Review of the Right to Information Act 2009 and Chapter 3 of the Information Privacy Act 2009	
Right to Information and Privacy Unit's feedback ** only those issues for consideration where the Unit has provided feedback are included.*	
2.1	*Should the right of access for both personal and non-personal information be changed to the RTI Act as a single entry point?*
Response	Yes - as the link from Information Privacy to Right to Information is confusing, makes for lengthy decision-letters and is confusing for applicants.
3.1	*Should the processing period be suspended while the agency is consulting with the applicant about whether the application can be dealt with under the IP Act?*
Response	Yes
3.2	*Should the requirement for an agency to again consider whether the application can be made under the IP Act be retained?*
Response	No - should go straight to a formal decision along the lines of s.41
3.3	*Should the timeframe for section 54(5)(b) be 10 business days instead of calendar days, to be consistent with the timeframes consistent with the timeframes in the rest of the Act?*
Response	Business days - then consistent throughout the Act
4.1	*Should the Act specify that agencies may refuse access on the basis that a document is not a document of an agency or a document of a Minister?*
Response	Yes - make an option (c) under section 52 - Document nonexistent or unlocatable

4.2	*Should a decision that a document is not a "document of the agency" or a "document of a Minister" be a reviewable decision?*
Response	Yes
4.3	*Should the timeframe for making a decision that a document or entity is outside the scope of the Act be extended?*
Response	Yes - should be the same as the substantive decision and form a part of that decision - as many times it cannot be immediately determined whether the document is or is not excluded from the Act
4.4/4.5	*Should the way the RTI Act and Chapter 3 of the IP Act applies to GOCs be changed? If so, in what way?/Should corporations established by the Queensland Government under the Corporations Act 2001 be subject to the RTI Act and Chapter 3 of the IP Act?*
Response	Both extend and capture those under *Corporations Act 2001* , GOCs should be accountable where they are performing the work of government.
4.6	*Should the RTI Act and Chapter 3 of the IP Act apply to the documents of contracted service providers where they are performing functions on behalf of the government?*
Response	Yes - to the extent the documents/information are about government providers. The relevant department should be responsible for the decision-making not the provider.
5.1/5.2	*Should agencies with websites be required to publish publication schemes on their websites?/Would agencies benefit from further guidance on publication schemes?*
Responses	Yes - however not in such a mandated fashion as is the current publication scheme.
	Suggestion - different headings eg Annual Reports, HR policies (not the current format eg Lists)
	Publications should also be required to have dates and version numbers, author or unit in order for people to identify whether they have a current or superseded version

6.1	*Should the access application form be retained?*
Response	Yes - the form should be retained as it enables applicant to readily include all information required to make an application valid
	Should it remain compulsory?
Response	No - problems with superseded versions, if all the information is captured or can be obtained bya phone call or letter then the form should be optional
	If not, should the applicant have to specify their application is being made under legislation?
Response	No - as first decision is whether the information can be released via administrative release or an alternative access regime. If the information can't be released this way then the agency should be able to process the request for information as a RTI so that the applicant is not delayed in getting their request processed.
6.2	*Should the amendment form be retained? Should it remain compulsory?*
Response	Should be retained however not mandatory as much of what the applicant may want changed can be addressed in a letter.
6.3	*Should the list of qualified witnesses who may certify copies of identity documents be expanded? If so, who should be able to certify documents for the RTI and IP Acts?*
Responses	Yes - align with those qualified witnesses who can currenlty witness an oath under the *Oaths Act 1867 (which is similar the provisions already in place)* or the Commonwealth *Statutory Declarations Act 1959* (where the list of witnesses is longer and may make certifications easier for those in remote locations or overseas.
	In addition agency staff should be able to satisfy themselves of the identity of an applicant as they did under the *Freedom of Information Act 1992* eg sections 105(a),(b) and (c).
6.4	*Should agents be required to provide evidence of authority?*

Response	The unit has a split view regarding requirement to provide identity and/or authority for agents. One view is that solicitors/lawyers are not required to provide such identification/authority however another view is that this should still be required as they have been directlty involved in a matter where a solicitor stated they were acting on behalf of another however they weren't. Agreement was reached in relation to individuals acting on behalf of
6.5	*Should agencies be able to refund application fees for additional reasons? If so, what are appropriate criteria for refund of the fee?*
Responses	Yes - wrong agency, withdrawn within a certain timeframe (eg 48 hours/7 days), full transfer (rather than transferring the fee), where the final decision on the application is that all of the documents contained the applicant's personal information.
	Additional comments - application fee to be charged at a different point in time - perhaps with the charges estimate notice and the alternative view, the application fee should not be refunded at all as action has occurred on the application already.
6.7	*Should a further specified period begin as soon as the agency or Minister asks for it, or should it begin after the end of the processing period?*
Response	The further specified period should be added to the end of the processing period to make calculations of due date easier to determined. The other view is that the further specified period should be replaced by a set due date the applicant agrees to (which overrides any further specified period, processing period or review period that may remain.)
6.8	*Should an agency be able to continue to process an application outside the processing period and further specified period until they hear that an application for review has been made?*
Response	Yes - "The agency or the Minister may, at any time before the agency or the Minister is informed … of an application for review of the deemed decision, continue to consider the application and make a decision in relation to it."
6.9	*Is the current system of charges estimate notices beneficial for applicants? Should removing the charges estimate notice system be considered?*
Response	Remove the requirements for a charges estimate notice where there are no charges payable - eg no documents, refuse to deal.
6.10	*Should applicants be limited to receiving two charges estimate notices?*
Responses	One notice only, any rescope can be confirmed via letter.

Responses	Modify Charges Estimate Notice process so that the confirmation must be in writing (assists with debt recovery)
6.11	*Should applicants be able to challenge the amount of the charge and the way it was calculated? How should applicant's review rights in this area be dealt with?*
Response	Yes, there was a level of debate regarding how to address this but the consensus was that where there is any administrative decision made the applicant should have review rights.
6.12	*Should the requirement to provide a schedule of documents be maintained?*
Responses	No the schedule should not be mandatory.
	One view was that the schedule should only be required to identify those documents not being released.
	If the schedules are maintained they should be provided with the decision as very few applicants rescope based on the schedule supplied with the CEN. Most of rescoping is done prior to a CEN being issued.
	Other option is that a schedule should only be provided where requested by the applicant.
6.13	*Should the threshhold for third party consultations be reconsidered?*
Responses	Yes - put back in "substantial"
	In some instances third party consultation is being used to inform a third party of the release of the material even though they may not actually be reasonably considered to be concerned by the release.
	Feedback is that some additional consultation is being done to inform parties of the disclosure log requirements.

6.14	*Should the Acts set out the process for determining whether the identity of applicants and third parties should be disclosed?*
Response	Yes - the identify of the applicant should be disclosed to enable third parties to appropriately consider any objections they may have, unless there appears to be a threat to safety or other confidentiality/secrecy issue.
6.15	*If documents are held by two agencies, should the Act provide for the agency whose functions relate more closely to the documents to process the application?*
Response	No - whichever agency gets the application should proces it as each agency may hold slightly different or completely different documents that meet the application scope.
6.16	*How could prescribed written notices under the RTI Act and IP Act be made easier to read and understood by applicants?*
Responses	Decisions should be in plain english, not refer to all sections of the Acts, too many mandatory requirements in the decision letter, eg irrelevant should not need to be explained and full access.
	Section 54 and section 191 - should only be one provision that deals with what a written notice should contain.
6.18	*Should applicants be able to apply for review where a notation has been made to the information but they disagree with what the notation says?*
Response	Split view in the group - some say no they shouldn't be able to review the notation that has been made, some yes - there was a consensus that the applicants comments/letter should always be added to the relevant file/document so that their comments are available for viewing.
7.2	*Are the exempt information categories satisfactory and appropriate?*
Response	Brisbane City Council provisions should be removed and the Incoming Briefs section.
7.3	*Does the public interest balancing test work well? Should the factors in Schedule 4 Parts 3 and 4 be combined into a single list of public interest factors favouring non-disclosure?*

Response	Yes
7.4	*Should existing public interest factors be revised…*
Responses	No - as it currently stands decision-makers can create their own factors favouring disclosure or non-disclosure.
	Amend the Act when it references Schedule 4 "but not limited to" to make it clear that additional factors can be added.
7.5	*Does there need to be additional protection for information in communications between Ministers and Departments?*
Response	No - there are sufficient protections in the Acts to prevent the release of confidential/secret/Cabinet/deliberative process etc material that may be contained in these briefs.
7.6	*Should incoming briefs continue to be exempt from the RTI Act?*
Response	No
7.7	*Are the current provisions in the RTI Act sufficient to deal with access applications for information created by Commissions of Inquiry after the commission ends?*
Response	Yes - perhaps clarify the information is subject to RTI application to the agency responsible for the documents/records after the commission ceases.
7.8	*Is it appropriate or necessary to continue the exclusion of Commission documents from the RTI Act beyond the term of the Inquiry?*
Response	No - decision-makers currently take into account recommendations made by various commisisoners regarding restricted access periods when making decisions as well as commercial/personal information refusals.

7.10	*Are the current provisions in the RTI Act sufficient to deal with access applications for information about successful applicants for public service positions?*
Response	Yes - adds to open and accountable government and decision-making
8.1	*Should fees and charges for access applications be more closely aligned with fees, for example, for access to court documents?*
Response	No - too expensive for applicants
8.2	*Should fees and charges be imposed equally on all applicants? Or should some applicants pay higher charges?*
Responses	Should be equal charges for all applicants, too hard to administer different regimes for different applicants.
	One view - should be no charges at all
	One view - should be flat rate - one application fee and then no other charges
	One view - should charge second applicant the same as the first applicant when seeking access to the same documents.
8.3	*Should the processing period be suspended when a non-profit organisation applicant is waiting for a financial hardship status decision from the Information Commissioner?*
Response	Yes
8.4/8.5	*Should the RTI Act allow for fee waiver for applicants who apply for information about people treated in multiple HHSs?*

Response	One application to be accepted by Queensland Health - the first hospital for example gets the money and if there are other hospitals affected by the same application and scope the application should be transferred to each relevant HHS with no extra application fee. Processing charges, where relevant should still apply.
9.1	*Should internal review remain optional? Is the current system working well?*
Responses	Leave IR as optional as the decision remains with the applicant as to which option they prefer.
	One view IR should be removed altogether and first line of review is current ER with OIC.
9.2	*If not, should mandatory internal review be reinstated, or should other options such as a power for the Information Commissioner to remit matters to agencies for internal review be considered?*
Response	No for both
9.3	*Should applicants be entitled to both internal and external reivew where they believe there are further documents which the agency has not located?*
Response	Sufficiency of search (as a reviewable decision) should be reinstated only where the applicant provides reasons as to WHY they believe additional documents exist or have not been located?
9.4	*Should there be some flexibility in the RTI and IP Acts to extend the time in which agencies must make internal review decisions? If so, how would this best be achieved?*
Response	Yes - extensions by agreement, third party consultation
9.5	*Should the RTI Act specifically authorise the release of documents by an agency as a result of an informal resolution settlement? If so, how should this be approached?*
Response	Yes - letter of authority/release

9.6	*Should applicants have a right of appeal directly to QCAT? If so, should the Commonwealth model be adopted?*
Response	Split view between yes and no - only on questions of law however.
10.3	*Should the Acts provide additional powers for the OIC to obtain documents in performance of its performance monitoring, auditing and reporting requirements?*
Response	No
10.4	*Should legislative time frames for external review be reconsidered? Is it appropriate to impose timeframes in relation to a quasi-judicial function?*
Response	Yes
10.5	*If so, what should the timeframes be?*
Response	6 months
11.1	*What information should agencies provide for inclusion in the Annual Report?*
Responses	Full/Part/Refusals
	Total numbers of applications received/decided
	Personal/Non-Personal/Combination applications (total number)

	Percentage of documents released in full/part
12.1	*Are there any other relevant issues concerning the operation of the RTI Act or Chapter 3 of the IP Act that need to be changed?*
Responses	* Rename the Act to Freedom of Information Act
	* Financial Hardship applications should apply to the application fee
	* Clarify what is a decision/access for the purposes of the disclosure log eg deffered documents, additional documents released during internal or external reviews. Are the documents uploaded once or at all stages and the original overridden or is each stage reflected individually.
	* Definition for "as soon as practicable" - eg 24 hours, 10 working days etc.
	* Disclosure Log should only include "useful" documents and not documents that don't make sense once the 78B requirements have been applied to the documents.
	* Disclosure Log - is it about release of "government information" eg decisions about legislation, policy, procedures or all information which includes, investigations into incidents, assaults, claims for compensation etc.
	* IP Act refers to "to the extent of" - if the Acts are not merged for access and amendment then this needs to be clarified as the OIC interpretation is that documents containing personal information are in scope of an IP application whereas the words appear to indicate ONLY the personal information of the applicant is within scope not the whole document the personal information appears on.