

Request for access to documents under the Queensland *Right to Information Act 2009* or the *Information Privacy Act 2009*



What is the *Right to Information Act 2009* & the *Information Privacy Act 2009*?

The *Right to Information Act 2009* (RTI Act) and *Information Privacy Act 2009* (IP Act) came into effect on 1 July 2009. Both Acts give you the right to apply for access to documents held by Government agencies, which includes Council.

How do I apply?

The Queensland Government has an approved application form which must be used to make an application for documents under the RTI Act or IP Act. A copy of the approved form is provided with this Information Sheet, and can also be accessed at www.rti.qld.gov.au

The application may be lodged and paid via any of the methods listed below:

1. In person at one of Council's customer service centres located at Logan Central, Jimbooma or Beenleigh. Payments can be made in cash, via cheque, money order or using EFTPOS
2. Via email to Council@logan.qld.gov.au. Payment can be made via:
 - Credit Card - option two - a Council Officer will phone you for payment via credit card
 - Credit Card- option one - telephone Council on 07 3412 3412 quoting RC Code 8901 for payment via credit card
3. By post to Logan City Council, PO Box 3226, Logan Central QLD 4114. Payment can be made via:
 - Cheque
 - Money Order
 - Credit Card - option two - a Council Officer will phone you for payment via credit card
 - Credit Card- option one - telephone Council on 07 3412 3412 quoting RC Code 8901 for payment via credit card

To ensure the security of your credit card details, please do not include credit card details on the RTI/IP form.

What can I ask for?

You can ask for any documents that are held or controlled by Logan City Council. Under both Acts a "document" can be a paper file, microfiche, printout, computer record and file, visual material (e.g. x-rays, films, photograph, audio and audio-visual material including CD's and DVDs, CCTV footage).

Where we cannot grant you access to a document, we will explain why in our decision letter to you.

Where documents are available through other means (ie through public records, through a disclosure log or via a Council search (whether or not a fee is payable)), these documents will not be available through Right to Information/Information Privacy (RTI/IP) application.

Council is required to publish a disclosure log on our website, which details those documents already made available under the RTI Act. Before lodging your application, please check the log to ensure that the documents you are seeking are not already available upon request. You can access the disclosure log at: <http://www.logan.qld.gov.au/about-council/contact-us/right-to-information>

Should you wish to obtain a copy of the released documents, please send your request to the RTI Officer, Governance Branch, via council@logan.qld.gov.au or to Logan City Council, PO Box 3226, Logan City DC Qld 4114.

Do I have to give a reason for applying for access to Council held documents?

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Providing a reason for accessing Council held documents is not required, but can be beneficial where Council is unsure whether access should be granted on “public interest” grounds.

Do I have to pay for this?

RTI Application

An application fee of \$49.70 is payable for applications requesting access to non-personal information or a combination of personal and non-personal information. The application fee is a requirement under section 24(4) of the *Right to Information Act 2009* and cannot be waived.

The application fee can be paid by credit card, cheque, cash or money order and must accompany your application. Your application cannot be processed without payment of the application fee.

IP Application

There is no application fee for application requesting access to personal information only under the IP Act.

Processing Costs

If your application is considered to involve non-personal information (RTI application) and the processing and/or inspection time associated with your application is less than five (5) hours, no charge is payable.

If the time taken exceeds five (5) hours a charge of \$7.70 per fifteen (15) minutes (or part thereof) applies to every hour. *For example, if processing your RTI application takes six (6) hours, there is no 'free' five (5) hour period and the total charge will be based upon the total six (6) hours.* Processing charges are payable before access to the documents is allowed.

There is no charge for the processing of documents that contain your personal information only (IP Application and any applicable documents under an RTI application).

Access Charges

Where physical copies of documents are requested (both RTI and IP applications), there will be a charge of 25 cents per A4 page for each black and white copy. Additional charges for copies of other documents (e.g. x-rays, colour copies, A3) will be payable.

Applying for a Waiver of the Processing and Access Charges

You can apply in writing for a waiver of the processing and access charges. For a waiver of the processing and access fees to apply, you will need to establish that you satisfy the grounds for financial hardship under s66 of the RTI Act and can produce a valid concession card. It is important to note that even if you are able to show financial hardship, the waiver will only apply to the processing and access charges and you will still have to pay the application fee.

How do I pay?

Payment of the relevant charges can be made by credit card, cheque, cash or money order.

You may choose to pay for these charges either by telephone, by post or in person at one of our customer service centres listed below.

Administration Centre – 150 Wembley Road, Logan Central

Beenleigh Customer Service Centre – 58-60 Manila Street, Beenleigh

Jimboomba Customer Service Centre – 18-22 Honora Street, Jimboomba

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Logan City Council has registered for GST and has been issued with an Australian Business Number (ABN) 21 627 796 435

What other documents do I need to supply with my application?

Proof of Identity

Before you are given access to your personal information, you will need to provide proof of your identity either with your application or within 10 business days of making an application. You can either provide a certified copy of the document, or you can arrange a time to come in to Council to have your proof of identity sighted by an officer.

Documents that provide sufficient evidence of identity include:

- Current driver's licence
- Identifying page of current passport
- Birth certificate
- Copy of a prisoner's identity card certified by the corrective services officer
- A statutory declaration of an individual who has known the applicant for at least one year

A certified copy is a true and correct copy of the original document, which has been signed by a lawyer or notary public, a Commissioner for Declarations or a Justice of the Peace who must sight the original document and be able to say that the certified copy is a true and correct copy of the original document. A digital copy or photocopy of the certified copy cannot be accepted. The certified copy itself must be provided.

What happens if I ask for another person's personal documents?

Usually you cannot access another person's document unless that person has authorised in writing that you can access them.

Complainant details (i.e. name, address and telephone number) are generally not available via an RTI/IP application. This is because complainant/ third party details (name, address and telephone number) are the personal information of the complainant. If you request complainant/ third party details as part of an RTI application, the complainant/third party must be consulted by Council particularly if the release of the information is likely to be of concern to them. Where complainant/ third party details are requested in an RTI application, they will only be released if either the consent of the complainant/ third party has been obtained for the release of their details or if it is considered to be in the public interest for the complainant/third party details to be released to you.

Authority to act as an agent

Where an application is in relation to the personal information of a third person or client, both the RTI Act and IP Act require a letter of authority signed by the third person or client authorising the agent to act as an "agent" on their behalf. This letter will also need to be accompanied by proof of identity of the third party or client as well as proof of identity of the agent (refer to 'Proof of Identity' section for acceptable identity documents)

The RTI Act Section 24(3) requires the agent to provide these documents either at the time of application or within 10 business days after making an application.

What happens next?

Once a valid RTI or IP application is received, Council has 25 business days to process the application and provide a decision. However, that legislative period may be extended in certain situations such as where you have requested a large number of documents or where we have to consult third parties.

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During the course of your application the Council RTI case officer may need to contact you to clarify what you are after and to keep you aware of progress. For this reason it is very helpful if you can supply a phone number or email address for easy contact.

What if I am unhappy with the decision made on my application?

If you are not satisfied with a decision that Council has made about your RTI or IP application, you have the option of asking for an Internal Review. This is where a more senior officer will review the original decision made about your request.

Alternatively, you have the right to ask for an External Review of the decision by the Queensland Information Commissioner.

Full review rights information will be given to you in any decision letter you receive from Council.

Further information

For details and information on how to make an RTI/IP application or for further information, please contact:

Administrative Review & Ethics Program, Governance Branch
Logan City Council
PO Box 3226
LOGAN CITY DC QLD 4114

Business hours: 8:00am - 5:00pm Monday – Friday
Telephone: (07) 3412 3412
Email: council@logan.qld.gov.au

Legislation

Publications of both Acts are available through public libraries, community centres and government agencies. You can also download a copy from:

RTI – <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/R/RightInfoA09.pdf>
IP – <https://www.legislation.qld.gov.au/LEGISLTN/CURRENT/I/InfoPrivA09.pdf>

Enquiry Service Office of the Information Commissioner Queensland

For general enquiries on the operation and application of Queensland's Right to Information and Information Privacy legislation:

Telephone: (07) 3234 7373
Fax: (07) 3405 1122
Email: enquiries@oic.qld.gov.au
Website: www.oic.qld.gov.au

Privacy Collection Notice

In making an application, you are providing personal information such as name and contact details to Logan City Council. Your personal information may be accessed by authorised Council business partners, contractors, employees and Councillors and will be used for the purpose of assessing your

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application and ensuring that we are able to remain in contact with you regarding the status of your application or to advise our insurance, media or legal representative about the application. Your personal information is held in accordance with the Information Privacy Act 2009 and -may be given to another person or agency where you have given us permission to do so or we are authorised or required by law.