



The Public Trustee

**Right to Information &
Information Privacy
Access Policy and Procedure**

June 2020



Document Information

Approved

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Contents

1. Purpose.....	4
2. Background	4
3. Scope	4
4. Access Application Process	4
5. Service Standards.....	4
6. Review.....	5

1. Purpose

These procedures detail the process for managing applications for access to documents in the possession of or under the control of the Public Trustee (PT) under the *Right to Information Act 2009* (RTI Act) and *Information Privacy Act 2009* (IP Act) and the amendment of personal information applications under the IP Act.

2. Background

The RTI Act and IP Act replaced the *Freedom of Information Act 1992* as part of the Queensland Government's move to more open and accountable government. The object of the RTI Act is to give a right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give the access. The IP Act creates the right for individuals to apply for access to their own personal information as well as apply to amend their own personal information held by the government agencies.

3. Scope

The Public Trustee of Queensland has delegated the decision-making process of the RTI and IP process to the Department of Justice and Attorney-General (DJAG) Right to Information and Privacy Unit under a Deed of Agreement. These guidelines only detail the processes undertaken.

4. Access Application Process

- Any individual may make enquiries about their personal information or other information they wish to access.
- Enquiry may be dealt with administratively if possible at this point to avoid the need to complete a formal application under the RTI or IP Acts. Refer to the [Administrative Access Policy and Procedure](#).
- If it is a complex access request then refer the enquiry to the Privacy Officer, Governance and Risk Directorate who is the contact officer for RTI/IP enquiries:
 - Via email on governance@pt.qld.gov.au
 - Via phone on 07 3564 2103
- If the request cannot be managed administratively then advise the individual of their right to apply for access under the RTI or IP Acts and refer the individual to the Queensland Government Right to Information Page www.rti.qld.gov.au. Application forms and further information is obtainable on this page.

5. Service Standards

DJAG RTI and Privacy Unit is the decision-maker for all RTI and IP applications made to the PT. The following service standards complement the terms of the Deed of Agreement to ensure that access and amendment applications are completed within the statutory timeframes.

The PT will:

- provide a single point of contact for all matters relating to PT RTI/IP access and amendment applications (Privacy Officer, Governance and Risk Directorate).
- forward a copy of the access or amendment application to DJAG via the privacy Officer, the same day or the next business day after it is received with the original application forwarded as soon as possible afterwards.
- identify and notify the document 'owner' that an RTI/IP access application has been received, the nature of the enquiry and advise that a formal document retrieval request will be issued once DJAG have confirmed the scope of the application.
- issue the document retrieval request when the information request is provided by DJAG and coordinate the document search across the PT.

- collect and forward original or copies of documents to DJAG as soon as possible.
- Scan and forward scanned documents to DJAG as soon as possible if agreed by DJAG.
- facilitate liaison between the DJAG decision-makers and document owners to ensure rapid resolution of any issues arising from the application.
- maintain a Disclosure Log on the PT website for documents that are required to be published on the PT Disclosure Log.
- create and maintain records for each application in accordance with the *Public Records Act 2002* (file creation and RM8).

DJAG RTI and Privacy Unit will:

- nominate a decision-maker as the primary point of contact for each RTI/IP application.
- contact the applicant directly to clarify validity or re-scope the application.
- provide early advice to the PT of the documents and information required by DJAG.
- prepare all correspondence and responses on behalf of the PT.
- provide copies of documents proposed to be released and the proposed decision.
- manage contact with the applicant.
- manage internal and external review applications.
- Advise the Public trustee of any requirement to update the PT Disclosure Log.

6. Review

This policy and procedure will be reviewed by the Senior Director, Governance and Risk every two years or more frequently as required.