



Information Sheet

Right to Information Act 2009 and Information Privacy Act 2009

Accessing information following a government recruitment process

This Information Sheet explains how individuals can apply to access documents relating to a recruitment process held by a Queensland government agency.¹

How do I access information about a Queensland government job that I applied for?

A Queensland government recruitment process can generate a substantial amount of paperwork for the job candidates and the agency. Generally, candidates should first seek feedback from the selection panel at the conclusion of the recruitment process. Most government agencies advise candidates about how to obtain feedback and the agency officer (usually the Chair of the selection panel) to contact for feedback.

If the agency is unable to provide you with the information you are after, or you would like access to further documents about the recruitment process, you can apply under the *Right to Information Act 2009* (Qld) (**RTI Act**) or the *Information Privacy Act 2009* (Qld) (**IP Act**).

Will I get the documents I applied for?

You are not likely to gain access to all documents relevant to a selection process. There are limits on what agencies can disclose to candidates as they are required to comply with the RTI Act², which determines what information can be disclosed and how access to documents may be given.

Information about unsuccessful applicants is not generally disclosed. Some information about successful applicants and the way in which the selection process has been undertaken is generally disclosed.

The lists below set out some of the types of information which have been considered by the Information Commissioner under the RTI Act. These are not exhaustive lists and disclosure will depend on the circumstances of every matter.

¹ In this information sheet, references to an 'agency' include Ministers, unless otherwise specified.

² The RTI Act's process for assessing what can be disclosed also applies to applications made under the IP Act (section 67 IP Act).



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Queensland**

Documents generally available for disclosure

The Information Commissioner has consistently recognised the importance of providing meaningful and effective feedback to unsuccessful candidates so that they understand how the recruitment decision has been made, ie the areas in, and the basis upon, which the successful candidate was assessed as being superior to the unsuccessful candidate.³

For this reason the following types of documents are generally given to unsuccessful applicants under the RTI Act or IP Act:

- the information created by the selection committee when assessing the candidates against the selection criteria, such as scores (without the identifying information of other unsuccessful candidates)
- the order of merit the candidates were listed in (without the identifying information of other unsuccessful candidates)
- information about their own application.⁴

Documents generally not available for disclosure

Generally, disclosure of the following documents is considered contrary to the public interest and will usually not be provided to an applicant under the RTI Act or IP Act:

- referee reports of other candidates and referees⁵
- personal information of other candidates,⁶ such as name, address, marital status, affiliations etc
- information which identifies unsuccessful candidates
- information that has been given in confidence.⁷

While disclosure of the above listed information is considered contrary to the public interest, if the third party (the person whose information is being sought) is consulted by the government agency and they do not object to the disclosure, then the government agency may choose to disclose the information.⁸

³ *Fitzpatrick v James Cook University; HigherEd Appointments* (Unreported, Queensland Information Commissioner, 6 November 2012) approved *Antony and Griffith University* (Unreported, Queensland Information Commissioner, 30 March 2001).

⁴ *McKinnon and Department of Communities* (Unreported, Queensland Information Commissioner, 7 June 2011).

⁵ *DSH and Treasury Department* (Unreported, Queensland Information Commissioner, 30 June 2003). See also *McMahon and Department of Health* (Unreported, Queensland Information Commissioner, 7 September 2005).

⁶ *Re Baldwin and Department of Education; Others (Third Parties)* (Unreported, Queensland Information Commissioner, 10 May 1996), See also *McMahon and Department of Health* (Unreported, Queensland Information Commissioner, 7 September 2005).

⁷ *Fitzpatrick v James Cook University; HigherEd Appointments* (Unreported, Queensland Information Commissioner, 6 November 2012).

⁸ Section 35 of the RTI Act.



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Other related information

For further information about how to lodge a valid access application, please refer to *How do I apply for government documents?*⁹.

For additional information and assistance please refer to 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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⁹<https://www.oic.qld.gov.au/guidelines/for-community-members/information-sheets-access-and-amendment/how-to-apply-for-government-documents>