



Applying the legislation

GUIDELINE - *Right to Information Act 2009* and *Information Privacy Act 2009*

Managing noncompliant applications

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.

Where an applicant makes an access application under the *Right to Information Act 2009* (Qld) (**RTI Act**)¹ that is not compliant an agency is required to follow specific steps, giving the applicant a chance to make the application compliant. If the applicant does not make their application compliant, the agency² can make a decision not to process the application. This is a reviewable decision.

The processing period and noncompliant applications

The processing period is a 25 business day period in which an agency must give the applicant a decision. The processing period does not start until the agency has a compliant application. If the application is compliant when it arrives in the agency, day one of the processing period starts on the next business day. If it is noncompliant when it arrives, day one of the processing period starts on the next business day after the application is made compliant.

Agencies will need to assess new applications and, if they are noncompliant, give applicants a reasonable opportunity to rectify their application.

When is an application compliant?

The requirements of a compliant application are set out in section 24 of the RTI Act and section 42 of the IP Act.

RTI Act	IP Act
Be on the approved form, unless the agency decides to accept it in another way that contains all the information requested by the form. See 'Substantial compliance' below.	

¹ And the *Information Privacy Act 2009* (Qld) (**IP Act**).

² In this Guideline, references to an 'agency' also include Ministers, unless otherwise specified.



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Be accompanied by the application fee.	No application fee required.
Give sufficient information concerning the document to enable an officer of the agency to identify it.	
State whether or not the applicant is accessing the documents to benefit another entity (the beneficiary) and, if they are, identify the beneficiary.	No beneficiary requirement.
Include evidence of ID, and if the applicant has an agent, include evidence of the agent's ID and evidence of authority ³ , <i>only</i> if the application is for the applicant's personal information.	Must always include evidence of ID, and if the applicant has an agent, include evidence of the agent's ID and evidence of authority ⁴ .
State an address to which notices may be sent.	

Refer to Appendix One for assistance on determining who is the applicant, who is the agent, and who is the beneficiary.

Substantial compliance

While the Act requires applications to be made on the approved form, agencies have the discretion to accept applications in another way—as long as that way substantially complies with the application form.⁵ This could happen, for example, where the applicant sends an email or letter to an agency that contains substantially the same information required by the application form

Evidence of identity and authority

Identification requirements are set out in the *Right to Information Regulation 2009*.⁶ Evidence of authority requirements can vary, depending on the relationship between the applicant and their agent. Agencies should refer to *Evidence of Identity and Authority* for more information.

³ Or evidence of relationship where it is a parent applying on behalf of a child.

⁴ Or evidence of relationship where it is a parent applying on behalf of a child.

⁵ Section 48A of the *Acts Interpretation Act 1954*.

⁶ And the *Information Privacy Regulation 2009*.



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Accompanied by the application fee

Generally, if payment accompanies the application, the application will be compliant when it is received by the agency (presuming all other application requirements are satisfied), regardless of how long the agency takes to process the payment. There are some exceptions, however.

If there is a form of payment the agency cannot process, or has made a policy decision not to accept, the application will not be compliant when accompanied by that form of payment.

Similarly, if there is a form of payment the agency can only accept in a specific way, the application will not be compliant when accompanied by that form of payment made in a different way. For example, if the agency is only able to accept credit card payments made over the phone, even if the applicant includes their credit card details on the application form, the application will not be compliant until the applicant makes payment in a way the agency is able to process.

In these circumstances, applicants should be advised of the payment issues as quickly as possible. It would also be best practice to include any payment limitations on the agency's website.

Sufficient information concerning the document to enable an officer of the agency to identify it

An access application must give sufficient information concerning the document to enable a responsible officer of the agency to identify the document. Applicants must describe the documents they want to access with sufficient specificity to allow the decision-maker to identify the documents being applied for, conduct searches for the documents; and make decisions on the documents.

The size of the agency and the way documents are stored and filed (eg centrally versus regionally) will be relevant when making this determination.

For detailed information on assessing the terms of an application to determine if it is compliant, please refer to [Assessing the Terms of an Access Application](#).

What if an application is noncompliant?

An agency must make reasonable efforts to contact the applicant within 15 business days to tell them why their application is noncompliant⁷ and give them a reasonable opportunity to consult with the agency with the goal of making the application compliant. What is reasonable will depend on the circumstances.

⁷ Section 33 of the RTI Act.



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OIC encourages agencies that have received noncompliant applications from applicants in extenuating circumstances, such as prisoners, to consider allowing a minimum of 20 business days. For all other applicants, 15 business days will generally be reasonable if there are no circumstances which could delay the process.

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.

Published 8 January 2010 and Last Updated 15 November 2024

Changes to legislation after the update date are not included in this document

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Appendix One

Who is the applicant?

The applicant is the person who is seeking the document, as per the completed form. They can never be the same person as the agent or the entity for whose benefit the applicant is applying (the beneficiary). Generally, the person who pays the application fee will be the applicant.

People completing the application form may be confused about whether they answer the question referring to agents or to beneficiaries if they are applying on someone else's behalf. If they have put the same details in both sections of the application form you will need to contact them to clarify the situation.

There are a number of possible combinations of agent, applicant and beneficiary:

- **Applicant** (individual or company/organisation with a nominated contact person).

Examples

Rory (**applicant**) applies for access to Amy's personnel file.

New Dog Magazine (**applicant**) applies for documents about the Department of Dogs' State-wide ban on off-leash dog parks. Donna is a journalist employed by the Magazine and the nominated contact person.

- **Applicant** (eg. individual or company/organisation with a nominated contact person) who intends to benefit another entity⁸.

Examples

A freelance journalist (**applicant**) wants to demonstrate to New Dog Magazine that her proposed story is accurate; she applies to the Department of Dogs for access to documents about the number of purebred dogs registered in the last decade, intending to give the documents to the Magazine (**beneficiary**).

A parent (**applicant**) applies to the Department of Roads for information about plans to upgrade a road near their children's school. They intend to give the information they receive to the Parents & Citizens Association (**beneficiary**).

⁸ An agency is not required to independently establish whether an applicant intends to benefit another entity; they can rely on what the applicant tells them.



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- Agent acting on behalf of **Applicant**.

Examples

Tony (**applicant**) wants to access his complaint file from the Department of Complaints but he is in hospital. He asks Sandra (**agent**) to make the application for him and deal with the process.

New Dog Magazine (**applicant**) intends to sue their competitor and wants access to the Department of Publications' records. They retain a lawyer (**agent**) to make the application on their behalf.

- Agent acting on behalf of **Applicant** and the applicant has the intention of benefiting another entity.

Example

New Dog Magazine (**applicant**) retains a lawyer (**agent**) to apply on its behalf to the Department of Dogs for documents about their ban on off-leash parks. They intend to give any documents they access to the Dog Club (**beneficiary**) and the local newspaper (**beneficiary**).

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