



Concurrent Internal and External Review Applications Policy

Policy Number: POL-RTI-03-2025

1 Purpose

This policy concerns the Office of the Information Commissioner's (**OIC**) position on receiving an external review application under the *Right to Information Act 2009 (Qld)* (**RTI Act**) when:

- the applicant has also sought internal review; and
- the internal review is within the initial processing period.

The Information Commissioner (**IC**) has decided that in these circumstances, the OIC will not commence a concurrent external review, unless the applicant decides to withdraw their internal review application and instead proceed with an external review.

2 Scope

This policy applies to OIC staff who receive and assess external review applications, whether received via OIC's online external review application form, email or post.

The RTI Act provides that a person who is dissatisfied with a decision of an agency or Minister about access to, or amendment of, documents can apply for internal review by the agency or Minister or external review by the IC. An internal review is not a prerequisite for external review; however, section 81 of the RTI Act precludes some decisions from internal review.

Sometimes OIC receives external review applications when an agency is still processing an internal review. This policy applies where OIC receives an external review application during the initial processing period for an internal review.

This policy does *not* apply where the initial processing period has passed, even where the agency or Minister has requested an extension of time.

3 Context

The IC is empowered, subject to the RTI Act, to use discretion in determining the procedure to be followed on an external review. The IC is also empowered to do all things that are necessary and convenient to be done for or in connection with the performance of the IC's functions. As such, the IC may develop rules or guidelines to guide the exercise of the external review function, informally and expeditiously, as required by the RTI Act.

The RTI Act does not expressly provide a power for the IC to decide not to deal with an external review application where the applicant has an internal review on foot and as such, the IC has determined this via a policy statement.

As a public sector entity, OIC is required to manage its resources effectively and efficiently. Conducting concurrent internal and external reviews is not an efficient or effective use of OIC or agency resources. It is open to an applicant to elect to reserve their right to seek an external review, if they are dissatisfied with the internal review decision. It is possible an applicant will no longer require external review if their concerns are addressed on internal review. Further, conducting concurrent internal and external reviews of the same original decision raises the prospect of inconsistent review decisions. This could cause uncertainty regarding the applicant's access or amendment rights and rights of review.

4 Legislative obligations

The exercise of statutory powers and functions must comply with all legislative obligations, including the *Human Rights Act 2019 (Qld)* and the *Anti-Discrimination Act 1991 (Qld)*.

5 Policy Statement

The IC has decided that the OIC will not conduct an external review, concurrent to an internal review by the agency or Minister. Where OIC receives an external review application during the initial processing period of an internal review, OIC will advise the applicant that a concurrent external review will not commence, and they may either:

- wait for either the initial processing period to end or the agency to issue an internal review decision (whichever occurs first), and then make a fresh application for external review; or
- withdraw their internal review application.

6 Definitions/glossary of terms

For the purposes of this policy and related policy documents, the following definitions apply:

Term	Definition
Initial processing period	The period calculated under section 82A of the RTI Act without including any further specified period requested by the agency or Minister under section 82A(2) of the RTI Act.
Internal review	Review by the Agency or Minister under Chapter 3B, Part 1 of the RTI Act.
External review	Review by the Information Commissioner under Chapter 3B, Part 2 of the RTI Act.
External review application	An application for external review made under section 85 of the RTI Act.
Reviewable decision	Decisions listed at Schedule 4A of the RTI Act.

7 Related policy documents and supporting documents

Legislation	<i>Right to Information Act 2009 (Qld)</i> <i>Human Rights Act 2019 (Qld)</i> <i>Anti-Discrimination Act 1991 (Qld)</i> <i>Public Sector Act 2022 (Qld)</i> <i>Public Sector Ethics Act 1994 (Qld)</i>
Procedures	Guidelines for government: How to conduct an internal review Guidelines for applicants: Explaining your review rights

8 Document control and contact details

Version control and revision history:

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This policy will be reviewed every two years and may be revised as deemed necessary by the policy owner.

Revision Date	Summary of Amendments	Author	Version

Contact Details:

Owner:	Right to Information Commissioner
Contact Officer:	Right to Information Commissioner
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