



Information Sheet

Right to Information Act 2009 and Information Privacy Act 2009

How to help someone make an access application

The *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (**IP Act**) allow people to apply to Queensland government agencies, such as departments, Ministers, hospitals and local councils, for access to documents.

You may be approached to help a friend, relative, customer or client with their application to access information from a Queensland government agency.¹ If they only need help filling out the application form, you can refer them to the Information Sheet: *How do I apply for government documents?*

This Information Sheet is intended to help if you are going to act on someone's behalf (or as their agent) to make a formal application under the RTI or IP Act.

Can I act as an agent for my friend, relative, or client?

Yes. The person you are assisting can authorise you to act on their behalf to make an access application.

For the purposes of the application process, your friend, relative, or client will be the applicant and you will be their agent. This means you will be the one who deals with the agency while they process the application, but the agency will make a decision about releasing the documents to your friend, relative, or client.

Note

An applicant must have the necessary capacity to make an application. Factors such as age or physical or mental disability can affect capacity. An agent taking and carrying out instructions from an applicant must be satisfied that they comprehend the nature of their actions and its effect.²

Application form

The approved application form needs to be completed to make an application under the RTI Act or IP Act. The application form can be downloaded from www.rti.qld.gov.au. The link to the form can be found on the right hand side, towards the bottom of the page.

Alternatively, you can contact the agency you are applying to or the Office of the Information Commissioner (**OIC**)³ to ask for the application form to be posted or emailed to you.

¹ In this Information Sheet, references to an 'agency' include Ministers, unless otherwise specified.

² For information about assessing client capacity, please refer to this handbook:

https://www.qjs.com.au/Knowledge_centre/Ethics/Resources/Client_instructions_and_capacity/Queensland_Handbook_for_Practitioners_on_Legal_Capacity

³ The OIC Enquiries Service can be contacted on 3234 7373 or by emailing enquiries@oic.qld.gov.au



Office of the Information Commissioner
Queensland

If the agency is a Queensland government department, you can choose to complete the application form [online](#)⁴. The online form is only available for applications to departments.

How to complete the application form

The same application form is used for both RTI Act and IP Act applications.

The application form has sections marked with black triangles which indicate the areas you must complete.

Contact details

In this section of the form, enter your personal details such as name, postal address and preferred method of contact. When you act as an agent for someone you are the contact point for any matters about the application that may arise.

Put your contact details in this section, not the applicant's contact details.

Question 1: Application type?

In this section you need to tick whichever box most closely describes the type of documents you are seeking.

Application Details

1. Which description most closely describes your application for access?

- a. All of the documents I'm applying for contain my personal information OR I'm seeking access on someone else's behalf, and all the documents contain that person's personal information – **IP application, no application fee.**
- b. Some of the documents I'm applying for do not contain my personal information OR I'm seeking access on someone else's behalf, and some of the documents do not contain that person's personal information – **RTI application, application fee payable.**
- c. None of the documents I'm applying for contain my personal information OR I'm seeking access on someone else's behalf, and none of the documents contain that person's personal information – **RTI application, application fee payable.**

If you are **only** applying for documents which contain the applicant's personal information then select "**a**" under Question 1 on the application form.

If you are applying for **some** documents which do not contain the applicant's personal information (even if some other documents will) then the application must be dealt with under the RTI Act. Select "**b**" under Question 1 on the application form.

If **none** of the documents you are applying for contain the applicant's personal information then the application must be dealt with under the RTI Act. Select "**c**" under Question 1 on the application form.

⁴ <https://www.smartservice.qld.gov.au/services/information-requests/apply.action>



Office of the Information Commissioner
Queensland

Note

If the documents will contain the applicant's personal information then there are additional evidence of identity and evidence of authority requirements for the agent.

For more guidance see the Information Sheet: [What is personal information?](#)

Application fee

There is no application fee or processing charges for applications made under the IP Act.

If you are requesting access to any documents which do not contain the applicant's personal information then the application must be made under the RTI Act (see above). There is an application fee of \$51.70 for all RTI Act applications and possible processing charges. The application fee cannot be waived.

If you have any questions about how to pay the application fee, please contact the agency being applied to. You can find a list of [RTI and IP agency contacts](#) for departments on the RTI website.⁵ If the agency is not a department then refer to their website to locate contact details for the RTI Unit. If you cannot find the agency contact details then the OIC Enquiries Service may be able to assist you.

If the *applicant* is the holder of an accepted concession card you can apply to have the processing and/or access charges waived due to financial hardship. See the Information Sheets: [Fees and Charges](#) and [Applying for financial hardship as an individual](#) for more information about fees and charges in relation to the application.

Question 2: On behalf of the applicant?

Select "yes" and enter the applicant's name. Do not include your own personal details in this section.

Question 3-4: Benefit of another person?

If you are applying under the IP Act you can ignore these questions.

If you are applying under the RTI Act you must answer them, either yes or no. If you are seeking access for the use or benefit of another person, company or body then you must specify this at question 3-4. For example, a parent applying for information about a school which they intend to provide to the Parents & Citizens Association.

⁵ <http://www.rti.qld.gov.au/rti-ip-agency-contacts>



Office of the Information Commissioner
Queensland

Question 5: Agency?

Name the Queensland government agency or Minister you are applying to in this section (for example, Queensland Police Service, your local council, Metro North Hospital and Health Service).

If the applicant wants to apply to more than one agency you must complete a separate application form for each agency.

Question 6: Which documents?

This section is where you describe the documents you want to access. You need to make sure you provide enough detail about the documents for the agency to be able to identify them. It will help if you can be as specific as possible about what you are seeking and provide as much information as you can.

If you are able to provide the information that is requested in questions 6(b)-6(f) this will assist the agency to locate the documents. You can leave some or all of these sections blank if you do not have this information or if it's not relevant.

If it is easier or you need more space, you can attach a separate piece of paper explaining the documents you are seeking.

Evidence of identity and authority

Evidence of identity

If you are applying for any documents which contain the applicant's personal information (for example, their name) then you must provide:

- evidence of the applicant's identity
- evidence of your identity; and
- evidence of your authority to act as the agent.⁶

The evidence of identity requirements are the same for both the applicant and the agent. Examples of evidence of identity may include:

- a passport
- a copy of a birth certificate or extract
- a driver licence; and
- a statutory declaration from an individual who has known the person for at least one year.

Evidence of authority

There are a number of documents that may be sufficient to establish your authority to act as an agent, such as:

- a court order appointing you as the agent to act as the applicant's guardian

⁶ With the application form or within 10 business days of making the application.



Office of the Information Commissioner
Queensland

- a client agreement signed by both you and the client, authorising you to act as an agent; or
- a signed letter of authority specifically appointing you to act as the applicant's agent to make the application which has been witnessed by a justice of the peace, solicitor or commissioner for declarations.

For more detailed information see the [Evidence of authority and identity](#) guideline.

Certified copies

If you are providing a photocopy of the ID then it must be certified as a correct copy of the original document by a Justice of the Peace (JP), Commissioner for Declarations, lawyer or Notary Public.

Note

You cannot upload your certified ID if you complete the online application form. You may be able to provide it electronically (for example, by fax or email) if the agency agrees to received it that way. Otherwise, you will need to post the certified copy of ID to the agency.

For more detailed information see the [Evidence of authority and identity](#) guideline.

Contact from the agency

The agency may send an acknowledgement letter when the application is received, however, it is not a requirement for the agency to do so.

If you do not hear from the agency and would like to confirm the application was received or have any questions about the application then you can contact the RTI Unit at the agency directly.

For additional information and assistance please refer to the OIC Information Sheets and Guidelines on www.oic.qld.gov.au, or contact the OIC 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

Published 5 November 2015 and last updated 11 August 2020