



Information Sheet

Right to Information Act 2009 and Information Privacy Act 2009

Substantial and unreasonable diversion of agency resources – a guide for applicants

This information sheet is intended to assist people who have made an application under the *Right to Information Act 2009*¹ (RTI Act) and the agency has told them that they can't process their application because it would be a substantial and unreasonable diversion of the agency's resources.

Can the agency refuse to deal with my application because it's too big or asks for too many documents?

An agency² can refuse to deal with your application if they believe processing it would substantially and unreasonably divert their resources. When considering this, the agency can take into account a number of factors, including:

- the number of documents you have asked for and how long they are
- the availability of agency resources to manage the application
- the ability of the agency to perform their other functions
- the number of third parties that may need to be consulted
- how many other active applications you currently have with the agency; and
- the time limits allowed in the Act for making a decision.

The agency sent me a letter saying they *intend* to refuse to deal with my application. What does this mean?

This means they want to work with you to be able to process your application.

Before the agency can refuse to deal with your application, they have to give you a chance to alter your application so it can be processed. They do this by sending you a letter informing you of their *intention to refuse* to deal with your application, to give you an opportunity to change your application before they refuse to process it.

Note

The agency is **not** refusing to deal with your application when they send you the first letter. They are informing you that if you are unable to change your application so they can process it, then they may then refuse to deal with it.

Because they are not refusing to deal with your application at this stage, they haven't made a decision yet and you have no review rights. Rather, they have informed you of their *intention* to refuse to deal with it, unless your application is changed.

¹ Or the *Information Privacy Act 2009* (IP Act)

² If the application is to a Minister then it would be whether dealing with the application would substantially and unreasonably with the performance by the Minister of their functions.



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What should I do now?

If you get a letter from the agency stating that it intends to refuse to deal with your application, contact them to discuss how you could change your application to reduce the amount of work involved in processing it.

What you need to do to change your application will depend on what you are applying for and the agency's specific reasons for why they believe they do not have the resources to deal with it.

It is a good idea to talk about this with the agency to see if they can assist you. The agency may be able to recommend some options as they know what resources they have available to manage your application.

Examples

Some examples of ways you might remove the ground for refusal include:

- providing a specific date range or reducing the date range for the documents you are seeking
- excluding certain categories of documents (for example, duplicate documents, bank statements, receipts, or documents you sent to the agency)
- identifying a specific file number or reference number, if you know it
- stating that you are not requesting access to other people's personal information
- being specific about what documents you want (for example, "all correspondence, reports and Environmental Impact Statements about Council's decision to build a waterfall in Green Park" instead of "all documents about the waterfall in Green Park")

Narrowing your request could also reduce the processing and access charges payable if the agency decides it can process it.

If you are unable or do not wish to narrow your application then you can confirm your application as you originally made it. However, if you confirm your original request then the agency will most likely decide to refuse to deal with your application in its current form.

When do I have to respond?

The letter from the agency will give you a specific date by which you must respond. Usually, you will have at least 10 business days from the date on the letter to consult with the agency. If you think you need longer to discuss your application with the agency and change the scope of your request then you can ask the agency for more time.



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Do I need to respond in writing?

Yes. You must respond **in writing** within the time given by the agency, even if you have spoken with the agency on the phone or in person. If you do not respond in writing, your application will be considered to be withdrawn and you will have no right of review.

What happens after I write back to the agency?

If you make your application smaller

If you make your application smaller, the agency will consider it and decide if it can process it.

If the agency decides that your changes mean your application can be processed, it will follow its usual decision-making processes.³ However, if the agency decides that even with your changes it would still result in a substantial and unreasonable diversion of resources, they will give you a decision refusing to deal with it.

If you confirm your original request

If you write to the agency and confirm your original request, ie advise them that you are not changing your application, the agency will likely make a decision to refuse to deal with your application because it would be substantial and unreasonable diversion of the agency's resources. They will give you written notice of that decision.

Will I have review rights?

If you receive a decision notice from the agency, refusing to deal with your application, you will have rights of review. You can apply for an internal or external review within 20 business days of the date of the written decision if you do not agree with their decision to refuse to deal with your application.

See [Explaining your review rights – a guide for applicants](#) for more information.

For additional information and assistance please refer the OIC's guidelines, or contact the Enquiries Service on 07 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

³ For more information, please see [What to expect when you apply for documents](#)