

# RIGHT TO INFORMATION / INFORMATION PRIVACY

- POLICY:** This policy outlines Ports North's approach to making information available to the community while providing appropriate protection for individuals' privacy.
- BACKGROUND:** The Right to Information Act 2009 (RTI Act) and the Information Privacy Act 2009 (IP Act) replace the previous Freedom of Information Act.
- The RTI Act promotes the right of the public to access information and records held by State Government Departments including Government Owned Corporations (GOC).
- Ports North, is subject to the Right to Information Act 2009 and accordingly acknowledges the right of the public to seek access to documents held by Ports North, unless the disclosure of information would on balance, be contrary to the public interest. Factors favouring non-disclosure of information in the public interest are outlined in the RTI and IP Acts.
- The RTI Act also requires GOCs to publish a publication scheme on their websites which includes a disclosure log of documents that have been released in response to an RTI application.
- The IP Act sets out ways in which GOCs must handle the collection, storage, access and disclosure of personal information. The IP Act also provides for applications to amend documents held by the GOC, to the extent the documents contain the applicant's personal information.
- APPLICABILITY:** This policy applies to all documents, both created and received, that provides evidence of the decisions and actions of the corporation while undertaking its business activities and applies to all Directors, employees and contractors of Ports North.
- DEFINITIONS:**
- Documents** – are any form of recorded information, both created and received, that proves evidence of the decisions and actions of the corporation while undertaking its business activities. The RTI Act does not apply to documents received or brought into existence by a GOC in the course of its commercial activities prior to 1 July 2009.
- Disclosure Log** – A list of the documents released in response to an RTI application.
- Publication Scheme** – Sets out information made publically available by the Corporation and the terms under which the information is available.
- Personal Information** – is an opinion or information, whether true or false, that identifies an individual. It does not have to be written and can be spoken or contained in a database or a computer screen or photograph or visual or audio recording.

## PROCEDURES/ GUIDELINES

### Right to Information

Ports North has a detailed procedure (**Attachment 1**) that will be followed to process RTI and IP access applications. This procedure is available under Policies on Iport and is available under the Release of Information Publication Scheme on the website.

In accordance with the RTI and IP Acts, the Chief Executive officer (CEO) is the 'principal officer' and is the person responsible for determining the outcome of any applications under the Acts. The CEO has the right to delegate this power to the General Manager Corporate Services (GMCS) who is the RTI Officer.

As RTI Officer the GMCS is responsible for making initial decisions regarding the release of documents within the time periods stipulated in the Act. The RTI Officer will liaise with RTI applicants and other service units regarding access to documents.

The CEO is also responsible for formal internal reviews of decisions made by the RTI Officer, if so requested by the applicant.

### Personal Information Collected and Used by Ports North

Ports North collects, stores and uses a range of personal information and any personal information collected will only be used and disclosed for the purpose for which it has been provided for or as authorised by law.

#### ***General Public***

Visits to the Ports North website are recorded for statistical purposes only. These electronic logs are maintained for the life of the internet server. System administrators hold this information and access is restricted.

Email correspondence via the Ports North website or email address and including correspondence received in hard copy will be treated as a record and will be retained as required.

#### ***Customers & Vendors***

Personal information concerning customers and vendors is collected and maintained to facilitate normal business processes. In general the records include information such as name and address details, financial information, referee details, bank and credit card details.

#### ***Stakeholders***

Ports North collects and uses personal information from stakeholders to effectively work with them and to facilitate distribution of corporate communication such as annual reports, etc. and other matters.

#### ***Employees***

Ports North holds a range of personal information on employees for the purpose of maintaining employment history, payroll and administrative information relating to all employees including Directors and contractors. This information is stored electronically and on paper files (locked in secure filing cabinets) with restricted access.

Information may be disclosed to organisations such as Centrelink, Australian Taxation Office, Police and Q-Super for taxation, superannuation or legal reasons. This information may also be disclosed to third parties with approval from the employee.

### ***Job Applicants***

Ports North collects personal information as part of recruitment and this information is retained in locked secure filing cabinets with restricted access.

Personal Information collected by Ports North will be protected against loss, unauthorised access, use, modification or disclosure.

All records relating to personal information are retained by Ports North for variable periods according to the provisions of Ports North's Retention and Disposal Strategy.

**POLICY REVIEW:** The policy will be reviewed every three years by the custodian and any recommended changes approved by the approving authority.

### **RELATED MATTERS**

<b>APPROVED BY:</b>	Board	<b>DATE:</b>	28 May 2010
<b>APPROVING AUTHORITY</b>	Audit and Risk Committee		
<b>DELEGATION INSTRUMENT</b>	Board Resolution – 28 May 2010		
<b>CUSTODIAN:</b>	General Manager Corporate Services		
<b>COMMENTS:</b>	Reviewed by the Audit and Risk Committee – 23 August 2011 Reviewed by the Audit and Risk Committee – 22 August 2014 Reviewed by the Audit and Risk Committee – 20 November 2015		



# RIGHT TO INFORMATION / INFORMATION PRIVACY

## ACCESS APPLICATIONS

Date	Custodian
August 2011	General Manager Corporate Services
August 2014	General Manager Corporate Services
November 2015	General Manager Corporate Services

## 1. PURPOSE

To establish and maintain a procedure to process Right to Information and Information Privacy access applications to meet requirements of the Right to Information Act 2009 (RTI), and the Information Privacy Act 2009 (IP).

## 2. BACKGROUND

The RTI Act promotes the right of the public to access information and records held by Government Owned Corporations (GOC). Ports North is subject to the RTI Act and accordingly acknowledges the right of the public to seek access to documents held by Ports North, unless the disclosure of information would on balance, be contrary to the public interest.

The IP Act provides individuals with a right to amend personal information held by GOCs, if that information is believed to be inaccurate, incomplete, or out of date or misleading.

## 3. DEFINITIONS

**Documents** – are any form of recorded information, both created and received, that provides evidence of the decisions and actions of the corporation while undertaking its business activities. The RTI Act does not apply to documents received or brought into existence by a GOC in the course of its commercial activities prior to 1 July 2009.

**Disclosure Log** – A list of the documents released in response to an RTI application.

**Publication Scheme** – Sets out information made publically available by the Corporation and the terms under which the information is available.

**Personal Information** – is an opinion or information, whether true or false, that identifies an individual. It does not have to be written and can be spoken or contained in a database or a computer screen or photograph or visual or audio recording.

## 4. FORMAL APPLICATION

In order for a request for information to be processed, a valid application must be submitted. There is one form for both RTI and IP access applications and a form for IP amendment applications. Refer Attachment 1 for information on the application process and relevant forms.

### **A valid application must:**

1. Be on an approved form (available from: [www.rti.qld.gov.au](http://www.rti.qld.gov.au))
2. Provide sufficient information to identify the document(s)
3. State a mailing address
4. Be accompanied by a fee of \$46.40 (RTI applications only)
5. Evidence is required for access to personal information within 10 business days after making the application (must be certified copy if forwarded by post). Evidence of identity includes:
  - Current driver's licence
  - Identifying page of current passport
  - Birth Certificate

- Identity Card
- Statutory Declaration of an individual who has known the applicant for at least one year

## 5. COST OF APPLICATION

### Personal information

No application fee. Access fees may apply (for example, photocopying and postage).

### Non personal information

**\$46.40** application fee must be paid. Other charges as determined in the Act apply to applications that require more than five hours of processing. Access charges may also apply. These charges may be waived as determined by Ports North or if the applicant can demonstrate financial hardship

## 6. PROCESSING OF APPLICATION

The processing period for RTI and IP applications is a period of twenty-five (25) business working days or thirty-five (35) days if consultation with a third party is required.

The processing period may also be extended if:

- the application is transferred to another Government Agency (period extended by no more than 10 business days);
- the applicant is given a charges estimate notice (period commencing from when notice issued to the day applicant confirms or agrees to narrow the application);
- Upon request of Ports North to the applicant
- Notice given to applicant because work involved in dealing with application would unreasonably divert resources or substantially interfere the performance of Ports North's functions (period extended by prescribed consultation period outlined in notice).

## 7. NON-DISCLOSURE OF INFORMATION

Access to information is based on the presumption that information held by Ports North is open and accessible and the release of information would, on balance, not be contrary to public interest. Factors favouring non-disclosure in the public interest are defined in the RTI and IP Acts. Some common non-disclosure factors would be documents subject to:

- ongoing deliberative process;
- legal professional privilege;
- information disclosure of which would found an action for breach of confidence; and
- prejudice an individual's right to privacy and personal information including personal information of a deceased person

## 8. GIVING ACCESS

The applicant is to be notified in writing of the decision to grant access. Copies of documents may accompany the notification which should be mailed to the applicant via registered mail. An applicant is entitled to access the information within forty (40) days after the date of the decision to grant access.

## 9. REVIEW RIGHTS

Two options are available to an individual who is not satisfied with the granting of access decision -

### **The individual may apply for an internal review:**

- Under section 80 of the RTI Act an application for internal review must be made in writing to Ports North within twenty (20) business days after the day on which the decision is received. No specific form of application is required. The application can be lodged:
  - In person
  - By post
  - Via facsimile
  - Via email to the RTI Officer

The internal review is to be undertaken by an officer more senior to the original decision maker.

### **The individual may apply for an external review:**

- The application should be lodged in writing within twenty (20) business days after the date of the decision letter. The application should be lodged with the Information Commissioner in one of the following ways:
  - In person: Level 4, , 300 Adelaide Street, Brisbane
  - Post: Office of the Information Commissioner  
PO Box 10143, Adelaide Street  
Brisbane QLD 4000
  - Fax: 07 3005 7150
  - Email: [administration@oic.qld.gov.au](mailto:administration@oic.qld.gov.au)
  - Online: [www.oic.qld.gov.au/application-external-review](http://www.oic.qld.gov.au/application-external-review)

An applicant does not have to have an internal review prior to applying for an external review.

## 10. DISCLOSURE LOGS

Upon a decision made by Ports North to give access to documents that do not contain personal information, Ports North is required to provide details of the disclosed documents in a disclosure log available on its website.

## Attachment 1

## Right to Information/Information Privacy flow sheet

