

Process

Government information should, where possible, be available to the community through informal means, such as an agency's website, publication scheme or through administrative release. A formal application for government-held information should only be made as a last resort.

Initially established under the repealed *Freedom of Information Act 1992* (Qld), the Office of the Information Commissioner (OIC) continues under the *Right to Information Act 2009* (Qld) (RTI Act) and the *Information Privacy Act 2009* (Qld) (IP Act) as Queensland's independent statutory body promoting access to government-held information and protecting people's personal information as held by the public sector.

The Information Commissioner has responsibility for independently reviewing decisions of agencies and Ministers on access to and amendment of personal information under the RTI and IP Acts.

The Information Commissioner conducts merits reviews of decisions made under the RTI and IP Acts. This form of review involves a reconsideration of all aspects of the original decision including questions of law, questions of fact, discretion and policy. The Information Commissioner is often described as 'standing in the shoes' of the original decision maker when conducting reviews. An external review decision replaces the decision of the agency.

RTI Commissioner

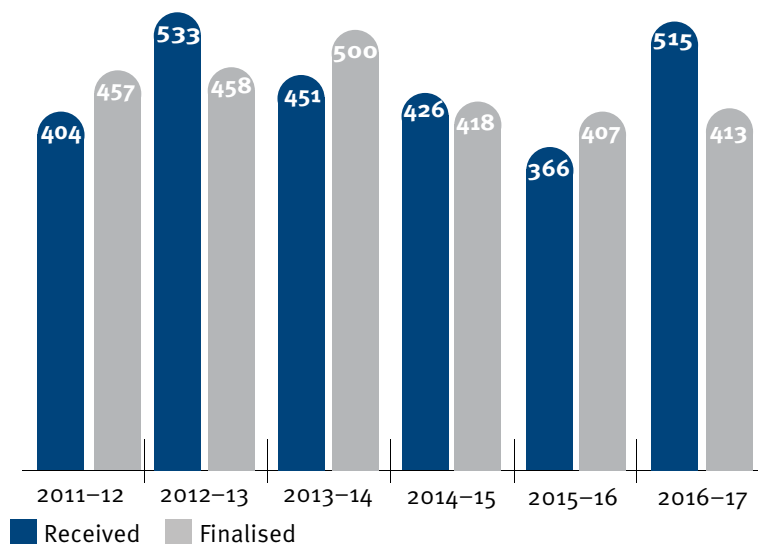
The Right to Information Commissioner is appointed by the Governor-in-Council as a deputy to the Information Commissioner with responsibility to perform the functions of the Information Commissioner under the RTI and IP Act that have been delegated to that position.

This role particularly performs the external review functions of the information commissioner such as investigating and reviewing decisions of agencies and identifying whether agencies and Ministers have taken all reasonable steps to locate relevant documents, as

well as deciding applications for further time to process access applications and applications from non-profit organisations for financial hardship status.

The RTI Commissioner promotes compliance with the 'push model' as part of right to information.

External Review applications received and finalised



An external review may involve some, or all, of the following stages.

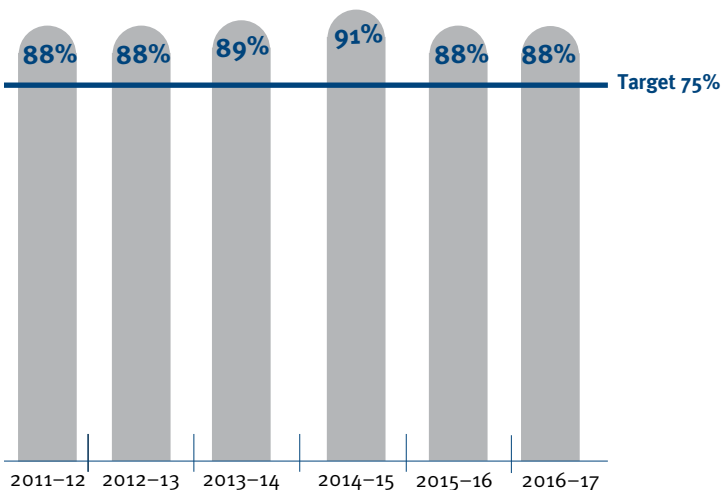
- Preliminary inquiries - establishing whether the Information Commissioner has jurisdiction to conduct the requested review.
- Early assessment and resolution - obtaining documents and any other relevant background information, identifying opportunities for informal resolution and negotiating settlement of the review.
- Informal resolution and preliminary view - forming a preliminary view on the issues remaining in dispute in the review and informing participants orally, or in writing, of the preliminary view.
- Decision - making a written determination on the issues in the review.

Informal resolution

OIC attempts to resolve external review applications informally wherever possible. 88% of external reviews were resolved informally in the 2016–17 year.

However, if informal resolution cannot be achieved, a decision is made that either affirms, varies or sets aside the agency/Minister's decision.

Percentage of reviews resolved informally



Appeal

If a person affected by a decision of the Information Commissioner disagrees with the decision, they may appeal to the Queensland Civil and Administrative Tribunal on a question of law, or, in some circumstances, the Queensland Supreme Court for a judicial review of the decision.

Highlights of 2016-17

- We finalised 413 external review applications and received 515 new applications.
- 88% of external review applications were resolved informally without a formal decision.
- 73% of applicants were satisfied overall with the conduct of the external review.
- No reviews that were more than 12 months old were open at the end of the reporting period.

About the RTI Commissioner

Louisa Lynch

Louisa Lynch is the Acting Right to information Commissioner (RTI Commissioner) at OIC.

Prior to this appointment in August 2017, Louisa was Assistant Information Commissioner at OIC for over six years. She brings more than 15 years of significant public sector experience and knowledge of the local government sector to the role of RTI Commissioner. Prior to joining OIC, Louisa was a senior lawyer in the Department of Local Government, Community Recovery and Resilience. She has also worked in legal professional roles in a number of government agencies including Queensland Transport, the Department of Local Government, Planning Sport and Recreation and the Department of Infrastructure and Planning.

Louisa holds a Bachelor of Laws and was admitted as a solicitor of the Supreme Court of Queensland in 1990.

As Acting RTI Commissioner, Louisa actively promotes and champions the principles and practices of right to information and information privacy in the community and the government sector. In her role, Louisa leads the external review team to conduct independent merit reviews of access decisions under the Right to Information Act and Information Privacy Act, including making decisions under the delegated authority of the Information Commissioner. Louisa is also part of OIC's Executive Management Team.

Louisa Lynch is appointed as Acting RTI Commissioner until 30 March 2018 in accordance with Acting Arrangements approved by the Governor in Council for the period 1 July 2017 to 30 June 2018.

The Office of the Information Commissioner
Level 7, 133 Mary Street, Brisbane
PO Box 10143, Adelaide Street
Brisbane Qld 4000
Phone: (07) 3234 7373
Email: administration@oic.qld.gov.au
Web: www.oic.qld.gov.au