



Purpose

To outline the obligations of the Office of the Health Ombudsman (OHO) in relation to the administrative release of information.

Application

This policy applies to all employees of the OHO, including temporary and contract employees.

Legislative provisions

- *Human Rights Act 2019* (Qld)
- *Information Privacy Act 2009* (Qld)
- *Right to Information Act 2009* (Qld)

Policy statement

The administrative access policy allows the OHO to give access to certain types of information as a matter of course without the need for a formal application under legislative measures such as the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

Administrative access is designed to facilitate access to an individual's own personal information and/or routine non-sensitive information.

Individuals should be given access to their personal information, except where legislation prevents such release, or the information concerns the affairs of other individuals, and its release could be of concern to that individual.

It is to be noted that this policy does not have the right of review available to applicants under statutory access schemes.

Principles

Policy 1

Since the commencement of the RTI and IP Acts and the emphasis on releasing information both proactively and administratively as a matter of course, the OHO has established an administrative access policy to reduce the instances where individuals are required to make a formal application under the RTI Act or the IP Act to access information.

Policy 2

The OHO acknowledges the right of the public to have access to public records, the right of an individual to access their personal information held by the OHO, and an individual's right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with.¹

¹ *Human Rights Act 2019* (Qld), s 25



Policy 3

An administrative process for releasing information is distinct from other legislative processes like those under the RTI Act or the IP Act.

Generally, administrative access releases information which is non-sensitive in the hands of the individual it is provided to. Although, sensitive information may be released in some cases under administrative access. The Senior Release of Information Officer, who considers releasing the information, must take into account relevant factors, such as, who is requesting the information, when assessing whether the information should be released or whether the information may be a breach of another individual's privacy.

Policy 4

Releasing information administratively offers reduced waiting times to access information and increases the transparency of government information. Administrative release may also reduce the volume of formal access applications made under the RTI Act or IP Acts.

Roles and responsibilities

The Health Ombudsman, Executive Directors and Directors are responsible for disseminating this policy to staff in their division.

Managers and team leaders have a responsibility to support the use of this policy and ensure that staff releasing information under this policy have the required level of training and knowledge.

The Senior Release of Information Officer has primary responsibility of administrative access requests under this policy.

All staff must ensure that they understand and comply with the requirements of this policy.

How to apply

Requests for administrative access to information must be in writing and can be made by email or post. Please ensure the request is addressed to the Senior Release of Information Officer. The requests should include the following information:

- Clearly identify which documents are being sought, including an OHO case reference if available
- Evidence of identity. The most common method of providing evidence of identity is by way of a certified copy. A copy of the evidence of identity document must be certified as a correct copy of the original by a 'qualified witness' which means a Justice of the Peace, lawyer, Commissioner for Declarations or notary public.

Valid forms of identify include:

- a passport
- a copy of a birth certificate or extract
- a drivers licence



- a statutory declaration from an individual who has known the person for at least one year for a prisoner only:
- a copy of a prisoner's identity card that is certified by a Corrective Services officer. Requests to access information administratively need to be sent by:

Email: rti@oho.qld.gov.au

Post: Senior Release of Information Officer
Office of the Health Ombudsman
PO Box 13281 George Street
Brisbane Qld 4003

Requests for other information

Other information held by the OHO may be available by application under the RTI Act or IP Act. Information on how to make an application can be located on the OHO website <https://www.oho.qld.gov.au/about-us/right-to-information>. A copy of the *Right to Information and Information Privacy Access Application form* can be located at https://www.rti.qld.gov.au/data/assets/pdf_file/0005/133277/RTI-Access-App-form.pdf

For further information on the process, questions should be directed to the Senior Release of Information Officer.

Definitions

Administrative release	The release of information in response to a request other than by application under the RTI or IP Act or other legislative process.
Personal information	Information or opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not; and whether the information or opinion is recorded in material form or not.
RTI/IP Acts	The RTI Act and IP Act require government agencies to make information available to the public unless there is a good reason not to. Government information should, where possible, be given through informal means like an agency's website, publication scheme, or through administrative release.


Version control

Version no.	Changes made
1.1	Updates made to previous policy, including inclusion of how to apply for administrative release of information and how to request other information.

Approval

Effective date	September 2020
Last reviewed	January 2024
Next review	January 2025



Contact	Senior Release of Information Officer
Custodian	Executive Director, Legal Services & Director of Proceedings
Approved by	Health Ombudsman
Approval date	11 March 2024
Signature	
Security classification¹	Official

¹ NB. This footnote is intended to provide guidance when deciding the security classification of information.

Official – routine information without special sensitivity or handling requirements and a low business impact per document if compromised or lost. For example, information that may be shared across government agencies.

Sensitive – information that requires additional handling care due to its sensitivity or moderate business impact if compromised or lost. For example, information containing legal professional privilege.

Protected – information that requires the most careful safeguards due to its sensitivity or major business impact if compromised or lost. For example, cabinet documents.