

Right to information and privacy jurisdictions of QCAT

The Queensland Civil and Administrative Tribunal (QCAT) delivers justice in a way that is independent, efficient, expert, accessible, flexible and able to adapt to future demands.

Right to information and privacy jurisdictions of QCAT

People can use two different Acts to access information held by the Queensland Government: the *Information Privacy Act 2009* (IP Act) and the *Right to Information Act 2009* (RTI Act).

The IP Act creates a right for individuals to apply for their own personal information and to request corrections to information they consider to be incorrect. The RTI Act creates a right for individuals to apply for non-personal information including information relating to another person.

From 1 December 2009 these two Acts also created new jurisdictions for QCAT.

Applications to QCAT under the RTI Act and IP Act regarding access

The Information Commissioner (IC) reviews refusals by agencies to provide access to documents. During an external review the IC may refer a question of law to QCAT in its original jurisdiction. QCAT must be constituted by one judicial member. A person may be represented by a lawyer.

- Form 35: Referral of a matter (non-disciplinary) available at www.qcat.qld.gov.au/forms.htm

A party to an external review may appeal to the QCAT Internal Appeal Tribunal against the IC's decision on a question of law. QCAT must be constituted by one judicial member. A person may be represented by a lawyer.

- Form 39: Application for leave to appeal or appeal available at www.qcat.qld.gov.au/forms.htm

A non-profit organisation may apply to the IC to request fees for access to documents be waived. The organisation may apply to QCAT for review if the IC refuses to grant the waiver.

- Form 23: Application to review a decision available at www.qcat.qld.gov.au/forms.htm

A person may be declared by the IC to be a vexatious applicant. This means they can only make an RTI or information privacy application with the IC's approval. A person declared a vexatious applicant may apply to QCAT for a review of that declaration.

- Form 23: Application to review a decision available at www.qcat.qld.gov.au/forms.htm

Applications to QCAT under IP Act 2009 regarding privacy complaints

An individual may make a privacy complaint to the IC who will attempt to mediate the complaint between the complainant individual and the respondent agency. An agreement resolving the complaint may be filed by the complainant or the respondent with QCAT.

- Request to file agreement available at www.qcat.qld.gov.au/forms.htm

A privacy complaint that cannot be resolved by mediation must be referred by the IC to QCAT if asked to do so by the complainant (the party making the original complaint). The complainant and respondent are parties to the proceeding. The complainant is taken to be the applicant.

- Form 35: Referral of a matter (non-disciplinary) available at www.qcat.qld.gov.au/forms.htm



The IC may give an agency a compliance notice where the agency is in breach of the IP Act. The agency may apply to QCAT for a review of the decision. The agency and the Information Commissioner are parties to the review.

- Form 23: Application to review a decision available at www.qcat.qld.gov.au/forms.htm

More information on RTI and privacy can be found on the Information Commissioner's website at www.oic.qld.gov.au

Fees

Fees apply for some types of applications to QCAT. A full list of QCAT fees and allowances is available on the QCAT website.

Contact information

QCAT

Address: Level 9, Bank of Queensland Centre,
259 Queen Street, Brisbane, 4000
Post: GPO Box 1639, Brisbane Qld 4001
Phone: 1300 753 228
Email: enquiries@qcat.qld.gov.au
Website: www.qcat.qld.gov.au

Contact details for local Magistrates Courts are available in the phone book or at www.courts.qld.gov.au.

Dispute Resolution Branch

Phone: 07 3239 6269 or 1800 017 288 (toll free outside of Brisbane)
Website: www.justice.qld.gov.au