

Administrative release policy and procedure

1. Policy statement

The Department of State Development and Infrastructure (the department) is strongly committed to the principle that government-held information is a public resource that belongs to the community and should be released administratively, as a matter of course, unless there is good reason not to do so. The department will release information in accordance with this policy and procedure, where it is practicable and appropriate to do so.

2. Scope

This policy applies to:

- » all employees of the department and non-employees including contractors, consultants, volunteers and any other person or entity who provide the department with services on a paid or voluntary basis.
- » all requests for administrative access to information expressly stated as being made in accordance with this policy and/or the administrative release procedure.

This policy is to be read in conjunction with the Right to Information policy.

This policy does not replace, modify or revoke any legislative or administrative requirements or processes that apply to the publication or release of information (e.g. requirements to make information available under law, complaints processes, requests for information that are primarily contractual disputes or usual business practices involving releases of information).

This policy also is not intended to interfere with, or restrict, business areas routinely releasing information that is necessary in the course of performing day-to-day functions and activities.

3. Background and context

The *Right to Information Act 2009* (RTI Act) and *Information Privacy Act 2009* (IP Act) require Queensland Government agencies to make information available to the public unless there is a good reason not to do so and provides that applications under the RTI Act and the IP Act should only be necessary as a last resort.

Government-held information should, where possible, be given through informal means like an agency's website, publication scheme, or through administrative access arrangements, without the need for applications under the RTI Act and IP Act.

Administrative release (also often referred to as administrative access):

- » provides information to the community faster and at lower cost
- » reduces agency time and resources spent processing requests for information; and
- » demonstrates a commitment to openness, accountability and transparency, which in turn may increase confidence in government.

4. Principles

4.1 Applications under the RTI Act and the IP Act should only be necessary as a last resort

Department-held information should be released administratively, as a matter of course, unless there is a good reason not to, with applications under the RTI Act and the IP Act being necessary only as a 'last resort'.¹

¹ As outlined in the preamble to the *Right to Information Act 2009*.



4.2 Any person can request administrative access to information

Anyone can request administrative access to information under this policy and procedure. Administrative release is however a discretionary process and there is no guarantee that access will be given.

5. Procedure

5.1 Making a request for administrative access to information

Administrative access requests under this policy must be made in writing and should be lodged with the department's Right to Information team by any of the following means:

Email: RTI@dasilgp.qld.gov.au

Post: Right to Information
Department of State Development and Infrastructure
PO Box 15009 City East Qld 4002

In person: at any Regional Office of the department.

The request should clearly and sufficiently identify what information or document(s) is being sought, including a department file reference, if available.

If a request is for any information containing the requestor's personal information, the requestor must provide evidence of their identity (e.g. a certified copy of the requestor's driver licence) before the department releases any information.

If a request is made on behalf of another person or entity (as their agent), we also require evidence of the agent's identity, as well as evidence of their authority to act as an agent for the requestor (e.g. a signed written authority authorising the agent to make the request on behalf of the requestor).

The types of documents acceptable for verifying a person's identity, or establishing an agent's authority, are the same as those which are acceptable for making an application under the RTI and IP Acts.

Persons considering making a request are welcome to contact the Right to Information team on (07) 3452 6949 or by email (above) for assistance making a request or to discuss whether the information being sought is already publicly available or can be accessed under this policy.

5.2 Dealing with administrative access requests

Authorised Officers are responsible for making decisions to administratively release information in accordance with this policy.

Each request must be considered on a case-by-case basis having regard to the content of the particular information being sought, and all relevant facts and circumstances that exist at the time of making a decision under this policy.

Upon receiving a written request stated as being made in accordance with this procedure, an Authorised Officer will assess the request to determine whether, on the face of the request, it is one that can be dealt with under this procedure. The Authorised Officer must have regard to the considerations relevant to dealing with an administrative access request stated under section 5.3 below, and any other relevant factors or circumstances.

Where it is not appropriate for a request to be dealt with under this procedure, the Authorised Officer should advise the requestor of the decision and their right to make an application to the department under the RTI Act or IP Act (whichever is applicable).

If the request is considered capable of being dealt with under this procedure, the Authorised Officer should request relevant documents from the business area(s) for closer assessment.

Senior executives are responsible for endorsing information being released to a requestor (if appropriate) and for bringing any known circumstances and relevant factors or considerations to the attention of the Authorised Officer.

Where documents are to be released administratively by the provision of photocopies, the Authorised Officer will assess the charge payable and notify the requestor of any charge before proceeding to consider any documents.

An Authorised Officer must consider requested information to determine whether administrative release is appropriate in the particular case. The Authorised Officer must have regard to considerations relevant in deciding to administratively release information stated under section 5.4 below, and any other relevant factors or circumstances.

If an Authorised Officer decides to withhold information from release, the reasons for that decision should be noted so as to keep a full and accurate record of the decision made. The record of the decision must be kept with the original request for information as a complete record.

The department's response to the requestor should clearly set out the reasons for the decision that information cannot be released administratively, and the requestor should be advised of their right to make an application under the RTI Act or IP Act for access to information that cannot be or has not been administratively released.

5.3 Considerations relevant in deciding to deal with an administrative access request

A request for administrative access to information should first be assessed to determine if it is appropriate to be dealt with under this policy, by considering if any of the following circumstances apply to the request:

- » if the information requested is available on the department's Publication Scheme, Disclosure Log or elsewhere on the department's website, provide advice to the person as to where to find the information
- » if it is usual business practice to provide the information to the public then it should be provided outside of this procedure through the usual business process
- » if the information can be released under legislation, another departmental policy instrument or other specific scheme or process for obtaining or providing access, the requestor should be referred to the appropriate area that manages the specific type of request; and
- » if the request for information emanates from the media or is likely to have media implications, it should be referred to the department's Media Unit for action.

The department may refuse to deal with an administrative access request that may cause any unreasonable disruption to the performance of the department's daily operations, or may involve an unreasonable waste of public resources, for example, where:

- » dealing with a voluminous and/or complex request would substantially and unreasonably divert resources of the department
- » the requested information has previously been provided to the requestor; or
- » the requestor makes an application for the same documents under the RTI Act or the IP Act and dealing with the administrative access request would be a waste of public resources.

5.4 Considerations relevant in deciding to administratively release information

Generally, administrative release of information **may be appropriate** where:

- » there is demand for access to the requested information; and
- » there are no significant adverse effects as a result of disclosing the information, either generally or to particular requestors; and
- » the information involved is of a kind that would be released if it was requested under the RTI or IP Acts, either generally or to particular requestors.

The types of information that may be suitable for administrative release include:

- » documents containing a requestor's own personal information, but excluding personal information of another individual (e.g. correspondence to the requestor, documents supplied by the requestor and records of contact with the requestor)
- » personal information of a requestor who is a current or former employee of the department (e.g. personnel records, remuneration information and group certificates)
- » information available on the department's website that the requestor would like to access in a different format (e.g. where a document is an audio recording and the requestor wishes to receive the document as a transcript)

- » data or statistics relating to the department's key functions and activities that are not already available online (excluding data containing personal information and sensitive unit level data)
- » documents that are publicly available
- » information that is routinely made available by the department
- » policies and guidelines of the department that are not already available online; and
- » information that would be released in full and would not require consultation with any relevant third party, if the request were made under the RTI or IP Act.

The types of information listed above may not automatically be suitable for administrative release in response to a request for information made under this policy. In some cases, it may be appropriate to redact information from documents before providing access, for example to protect another person's privacy or to remove confidential information or other sensitive information.

Administrative release of information is **not appropriate** in some cases, including where:

- » information is personal information of another individual, or administrative release may breach the privacy principles in the IP Act (e.g. a dataset containing personal information that has had identifiers such as names and addresses removed but still has the potential for a person to be re-identified)
- » the information is sensitive taking into account the identity of the requestor and the security classification of the information (if applicable)
- » a third party may have concerns with, or might wish to object to, release of the information and/or administrative release would undermine statutory rights of review that the third party would otherwise have if the request were dealt with in an application made under the RTI or IP Act (which include requirements for consultation with third parties)
- » release may breach statutory provisions affecting the operation of government or statutory secrecy provisions that prevent disclosure of the information (some Acts prohibit the release of information except in certain limited circumstances)
- » disclosure may compromise other essential government or private interests (e.g. prejudicing an investigation, waiving legal professional privilege or disclosing confidential or commercial information)
- » disclosure may breach contractual terms affecting the release of information
- » disclosure of a document may breach copyright or involve issues related to intellectual property
- » more than minor redactions are likely to be made to requested documents (including in relation to information that is likely to be refused or deleted if the request were made under the RTI or IP Act)
- » information may be exempt information, or its disclosure may be contrary to the public interest, in accordance with provisions of the RTI Act.

The above is not intended to be an exhaustive list of the types of information or circumstances when administrative release may not be appropriate.

5.5 Costs

If the requestor is provided access by the provision of photocopies, the cost for providing access is the same as that which may be imposed for applications under the RTI and IP Acts (currently \$0.25 per page). There is no cost for providing access to a document in electronic form, such as by email.

5.6 Timeframe for response

Requests under this procedure are generally intended to be processed within 20 business days of a written request being received.

In some cases, extra time may be required, for example, if files are held off-site or the request involves a large volume of documents.

5.7 No right of review

There is no ability to seek a review of a decision about administrative release of documents, or a decision refusing to deal with an administrative access request, made under this policy and procedure.

Any person who is not provided with any or all of the information they have requested administratively may still apply under the RTI or IP Acts for access to that information.

6. Complaints

If requestor is not satisfied with a decision made under this policy, they are encouraged to discuss their concerns with the decision maker.

A requestor may also complain to the department under the Complaints management policy if they are dissatisfied with how the department handled their request under this policy and procedure.

7. Delegations

Delegations are to be exercised in accordance with the department’s Human Resource, Financial, Procurement, Contract Signing and Business Support Delegations. Delegation Schedules are reviewed on a regular basis to ensure they remain current and relevant to the operational needs of the department. It is recommended that delegate authority levels are confirmed prior to exercising any powers in relation to this policy and supporting procedures.

8. Responsibilities

Role	Responsibilities
Authorised Officers (Deputy Director-General and equivalent level officers)	<ul style="list-style-type: none"> » Exercise administrative authority in making discretionary decisions regarding the administrative release of information » Exercise administrative authority in accordance with all relevant statutory provisions, whole-of-government policy and directives and principles of procedural fairness » Seek advice from the Right to Information team if unsure of the appropriateness of proposals to administratively release information.
Director-General (DG) (accountable officer)	<ul style="list-style-type: none"> » Set the ethical culture of the department including a commitment to proactive disclosure of government-held information.
Employees	<ul style="list-style-type: none"> » Promptly refer requests for administrative access to information to the Right to Information team. » Conduct searches for requested documents.
Executive Leadership Team (ELT)	<ul style="list-style-type: none"> » Foster a culture of proactive disclosure of government-held information
Human Resources (HR)	<ul style="list-style-type: none"> » Provide timely advice to business areas, Authorised Officers in relation to human resources matters relevant to requests from current and/or former employees.
Managers and supervisors	<ul style="list-style-type: none"> » Encourage, demonstrate and model ethical conduct in their teams-/-units » Ensure employees under their supervision are aware of and support the principles of the RTI and IP Acts
Right to Information team (RTI team)	<ul style="list-style-type: none"> » Review requested documents and make decision recommendations to Authorised Officers. » Provide timely advice to business areas and Authorised Officers regarding the suitability of administrative release of documents.

9. Human rights compatibility

The department is committed to respecting, protecting and promoting human rights.

Under the *Human Rights Act 2019* (HR Act), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights.

When making a decision about a person's right to seek and receive information, decision-makers must comply with this obligation.

For further information on the HR Act see: <https://www.qhrc.qld.gov.au> (external site)

10. Definitions

Unless otherwise defined, the terms in this policy have the meaning as set out in the *Right to Information Act 2009* and *Information Privacy Act 2009*.

Refer to **Appendix A** for definitions of key terms referred to in this policy.

11. Related documents, forms and templates

- » [Right to information policy](#) (D19/177789)
- » Complaints management policy (D20/46215)
- » Customer complaints procedure (D17/152361)
- » [How to make an application to the department under the RTI Act or IP Act](#) (Department of State Development and Infrastructure)
- » Approved [application forms](#) for making formal applications under the RTI Act and IP Act, see <https://www.rti.qld.gov.au/> (external site)

12. References

- » [Right to Information Act 2009](#)
- » [Information Privacy Act 2009](#)
- » [Public Sector Act 2022](#)
- » [Human Rights Act 2019](#)
- » [Code of Conduct for the Queensland Public Service](#)
- » [Access information sheets for the community](#) (Office of the Information Commissioner) (external site)
- » [Access guidelines for government](#) (Office of the Information Commissioner) (external site)
- » [Evidence of identity and authority guideline](#) (Office of the Information Commissioner) (external site)
- » [Privacy principles guidelines](#) (Office of the Information Commissioner) (external site)

13. Further information

For further information or clarification, please contact:

- » your manager or supervisor
- » your business support officer
- » Right to Information team (RTI@dsdilgp.qld.gov.au)

14. Storage of information

All information should be managed in accordance with the [Public Records Act 2002](#), and the whole-of-Government [Records Governance policy](#). In addition, personal information should be managed in accordance with the [Information Privacy Act 2009](#).

15. Document control

Document owner		Manager, Information and Technology Services		
Contact details		RTI@dasilgp.qld.gov.au		
Next review (annually)		November, 2024		
Supersedes		Administrative Release Policy and Procedure V1.0 (D18/149631)		
Version	Issue Date	Reason	Author	Approver
1.0	05/08/2019	New Document	Principal RTI Officer, Business Systems and Solutions	Deputy Director-General, Business Commercial and Performance
1.1	16/02/2024	MoG and branding update, with other minor update (Guidance included in relation to factors and considerations for deciding administrative release. No material change to underlying principles)	Principal RTI Officer, Information, ICT Governance and Risk	Executive Director and Chief Information Officer, Information and Technology Services



Appendix A: Definitions

The key terms referred to in this policy are as follows:

Term	Definition
Administrative access (also known as administrative release)	» The release of information by means other than under an application under the RTI Act or IP Act.
Administrative access scheme	» An administrative arrangement or processes that provide for giving access to information. Administrative access schemes are generally reactive (responding to requests for information when received) but also include proactive schemes for disseminating information in advance of requests, such as in publication schemes and disclosure logs.
Administrative release (also known as administrative access)	» See definition of 'Administrative access'.
Agent	» A person who is duly authorised to act on behalf of another person (e.g. a person authorised to make a request under this policy on behalf of the requestor).
Applicant	» The person by whom, or on whose behalf, an application for access to a document is made under the RTI Act or the IP Act.
Application	» A formal application made under the RTI Act or the IP Act requesting access to a document(s) or amendment of personal information.
Authorised Officer	» Deputy Directors-General or equivalent level officers.
IP Act	» <i>Information Privacy Act 2009</i>
Personal information	» Information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion (per <i>Information Privacy Act 2009</i> , section 12).
Public interest	» The term public interest refers to considerations affecting the good order and functioning of the community and government affairs, for the well-being of citizens generally. Generally public interest considerations are common to all members, or a substantial segment, or the community, as distinct from matters that concern purely private or personal interests. However, there are some public interest considerations that apply for the benefit of an individual.
Request (for administrative access)	» A request for administrative access to information made to the department in accordance with this policy and procedure.
Requestor	» The person by whom, or on whose behalf, a request for administrative access to information is made under this policy
Right to information (also known as RTI)	» Right to Information refers to the Queensland Government's framework that aims to make more information available, provide equal access to information across all sectors of the community, and provide appropriate protection for individuals' privacy. The RTI Act and the IP Acts are the legislation that underpins the government's right to information framework.
RTI Act	» <i>Right to Information Act 2009</i>