the face of the forms that any additional pages exist that have not been located.⁴⁴ While I accept that the current application form is seven pages in length, I am not satisfied that this alone raises a reasonable basis to require the Department to undertake further searches. Regarding metadata for the Change of Name Application forms, I accept the Department's explanation that these forms were submitted in hard copy to RBDM and that '*the 'date received' stamp on the forms*' comprises the metadata in relation to hard copy forms. I also note that a screenshot of Vitalware has been disclosed to the applicant showing the applicant's name change history.⁴⁵
28. While the applicant has raised concerns about the Department's searches for marriage related records, the applicant has not provided to OIC any information to suggest that he has been married within Queensland such that a record of that marriage should exist. I accept that searches were conducted of the Marriage module within Vitalware using appropriate search terms and, if marriage records were held by RBDM, it is reasonable

⁴³ Available online at [Change of name \(child under 18yrs\) application \(Form 4c\) - RBDM Qld Change of name \(child under 18 yrs\) application - Publications | Queensland Government](#). A copy of Form 4c (Version 3) was provided as an attachment to the applicant's submissions dated 16 May 2025.

⁴⁴ Appearing at pages 5-6 and 7-8 of the originally located documents.

⁴⁵ Page 10 of the originally located documents.

to conclude that those searches would have located responsive records. As no responsive records have been located, I accept that metadata responding to item 3 also does not exist.

29. I acknowledge the documents and metadata located by the Department have not met the applicant's expectations and that he generally has outstanding concerns about the reasonableness of the searches conducted by the Department. However, OIC does not have jurisdiction to interrogate the actions of the Department or RBDM, nor make any determinations about RBDM's recordkeeping practices. The issue for determination in this review is whether access to documents and metadata may be refused on the basis they do not exist. Based on the information before me I am satisfied that searches have been conducted in locations where it would be reasonable to expect documents and metadata relevant to the terms of the application to be found. In the circumstances of this case, I find there are no further reasonable searches that the Department could undertake.
30. For the reasons set out above, I find that the Department has taken all reasonable steps to locate documents and metadata relevant to the scope of the access application and access to further documents and metadata may be refused on the basis that they do not exist.⁴⁶

Other Access Documents

Relevant law

31. An agency may refuse access to a document that is reasonably available under another Act or administrative arrangement, whether or not the access is subject to a fee or charge.⁴⁷ The object of this ground for refusal has been described as follows:

*...to provide for the continued efficacy of specialised schemes of access to government-held information, and their individual charging regimes, in the face of the broad scheme of access embodied in the FOI Act, and its charging regime.*⁴⁸

32. In *JM*, the then Information Commissioner also observed:

*Before it would be proper for an FOI decision-maker to refuse access to a particular document under s.22(a) or s.22(b), the decision-maker should establish whether the applicant for access is clearly entitled to obtain full access to the document in issue under the relevant alternative access scheme, or whether that scheme reserves a discretion to the information provider to refuse access to particular applicants or to withhold parts of the particular document in issue ... If there is any doubt, the FOI decision-maker should seek assurances from the information provider under the relevant alternative access scheme, that the applicant is entitled to full access to the particular document in issue, on payment of any applicable charge.*⁴⁹

33. Section 110 of the *Births, Deaths and Marriages Registration Act 2023* (Qld) (**BDMR Act**) establishes a legislative regime for a person to access source documents and legal certificates for registered life events as follows:

⁴⁶ Section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act. I also find that searches are not required of RBDM's backup systems for further documents, in accordance with section 49 of the IP Act and 52(2) of the RTI Act.

⁴⁷ Section 67(1) of the IP Act and sections 47(3)(f) and 53(a) of the RTI Act.

⁴⁸ In the context of discussing the equivalent provision in the repealed FOI Act: *JM and Queensland Police Service* (1995) 2 QAR 516 at [26] (**JM**).

⁴⁹ At [42].

110 Obtaining requested information from registrar

- (1) An entity may apply to the registrar for any of the following (the requested information)—
 - (a) registrable information; or
 - (b) a copy of a source document; or
 - (c) information collected and maintained by the registrar under section 105.
- (2) An application under this section must be—
 - (a) in the form required by the registrar and made in an approved way; and
 - (b) accompanied by the fee prescribed by regulation.
- (3) An applicant for requested information, other than historical information, must satisfy the registrar of the applicant's identity.
- (4) Unless the application relates to historical information, the registrar may refuse the application if the applicant does not have an adequate reason for obtaining the requested information.
- (5) The registrar may give requested information in the form the registrar considers appropriate.
- (6) If an applicant for a source document is not the person who created the document, the registrar may give the applicant a copy of the document with information redacted.

34. Schedule 2 of the BDMR Act defines a 'source document' as follows:

source document means—

- (a) a document given to the registrar in relation to the registration or notation of an event in a register kept by the registrar, other than a document—
 - (i) to the extent the document contains statistical information; or
 - (ii) given to the registrar under section 23 of the repealed Births, Deaths and Marriages Registration Act 2003; or
- (b) a digitised copy of a document to which paragraph (a) applies, kept by the registrar as an official record of the document.

Submissions

35. The Department explained in the decision that the Birth Registration form and Change of Name forms comprise 'source documents' as defined in the BDMR Act and can be accessed through RBDM.⁵⁰ The Department advised the applicant that to apply for a copy of the Birth Registration form and Change of Name forms he is 'required to make an application in writing to RBDM and pay the regulated fee' and directed him to the relevant online forms available on the RBDM website.⁵¹
36. On external review, OIC asked the Department to provide confirmation as to the applicant's eligibility to obtain unfettered access to the documents through the alternative legislative scheme. In response, the Department submitted as follows:

*The attached documents are birth registration source documents, and these would be issued to [the applicant] if he submitted an application for source documents under the BDMR Act and paid the relevant fees. He is eligible to obtain these documents as he is the registered person. RBDM would not be required to redact any information in these documents before releasing copies to [the applicant], as they are his birth registration documents and the BDMR Act does not require RBDM to make any redactions.*⁵²

⁵⁰ Decision at page 4.

⁵¹ Decision at pages 6-7.

⁵² Submission to OIC dated 10 October 2025.

37. In seeking an external review, the applicant submitted *'I can access all this information if I were to go and pay for access, and therefore, it makes little sense that they found the release of this information contrary to public interest.'*⁵³ Following OIC's preliminary view that access could be refused on the basis that access is reasonably available under another Act,⁵⁴ the applicant further submitted *'all documents associated with the change of name applications'* should be released.⁵⁵

Findings

38. I accept that the Birth Registration form and Change of Name Application forms comprise *'source documents'* as defined in schedule 2 of the BDMR Act and that section 110 of the BDMR Act provides a scheme for a person to access source documents. Based on the submission from the Department in paragraph 36 above, I am also satisfied that he applicant can reasonably access the documents under the BDMR Act and that he is eligible to receive full, unfettered access to the documents through the statutory scheme.⁵⁶
39. I also note the applicant has accepted that he can *'pay for access'* to these documents. Accordingly, I find that access to the Birth Registration form and Change of Name Application forms may be refused on the basis that access is reasonably available under another Act.⁵⁷

DECISION

40. I vary⁵⁸ the Department's decision, by finding that access to:
- further documents, including marriage records and metadata may be refused under section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act on the basis they do not exist; and
 - the Birth Application form and Change of Name Application forms may be refused under section 67(1) of the IP Act and sections 47(3)(f) and 53(a) of the RTI Act on the basis access is reasonably available under another Act.
41. I make this decision as a delegate of the Information Commissioner under section 139 of the IP Act.



K Shepherd
Assistant Information Commissioner

Date: 16 October 2025

⁵³ External review application dated 10 October 2024.

⁵⁴ Conveyed by letter dated 14 April 2025.

⁵⁵ Submission dated 16 May 2025 at page 10.

⁵⁶ See *JM* at [29] and [42].

⁵⁷ Sections 47(3)(f) and 53(a) of the RTI Act.

⁵⁸ Under section 123(1)(b) of the IP Act.