

RIGHT TO INFORMATION POLICY

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Policy Snapshot

This Policy sets out the approach which will be taken by Titles Queensland in respect of Right to Information and Information Privacy matters under the *Right to Information Act 2009* (Qld) and *Information Privacy Act 2009* (Qld) sets out the way in which Applications are made and assessed and defines the rules and authority parameters within which Right to Information and Information Privacy matters are managed by Titles Queensland.

1. Policy objective

Titles Queensland undertakes Titles Registry Functions relating to the administration of the land registry, water allocations register and foreign ownership of land registry pursuant to the Enabling Act. The Enabling Act declares Titles Queensland a 'public authority' for the purposes of the *Right to Information Act 2009* (Qld) and the *Information Privacy Act 2009* (Qld) to the extent Titles Queensland is performing a Titles Registry Function.

The RTI Legislation provides a formal process for members of the public to apply for access to documents or information in an authority's possession or control. The RTI Legislation requires an authority to release any documents and information within the scope of the legislation, unless doing so would not be in the public interest.

The RTI Legislation and the Enabling Act therefore requires Titles Queensland to comply with the RTI Legislation and allow access to certain documents and information in the control of Titles Queensland that relates to Titles Queensland performing a Titles Registry Function.

This Policy sets out how Right to Information and Information Privacy requests will be managed by Titles Queensland.

2. Roles and Responsibilities

This Policy applies to Titles Queensland and all Titles Queensland Employees and contractors and members of the public but:

- (a) only applies to the extent that the document or information being sought is held by Titles Queensland performing a Titles Registry Function; and
- (b) does not apply to documentation or information held by any related entities of Titles Queensland or shareholders.

3. Key terms/ definitions

Applicant	means a person who makes an Application.
Application	means a Right to Information and Information Privacy Access Application in the Approved Form.
Approved Form	means the form in Appendix B.
Employees	means all employees and contractors of Titles Queensland, whether on a full time, part time or casual basis.
Enabling Act	means <i>Queensland Future Fund (Titles Registry) Act 2021</i> (Qld) as amended from time to time.
IP Act	<i>Information Privacy Act 2009</i> (Qld).
LTA	means the <i>Land Title Act 1994</i> (Qld).
Personal Information	means information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.
Policy	means this Right to Information Policy including any annexures or schedules.
RTI Act	means the <i>Right to Information Act 2009</i> (Qld).
RTI Legislation	means the RTI Act and the IP Act.
RTI Regulation	means the <i>Right to Information Regulation 2009</i> .
Titles Queensland	means Queensland Titles Registry Pty Ltd ACN 648 568 101.

**Titles Registry
Function**

has the meaning given to it by section 5 of the Enabling Act.

4. RTI Applications

Whether an Applicant is applying for access to information under the RTI Act, or under the IP Act, access must be requested by way of an Application. Whether an Application is lodged under either the RTI Act, or the IP Act, depends on:

- (a) where all of the documents that the Applicant is applying for contains the Applicant's Personal Information, or the Applicant is acting on behalf of another person and all of the documents contain that person's Personal Information, the Application is made under the IP Act (and no Application fee is payable); or
- (b) in all other cases, the Application is made under the RTI Act (and an Application fee pursuant to the RTI Act is payable).

Access is subject to the RTI Legislation and there are certain restrictions which apply. This Policy summarises the key considerations for an Application.

Before Submitting an Application

Titles Queensland manages functions relating to the land registry and water allocations register. Accordingly, under section 35 of the LTA, a person may, on payment of the relevant titles registry fee, search and obtain a copy of information kept in the register (i.e., in relation to the indefeasible title of a lot, a registered instrument, an instrument lodged but not registered, or other information kept under the LTA).

Before submitting an Application, an Applicant must check to see if the information is available by means other than by making the Application. For example, this may include:

- (a) the information sought may be available on the Titles Queensland website;
- (b) the information sought may be available for purchase through the 'searches' tab of the Titles Queensland website; or
- (c) if the information sought is still not able to be found on the Titles Queensland website, a phone call or an email to Titles Queensland can confirm whether the information can be made available.

If the information cannot be accessed through existing channels including those mentioned above, the applicant may submit an Application.

Submitting an Application

The Applicant must submit an Application in the Approved Form to Titles Queensland to the mailing address or email, as specified at Appendix A..

Applications must align with requirements in the RTI Legislation. Some key items to consider include:

- (a) The RTI Legislation does not affect the operation of another act that enables a member of the community to access documents or information, whether or not on payment of a charge (i.e., section 35 of the LTA).
- (b) Where an Application is lodged under the RTI Legislation, proper consideration must be given to:
 - (i) whether the Application is in the Approved Form;
 - (ii) whether the Application gives sufficient information concerning the document to which access is being requested so that the document can be appropriately identified;
 - (iii) whether the Application states an address to which notices under the RTI Legislation may be sent to the Applicant;
 - (iv) whether the Application states if access is sought for the benefit of or use of the document by the Applicant, or another entity and if it is another entity, whether the name of the other entity has been provided;
 - (v) if the Application is in respect of a document containing Personal Information of the Applicant, whether evidence of identity of the Applicant has been received by Titles Queensland within 10 business days after making the Application (or if an agent is acting for the Applicant, evidence of the agent's authority and identity); and
 - (vi) if the Application is lodged under the RTI Act, whether the Application is accompanied by the Application fee.

Where an Application in the Approved Form is submitted to Titles Queensland at the details provided at Appendix A, the Application will be forwarded to the Manager of Governance, Titles Queensland, who will take carriage of the Application.

Approval of access

Titles Queensland will assess the Application and if the request complies with the RTI Legislation, access to the document will be given to the Applicant.

As required by section 78A of the RTI Act, Titles Queensland will maintain and update a disclosure log to reflect the document that has been made available to the Applicant, provided it does not contain Personal Information.

If access is refused due to non-compliance with the RTI Legislation, in accordance with section 33 of the RTI Act or section 53 of the IP Act (as the case may be), the Applicant will be informed within 15 business days of receipt of the Application by Titles Queensland, as to the reasons why it does not comply with the requirements.

Fees and charges

The fee payable for an Application under the RTI Act is the fee set out in the RTI Regulation or the RTI [website](#) and if applicable, processing fees for time spent on the Application.

There is no fee payable for an Application under the IP Act.

Timeframes

Valid Applications will be processed within 25 business days of receipt of the Application. A further 10 business days can be added to this timeframe by Titles Queensland if consultation with third parties is required.

Titles Queensland may negotiate a further extension of time with the Applicant if additional processing time is required. This extension of time does not affect an applicant's right of review.

Rights of review

If the Applicant is dissatisfied with an access decision made by Titles Queensland, the Applicant can:

- (a) **Internal review:** Apply to have the decision examined under internal review by the Chief Executive Officer. An application to have a decision internally reviewed must be made within 20 business days of the date of the written notice communicating the original decision.
- (b) **External review:** The Applicant may apply for an external review directly with the Office of the Information Commissioner, irrespective of whether Titles Queensland has internally reviewed the decision. Alternatively, if the Applicant in the first instance applies for an internal review and is dissatisfied with the internal review decision, the Applicant may apply for an external review of the internal review decision. An Applicant cannot apply for an internal review after an external review.

The Applicant must apply in writing to the Information Commissioner within 20 business days of the date of the internal review decision, or within 20 business days of the original decision if the Applicant elects to bypass internal review and proceed directly to an external review.

See Appendix A for details of Titles Queensland for an internal review, or of the Office of the Information Commissioner for an external review.

5. Application made under incorrect legislation

The Applicant must carefully consider the Application Form and the information or document for which access is requested, to confirm whether the Application is to be made under the RTI Act, or under the IP Act.

Importantly, where an Application is lodged under the IP Act (i.e., requesting access to the Applicant's Personal Information only), no Application fee is payable.

If an Application is purportedly made under the IP Act (without payment of any fee), but the Application requests access to documents other than to the extent of the Applicant's Personal Information, then:

- (a) Titles Queensland will contact the applicant within 15 business days after the Application is received, informing the applicant that it is not an Application under the IP Act, and the Application could have been made under the RTI Act upon payment of the Application fee;

- (b) Titles Queensland will liaise with the applicant to have the Application dealt with under the RTI Act by paying the Application fee;
- (c) If the Application fee is paid, the Applicant is taken to have made the Application under the RTI Act on the date of the payment; and
- (d) If the Application fee is not paid, Titles Queensland will again consider whether the Application is one that can be made under the IP Act and within 10 days, give the Applicant written notice of its decision.

6. References

6.17 Privacy Policy

Privacy Act 1988 (Cth)

Information Privacy Act 2009 (Qld)

Right to Information Act 2009 (Qld)

Appendix A – Contact Details

Contact	Details
Titles Queensland details	<p>Postal address:</p> <p>Titles Queensland GPO Box 1401 Brisbane QLD 4001</p> <p>Phone contact and email:</p> <p>07 3497 3479 RTI@titlesqld.com.au</p>
Office of Information Commissioner Details	<p>Postal address:</p> <p>Office of the Information Commissioner PO Box 10143, Adelaide Street Brisbane QLD 4000</p> <p>Email:</p> <p>administration@oic.qld.gov.au</p>

Appendix B – RTI Application Form

b. The type of documents (e.g. internal memos, emails)

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c. The time period / date range you would like us to search within (e.g. September 2011 - June 2012)

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d. Relevant document reference numbers (if known)

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e. Where you think the documents may be located (e.g. facility, business area, unit, person)

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f. Any other details you believe will assist us in dealing with your application Note: Include additional information that the agency requires in the space provided or as an attachment to your application (e.g. date of birth will assist in locating relevant files to distinguish you from someone with the same name)

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7. Preferred access type (tick one):

Note: Your preferred access type may not be available. If you choose to access documents by email, CD, DVD or inspection, there will be no charge for this access.

- Inspect document/s
- Photocopy of document/s (charges may apply)
- Document/s sent to me by email
- Copy of the document/s on DVD
- Copy of the document/s on CD

Note: Information that is released following an application under the RTI Act, and is not the applicant's personal information, may be published in an online disclosure log. See privacy notice.

8. Evidence of identity

If you are seeking access to documents that contain personal information either in relation to you or on behalf of another person, you must provide evidence of your identity with this application or within 10 business days of making this application in order for your application to be processed. If you are seeking documents on someone's behalf, both parties must provide evidence of their identities. (If you are not seeking any personal information, you are not required to provide evidence of your identity.)

Applying:

by post — attach a **certified copy** of your identification document to this application form.

in person — produce the original identification document for the RTI officer to sight.

by email or fax — post or present a **certified copy** of the identification document to the relevant agency to which you are applying for information. (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 or in the case of a prisoner, a corrective services officer. 'refer note below')

Note: 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 a corrective services officer
- Statutory declaration of an individual who has known the applicant for at least one year (A declaration template can be downloaded at www.court.qld.gov.au/forms).

SPLES7813 V09 29 January 2020 / Form 1 RTI-IP

9. Financial hardship

Concession card holders - Application for financial hardship must be made in writing to the relevant agency. If you hold a valid concession card, and you are seeking a waiver of processing and access charges, you must show RTI officer your card (or attach a copy of the card to your application).

Note: *Not all concession cards are accepted. Please contact the RTI officer to be sure your card qualifies.*

Non-Profit organisations - If you have **financial hardship status**, you must provide the RTI officer with a copy of the notice from the Office of the Information Commissioner showing that financial hardship status has been granted.

Note: *If you are a non-profit organisation and have sought financial hardship status under the RTI Act, do not submit this application until you have advice from the Office of the Information Commissioner about whether financial hardship status has been granted. If financial hardship status is granted, this status will remain current for one year from the date of the Information Commissioner's decision, unless there is a substantial improvement in your organisation's financial circumstances.*

10. Payment of application fee

Please confirm with the agency you're applying to how you should pay your application fee.

Declaration

Privacy Notice: The information you provide on this form will be used by the agency you have applied to, to deal with your application as set out in the *Right to Information Act 2009* or the *Information Privacy Act 2009*.

If you have applied under the RTI Act to a department or Minister only: Once the department or Minister receives your valid application, the date you applied and what you are applying for will be published online in their disclosure log. If the department or Minister gives you access to a document, and if the document contains no personal information about you, the document will be published online in the department or Minister's disclosure log, along with your name and, if another person, company or body will use or benefit from the documents sought, the name of that person, entity or body. The department or Minister may remove some information from the document before it is published—for example, information that may be defamatory.

If you have applied to an agency other than a department or Minister, documents which do not include your personal information may be published on a disclosure log.

I declare that:

- The information provided in this form is complete and correct
- I have read the privacy notice
- Where applicable, I have attached documents required for the purpose of this application
(*e.g. evidence of identity, authorisation to act on another person's behalf, evidence of financial hardship status*)
- If I cannot attach any required copies of documents, I will provide them to the agency within **10 business days** of making this application
- I have included any relevant application fee/s (*fees are based on the type of application, see section 1*)

I understand that it is an offence to give misleading information about my identity, and that doing so may result in a decision to refuse to process my application.

Signature

Date

..... / /

Office Use Only

Date received RTI Ref / IP Ref

____ / ____ / ____ _____

Application Fee Received No Yes Date ____ / ____ / ____

Satisfied as to Identity of Applicant No Yes Date ____ / ____ / ____

Identity Document Sighted No Yes Date ____ / ____ / ____

Receiving Officer (print name)

Decision Maker Assigned to Application (print name)