

3 February 2017

USC Response to the Review of the Right to Information Act 2009 and Information Privacy Act 2009

USC welcomes the opportunity to provide feedback on the review of the RTI and IP Acts. USC would also like to acknowledge the valuable role of the Office of the Information Commissioner in providing advice and training opportunities for University staff.

Responses are provided below to those questions of most relevance to the University.

1. Are the objects of the RTI Act being met? Is the push model working? Are there ways in which the objects could be better met?

The objects appear to be being met. USC continues to promote the push model of information release with its staff.

2. Are the objects of the IP Act being met? Is personal information in the public sector environment dealt with fairly? Are there ways that this object could be better met?

Again, the objects of the Act appear to be being met. Further comments are made in the questions below.

7. Has anything changed since 2013 to suggest there is no longer support for one single point of access under the RTI Act for both personal and non-personal information?

No. Providing a single point of access would simplify processing for agencies.

8. Noting the 2013 response, should the requirement to provide a schedule of documents be maintained?

No. Consulting with applicants is a more effective way of providing the required information.

9. *Should the threshold for third party consultations be changed so that consultation is required where disclosure of documents would be “of substantial concern” to a party?*

Yes. This would simplify processing.

10. *Is the current right of review for a party who should have been but was not consulted about an application of any value?*

No. There is no real benefit given that information would have already been released.

12. *Should the public interest balancing test be simplified; and if so how? Should duplicated factors be removed or is there another way of simplifying the test?*

Any move to simplify the current public interest balancing test (PIBT) would be welcome. As noted in the Consultation paper, the process for undertaking a PIBT is complex, time-consuming and confusing to a reader. Adopting a system of considering only two factors, those favouring disclosure and those favouring non-disclosure and making a decision on the balance would be an improvement.

17. *Should the disclosure log requirements that apply to departments and ministers be extended to agencies such as local councils and universities?*

No. The University sees no value in an extension such as this. The summary information along with contact details for access is considered sufficient.

19. *Do agency publication schemes still provide useful information? Or are there better ways for agencies to make information available?*

The value of a publication scheme for a university is questionable. The direct searching options of USC's website provide simpler access for people than the layered searching method of the publication scheme.

20. *Should internal review remain optional?*

Yes. Optional internal review gives applicants more choice.

24. *What would be the advantages and disadvantages of aligning the IPPs and/or the NPPs with the APPs, or adopting the APPs in Queensland?*

Aligning or adopting the APPs for Queensland would provide more consistency and reduce confusion.

25. *Should the definition of “personal information” in the IP Act be the same as the definition in the Commonwealth Act?*

Yes. USC questions the value of a separate Information Privacy Act for Queensland, given the existence of a Commonwealth Privacy Act.