

# Administrative release policy and procedure

## Policy statement

The Department of State Development, Manufacturing, Infrastructure and Planning (the department) is 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.

## 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 mandates that formal access applications under the RTI and IP Acts 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 release, without the need for a formal application under the RTI or IP Act.

Administrative release is intended to be an easier and quicker process than accessing documents by formal access application under the RTI Act or IP Act.

Administrative release (also known as administrative access):

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

## 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 release of information expressly stated as being made in accordance with this policy and/or the Administrative release procedure.

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.

## Definitions

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

# Key principles

Formal applications for documents under the RTI or IP Act should only be necessary as a last resort.<sup>1</sup>

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 applicants; 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 applicants.

As a general rule, the sorts of documents that may be suitable for administrative release include those:

- provided to the agency by the person seeking access to them (for example, correspondence sent to the agency from the requester)
- provided by the agency to the person seeking access to them (for example, previous correspondence sent by the agency to the requester)
- which are publicly available; and
- which are routinely made available by the agency.

Decisions regarding the suitability of documents being released administratively are discretionary, and applicants do not have rights of review that are available under formal RTI or IP processes. However, where it is decided that information cannot be released administratively, the person making the request will be advised to apply for access under the RTI or IP Acts.

Anyone can apply for information under this procedure, however, there is no guarantee that access will be given.

Persons may apply under the RTI or IP Acts (whichever is appropriate) for access to information that cannot or has not been administratively released.

# Responsibilities and accountabilities

Role	Responsibilities
All employees	<ul style="list-style-type: none"> <li>• Promptly refer requests for administrative release to the Right to Information Unit.</li> <li>• Conduct searches for requested documents.</li> </ul>
Managers and supervisors	<ul style="list-style-type: none"> <li>• Encourage, demonstrate and model ethical conduct in their teams / units</li> <li>• Ensure employees under their supervision are aware of and support the principles of the RTI and IP Acts.</li> </ul>
Authorised Officers (Deputy Directors-General and equivalent)	<ul style="list-style-type: none"> <li>• Exercise administrative authority in making decisions regarding the administrative release of documents</li> <li>• Exercise administrative authority in accordance with all relevant statutory provisions, whole-of-government policy and directives and principles of procedural fairness</li> <li>• Seek advice from the Right to Information Unit if unsure of the appropriateness of proposals to administratively release information.</li> </ul>

<sup>1</sup> As outlined in the preamble to the RTI Act.

Role	Responsibilities
<b>Right to Information Unit (RTI Unit)</b>	<ul style="list-style-type: none"> <li>Review requested documents and make decision recommendations to Delegates.</li> <li>Provide timely advice to business areas and Delegates regarding the suitability of administrative release of documents.</li> </ul>
<b>Executive Leadership Team (ELT)</b>	<ul style="list-style-type: none"> <li>Foster a culture of proactive disclosure of government-held information.</li> </ul>
<b>Director-General (DG) (accountable officer)</b>	<ul style="list-style-type: none"> <li>Set the ethical culture of the department including a commitment to proactive disclosure of government-held information.</li> </ul>

## Procedure

### Making a request for access to documents

Requests to be given administrative access to documents under this procedure must be made in writing and should be lodged with the department’s Right to Information Unit by any of the following means:

<b>Email Post</b>	<b><u><a href="mailto:RightToInformation@dsmip.qld.gov.au">RightToInformation@dsmip.qld.gov.au</a></u></b> Right to Information Unit Department of State Development, Manufacturing, Infrastructure and Planning PO Box 15009 City East Qld 4002
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The request should sufficiently identify which documents are being sought, including a department file reference, if available.

Prospective applicants are welcome to contact the Right to Information Unit on (07) 3452 6949 to discuss the document(s) that is sought and/or whether it can be accessed under this procedure.

### Dealing with requests

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

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 Administrative release parameters (below) and any other relevant circumstances.

Where it is not appropriate for a request to be dealt with under this procedure, the Authorised Officer may refer the applicant to their right to make a formal application under the RTI or IP Act (whichever is applicable).

If the request is capable of being dealt with under this procedure, the Authorised Officer will request documents from business areas.

Senior Executives are responsible for endorsing information being released to an applicant and for bringing any known circumstances and relevant 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 applicant of any charge before proceeding to consider any documents.

An Authorised Officer must consider requested documents to determine whether disclosure is in the public interest. Access may be refused to information under this procedure in the same way and to the same extent permitted under section 47 of the RTI Act.

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 applicant must clearly set out the reasons for a decision to withhold information and the process for making an application for documents under the RTI Act or IP Act (as applicable).

## Administrative release parameters

A request for information should be assessed to determine if it fits into the following parameters:

- 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 or another departmental policy instrument, the applicant should be referred to the appropriate area that manages the specific type of request
- 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.

## Costs

If an applicant 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 or on a disc.

## Timeframe for response

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

If files are held off-site, or the request involves a large volume of documents, extra time may be required.

## Refusal to deal with a request

The department may refuse to deal with an administrative release request that is considered unreasonable (e.g. where dealing with a large request would substantially and unreasonably divert resources of the department or where information has previously been provided).

## Complaints

There is no ability to seek a review of a decision about administrative release of documents made under this procedure.

If an applicant is not satisfied with a decision, they are encouraged to discuss their concerns with the decision-maker and/or apply for the document(s) that has been refused under the RTI or IP Act (whichever is applicable). General information about how to make applications under the RTI and IP Acts is available from the **Office of the Information Commissioner**.

An applicant may also complain to the department under the Complaints management policy.

## Reference documents

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

## Related documents

- **Right to information policy (D19/177789)**
- **Information privacy policy (D19/177791)**
- **Complaints management policy (D17/77854)**

## Document control

<b>Document owner</b>		Executive Director and Chief Information Officer, Business Systems and Solutions  Business, Commercial and Performance		
<b>Contact details</b>		<a href="mailto:righttoinformation@dsmip.qld.gov.au"><b>righttoinformation@dsmip.qld.gov.au</b></a>		
<b>Next review (annually)</b>		July 2020		
<b>Supersedes</b>		N/A (new policy)		
<b>Version</b>	<b>Issue Date</b>	<b>Reason</b>	<b>Author</b>	<b>Approver</b>
1.0	05/08/2019	New policy	Principal RTI Officer, Business Systems and Solutions	Deputy Director- General, Business Commercial and Performance

## Appendix A – Definitions

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

Term	Definition
<b>Access application</b>	<p>A formal application made under the RTI or IP Act requesting access to a document(s).</p> <p>Access applications made under the RTI or IP Acts can be for documents that are in the possession or under the control of the department. This means that someone can apply to access documents that are:</p> <ul style="list-style-type: none"> <li>held by the department, even if they are not owned by the department (e.g. documents created by external stakeholders, or personal emails stored on the agency email servers)</li> <li>not held by the department, but which the department is entitled to access (e.g. records of a contractor that the department has a legal right to access or work records held by departmental employees at home or on personal mobile phone or other electronic devices).</li> </ul>
<b>Administrative access (also known as administrative release)</b>	See definition of 'Administrative release'.
<b>Administrative release (also known as administrative access)</b>	The release of information by means other than under a formal access application under the RTI or IP Act.
<b>Applicant</b>	The person by whom, or on whose behalf, an application for access to a document is made under this policy, or the RTI or IP Acts.
<b>RTI</b>	Right to information.
<b>RTI Act</b>	<i>Right to Information Act 2009</i>