![Office of the Information Commissioner Queensland logo]

Office of the Information Commissioner
Queensland

Applying the legislation

GUIDELINE *Right to Information Act 2009 & Information Privacy Act 2009*
How to calculate timeframes

> **This guideline does not reflect the current law.**
>
> It reflects the *Right to Information Act 2009* and *Information Privacy Act 2009* as they existed prior to 1 July 2025. It has been provided for the use of agencies and Ministers in relation to access and amendment applications received before 1 July 2025.

The *Right to Information Act 2009*[1] (**RTI Act**) creates a right of access to documents in the possession or control of Queensland government agencies, subject to certain exclusions and exceptions.[2] The RTI Act specifies the time periods for actions when processing application, including the time by which a reviewable decision must be given to the applicant.

This guideline explains how to calculate the time periods under the RTI Act.[3]

Counting business days

Timeframes in the RTI Act are calculated in business days.[4] A business day is a day which is not a weekend or a holiday[5] in the place where the agency is making their RTI decision.[6] This may differ between agencies: for example, depending on where they are located, different RTI Units will have the public holiday for their show day will on different days.

If the RTI Unit is shut down on a day which is **not** a weekend or holiday, the day will be counted as a business day. This includes unplanned closures, for example because of extreme weather events, and planned closures such as any Christmas/New Year shut down.

When does a business day end?

A business day includes the entire day, beginning at 12:00am and ending at 11:59pm; it does not end when the agency's office closes for the day. For example, a decision notice could be emailed to an applicant at 11:58pm on the due date if it was certain to arrive by 11:59pm.

---

[1] And chapter 3 of the *Information Privacy Act 2009* (**IP Act**).
[2] References to agencies include a Minister.
[3] And the IP Act.
[4] With the exception of section 54(5)(b) of the IP Act, which refers only to days rather than business days. For calendar days weekdays, weekends and public holidays are counted.
[5] Declared under the *Holidays Act 1983:* a special, bank or public holiday.
[6] Schedule 1 of the *Acts Interpretation Act 1954..*

When to start counting?

The timeframes in which an agency must do something under the RTI Act are triggered by specific events,[7] for example the processing period is triggered when an application that complies with all the legislative requirements arrives in an agency, or when a noncompliant application is made compliant.

With one exception (see below), when calculating timeframes the day on which the event occurs (referred to here as Day Zero) does not count. This also applies when the event occurs on a day that is not a business day. For example, if the agency receives a compliant RTI application on a weekend or public holiday this will be Day Zero; the next business day will be Day One of the processing period.

> **Note**
>
> The processing period begins to run as soon as a compliant application arrives in **the agency**, not the day it arrives in the RTI Unit. It is important that RTI applications are sent to the RTI Unit as quickly as possible.

Calculating timeframes for Charges Estimate Notices

When working out when the revision period begins after issuing a Charges Estimate Notice (CEN) under the RTI Act there is no Day Zero. When a CEN is issued, the processing period immediately stops, and the revision period immediately begins.[8]

When do timeframes end?

If the last day of a timeframe is not a business day, the time frame ends on the next business day. For example, if day 24 of the processing period was on Friday, and the following Monday was a public holiday, the decision notice would be due on Tuesday, because that is the next business day.

When is notice taken to be given?

An applicant must be given a reviewable decision by the end of the processing period. Even if the decision is made before the end of the processing period, if it is not given to the applicant before the processing period ends the decision will become a deemed refusal of access to all documents.[9]

For this reason, it is helpful to deliver the notice of decision by email, if the applicant is happy to receive it that way. If this is not possible, the decision notices will have to be delivered by post, taking into account Australia Post's timeframes[10] for ordinary delivery, or another method.

---

[7] With the exception of the 10 additional business days provided if an agency needs to consult with a third party. Refer to Consulting with a Third Party for more information on dealing with the third party consultation period.
[8] *Stanway v Information Commissioner & Anor* (2019) QCATA 33
[9] Section 46 of the RTI Act.
[10] Regular mail delivery timeframes are available from the Australia Post website at www.auspost.com.au.

> **Note**
>
> Where an Act allows a document to be served by post, service is carried out by properly addressing, prepaying and posting the document as a letter.[11] Notice is taken to be 'given' at the time in which the letter would be delivered in the ordinary course of business, unless the contrary is proved.

Extra time to make a decision

The agency can ask the applicant for extra time to make a decision at any time before the end of the processing period.

This extra time is called the *further specified period* and it should be requested in business days. The applicant does not have to agree to the request, but as long as they do not refuse and do not seek an external review[12], the agency can keep working on the application.

The applicant's agreement is not necessary to rely on the extra time requested. However, even if the applicant does agree, they can revoke it or seek an external review at any time during the further specified period.

Extra time is not processing period

The further specified period is not part of the processing period. It begins when the processing period ends.[13] The agency can request as many extensions as required to process the application but each additional extension must be requested before the prior extension period ends.

> **Clock doesn't stop**
>
> Because the further specified period is *not* part of the processing period, trigger events that normally stop the clock during the processing period do not do so. For example, if an agency issues a Notice of Intention to Refuse to Deal during the further specified period, the further specified period keeps running. The agency will need to ask the applicant for any extra time it needs to process the application.

Published 25 August 2015 and Last Updated 15 November 2024 - Changes to legislation after the update date are not included in this document

This guideline does not reflect the current law.

It reflects the *Right to Information Act 2009* and *Information Privacy Act 2009* as they existed prior to 1 July 2025. It has been provided for the use of agencies and Ministers in relation to access and amendment applications received before 1 July 2025.

---

[11] Section 39A of the *Acts Interpretation Act 1954.*
[12] See section 35(3)(c) of the RTI Act, which allows an agency to continue working on the application unless they receive notice that the applicant has applied for a review.
[13] Section 18(2)(b) of the RTI Act, definition of processing period.