

## 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Initially established under the repealed *Freedom of Information Act 1992* (Qld), the Office of the Information Commissioner (OIC) continues under the *Right to Information Act 2009* (Qld) (RTI Act)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

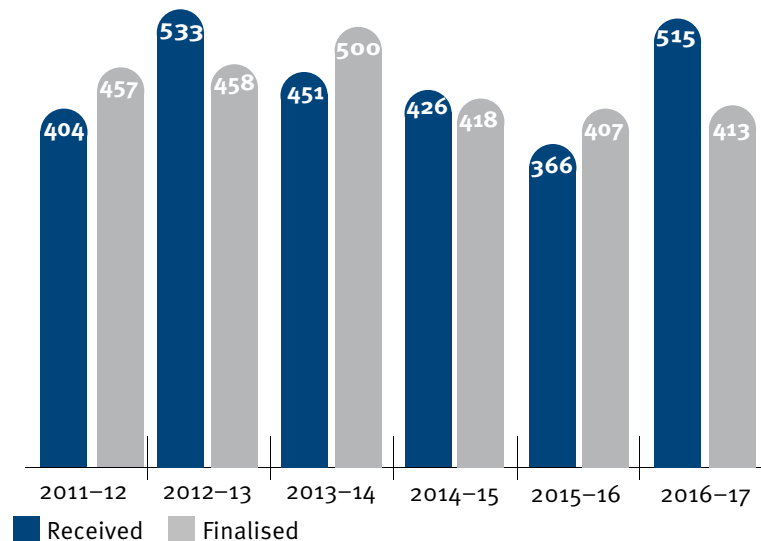
The Right to Information Commissioner is appointed by the Governor-in-Council as a deputy to the Information Commissioner with responsibility to perform the functions of the Information Commissioner under the RTI and IP Act that have been delegated to that position.

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.

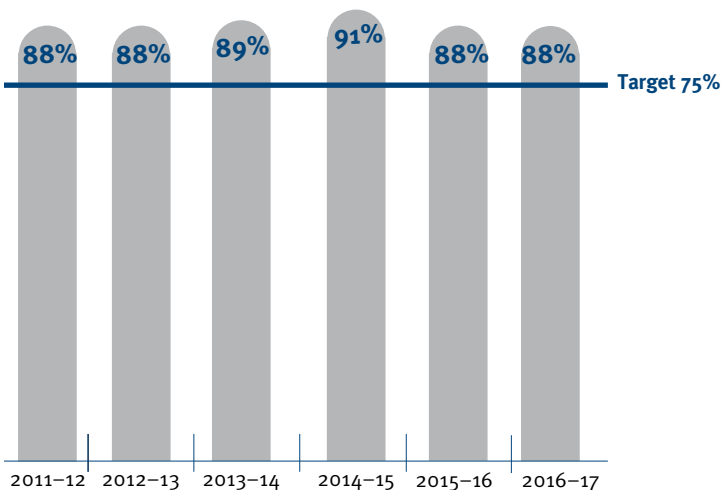
- Preliminary inquiries - establishing whether the Information Commissioner has jurisdiction to conduct the requested review.
- Early assessment and resolution - obtaining documents and any other relevant background information, identifying opportunities for informal resolution and negotiating settlement 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

Jenny Mead and Clare Smith share the position of Right to Information Commissioner, on a part-time basis, and were jointly appointed to the position on 4 October 2010.

### Jenny Mead

Jenny Mead has worked in the Queensland public sector, as a legal practitioner, for over 20-years. This has involved several senior legal service positions across Queensland Government, including the Department of Local Government, Sport and Recreation, and the Department of Tourism, Racing and Fair Trading. Prior to her appointment as Right to Information Commissioner, Jenny was Director of the Legal Services Division for the Department of Infrastructure and Planning.

### Clare Smith

Clare Smith has worked in the Queensland public sector for over 20-years, in that time she has held senior legal service positions across Queensland Government, including the Department of Infrastructure and Planning, Department of Local Government, Sport and Recreation, and Department of Tourism, Racing and Fair Trading. Prior to her appointment as Right to Information Commissioner, Clare was an Assistant Crown Solicitor for Crown Law, Department of Justice and Attorney-General.

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