**Administrative Release Policy**

1. **Policy Statement**

The Department of Justice and Attorney-General (DJAG) is committed to open government and making information available to the community, unless it is not in the public interest to do so.

The preamble to the *Right to Information Act 2009* (the RTI Act) acknowledges the importance for Queensland Government Departments to release information administratively unless it is not in the public interest to do so. Where possible, DJAG will provide the public with access to information it holds under this policy as part of its commitment to open government, and in accordance with the preamble to the RTI Act.

Administrative release of information provides increased transparency of the information DJAG holds, and may result in a reduction in the volume of formal access requests under the RTI Act, the *Information Privacy Act 2009* (the IP Act), and any other relevant legislative mechanism allowing the public to access information held by DJAG.

1. **Definitions**

***Administrative release*** means the release of information held by DJAG by means other than under a legislative provision in response to an informal request for that information.

***Administrative access*** means the right of the public to request access to information held by DJAG in an informal manner, by means other than under legislation.

This policy only applies where a specific request for a document is made, and no legislative provision applies to the release of that information.

1. **Scope**

This policy is authorised from 3 April 2019 onwards and applies to documents held by DJAG. Please see Appendix A for a non-exhaustive list of information which may be released administratively. DJAG may also consider requests for other information on a case by case basis where received by a DJAG business unit.

1. **How to make an application**

Applications to access information can be made by making the request directly to the relevant business unit in writing. Applicants should be encouraged to use the *Administrative Release Request Form* (Appendix B) to make their request.

The request must clearly identify the applicant, their contact details and provide enough detail to identify the information sought. Certified proof of the applicant’s identity[[1]](#footnote-1) is also required where they are seeking to access their own personal information to ensure the information is being provided to the correct individual. Once this information is received by DJAG, the application will be assessed to determine whether the information requested can be released in line with this policy.

1. **Making a decision on the request**

Supervisors in charge of business areas must ensure that officers making a decision to release information administratively have received the appropriate training in the business unit’s practices and are supported by local procedures to assist officers in making such a decision.

As a general guide, where DJAG receives a request for information identified in Appendix A, the information should generally be released to the applicant. However, each request needs to be considered on a case by case basis having regard to the content of the particular documents being sought.

Where an applicant requests access to information not listed in Appendix A, an officer with the appropriate authority within the business unit should review the request to determine whether administrative release would be an appropriate form of access for the information requested. If it is not appropriate to administratively release the information, then the applicant should be advised to make a formal application under the RTI Act, IP Act or other appropriate legislation.

Where a requested document contains personal information of an individual, that document should only be released to the individual concerned.

The RTI Act and the IP Act contain protections for decision-makers when redacting and releasing information in accordance with those Acts. For this reason, if a business unit is intending to release documents with some information removed (redacted), the business unit should assess the potential risks of inadvertently releasing information that should not be disclosed, - for example: personal information of other people, or confidential information. If the business unit assesses the risk of an inadvertent disclosure as too high, the administrative release request should be refused and the applicant advised of how to make a formal request for the information under the RTI Act, the IP Act or other appropriate legislation, if applicable.

*Note:* In redacting any documents business units should ensure that redacted information is not visible. For example, documents that contain redacted information should be image PDF, should not contain hyperlinks to information that should not be released, and the PDFs should not be in Optical Character Recognition (OCR) mode.

**Release of Information**

Information may be released in hardcopy or electronically. Officers may wish to consider discussing the method of release with the applicant prior to release of that information if the applicant has not used the *Administrative Release Application Form* (Appendix B), or not identified in which format they would like to receive the information. Business units will need to consider the security classification[[2]](#footnote-2) of the documents as to whether they can be released by email.

If you require assistance on how to determine a security classification for a document, please lodge an IT service request via [Service Now](https://djag.service-now.com/) or [JusticeITServiceDesk@justice.qld.gov.au](mailto:JusticeITServiceDesk@justice.qld.gov.au) and the Information Management team will be able to assist.

1. **Other forms of access to information**

DJAG also makes information available to the public in other ways. Information held by the department is made available to the public on the Open Data Portal at <https://data.qld.gov.au/organization/justice-and-attorney-general>.

Queensland Courts also provides mechanisms to access court information. Specifically, members of the public can search for and request:

* Queensland courts files: <https://www.courts.qld.gov.au/services/search-for-a-court-file>
* Queensland courts decisions: <https://www.courts.qld.gov.au/decisions>
* Queensland courts statistics: <https://www.courts.qld.gov.au/court-users/researchers-and-public/courts-statistics>
* Queensland courts domestic and family violence (DFV) statistics: <https://www.courts.qld.gov.au/court-users/researchers-and-public/stats>

The Queensland Civil and Administrative Tribunal (QCAT) also provides mechanisms to access certain QCAT information. Specifically, members of the public can search, view or copy:

* QCAT’ s register of proceedings (the list of cases before QCAT); and
* QCAT’s record for proceedings (QCAT case files).

Please see <https://www.qcat.qld.gov.au/resources/searches> for more information.

1. **Right to Information and Information Privacy Applications for documents listed in Appendix A**

There may be circumstances where RTI and Privacy receive an application for access to information under the RTI Act or IP Act which is identified at Appendix A. If this occurs, RTI and Privacy will liaise with the business unit as to whether the information can be released administratively. Following this, RTI and Privacy will liaise with the applicant as to whether a formal RTI or IP application is required, or whether they should withdraw their application and make an application for the documents to be released administratively instead.

1. **Approval**

Approved by the Director-General on 3 April 2019

**Appendix A**

Please note that the documents listed in this appendix may not be automatically released in response to a request for access. Whether or not these documents are released to the applicant may depend on the content contained within them. For example, if a file contains mixed personal information, these documents will not be released administratively.

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| --- | --- |
| **DJAG Business Area** | **Type of Information available under Administrative Release Policy** |
| Dispute Resolution | * Mediation agreements to relevant parties * National Mediation Accreditation Assessment Report to the person being assessed * Documents provided to Dispute Resolution by parties can be released back to the parties which initially provided them * Log notes created during the course of Dispute Resolution providing its service to clients, for example phone conversations or intake information, can be provided to the client involved in the conversation |
| Human Resources | * Employee rehabilitation files (if relating to the applicant) * Complaints for complainants or affected employees, (information about the applicant only) * Information on a personnel file (if relating to the applicant) |
| Office of Fair Trading | * Any information provided to the Office of Fair Trading by an entity can be provided back to that entity * General Statistics |
| Office of Liquor and Gaming | * Statistical data on gaming machines * General statistics |
| QCAT | * Statistics and analytics * Information about administrative policies and procedures * Information about the QCAT file inspection process |
| Victim Assist | * Statistics including information about applications and complaints * Documents provided by clients or to clients from Victim Assist can be released to the client, or another person with consent from the client * Memoranda of Understanding * Policies and Procedures * Documents provided by or to a client under the repealed *Criminal Offence Victims Act 1995* or the repealed chapter of the Criminal Code (section 663) can be released to the client, or another person with consent from the client |
| Blue Card Services | * A copy of a Blue Card Application form can be provided back to the individual applicant * Pages of a Blue Card Application form that contain the organisation’s details can be provided to the organisation, no pages containing the individual’s details can be provided to the organisation * Information provided by an individual can be provided back to individual * Information provided by an organisation can be provided back to the organisation |
| Corporate Governance | * Policies and procedures which are not usually made publically available are released to other agencies on request |

**Appendix B**

**Administrative Release Application Form**

The Department of Justice and Attorney-General (DJAG) is committed to open government and making information available to the community unless it is not in the public interest to do so.

Administrative release of information provides increased transparency of the information DJAG holds, and may result in a reduction in the volume of formal access under the *Right to Information Act 2009* (the RTI Act), the *Information Privacy Act 2009* (the IP Act), and any other relevant legislative mechanism allowing the public to access information held by DJAG.

*Please note:* If you are making a request for information held by Blue Card Services, you are only able to receive the information by email or paper copies.

DJAG collects your personal information in order to manage your application to access information under DJAG’s Administrative Release Policy. We will only use your information for this purpose and it will not otherwise be used or disclosed unless authorised or required by law. Your personal information will be handled in accordance with the IP Act.

Please note, at least one contact method is required to ensure DJAG can contact you to discuss your request.

**Name:** Click here to enter text.

**Phone Number**: Click here to enter text.

**How would you like to receive the information?**

by email  by mail

**Email (if applicable):** Click here to enter text.

**Address (if applicable):** Click here to enter text.

**Please identify from Appendix A what information you are requesting access to under DJAG’s Administrative Release Scheme. If the information you wish to access is not identified in Appendix A, please provide as much information as possible and an officer will determine whether the information can be released administratively or whether you will need to formally apply for access under the RTI Act or IP Act:**

Click here to enter text.

**Preferred access format**:

Email  CD  DVD  Photocopies (0.25¢ per A4 page)

***Please attach certified identification[[3]](#footnote-3) with your application if you are seeking access to your own personal information so that we can confirm your identity. This is to ensure personal information is not incorrectly released to a third party.***

1. A **certified** copy is considered **valid** if it is witnessed by a lawyer or notary public, a commissioner for declarations or a justice of the peace [↑](#footnote-ref-1)
2. Follow the link: [Information Security Classification Fact Sheet](https://intranet.justice.govnet.qld.gov.au/__data/assets/pdf_file/0005/180779/information-security-classification-fact-sheet.pdf), locate it on the DJAG intranet via Information Technology Services, Records and Information Management, Information Security or type “information security classification” into the search bar [↑](#footnote-ref-2)
3. A **certified** copy is considered **valid** if it is witnessed by a lawyer or notary public, a commissioner for declarations or a justice of the peace [↑](#footnote-ref-3)