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Administrative Access Scheme

A way of providing the public with access to information

For Central Office, Regional Offices and
District Offices



Queensland Government



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Administrative Access Scheme

A way of providing the public with access to information

Purpose

This scheme guides (Department of Education and Training) DET employees and senior management through the process of releasing certain types of DET documents into the community *administratively* when requested. An administrative process for information release is distinct from legislative processes like those under the *Right to Information Act 2009* (RTI), *Information Privacy Act 2009* (IP) or *Public Service Regulation 2008* (as examples). Administrative release of information can offer the public shorter waiting times for access to information, increased transparency of government information and may result in a reduction in the volume of access requests made under RTI or IP in the long-term. Further, administrative release allows DET to give a complete picture in relation to the information it releases, and minimise the risk that information might be used out of context.

Administrative access is - providing access to information other than under legislation.

Background

In 2008, the Premier commissioned a review of Queensland's freedom of information laws and requested a report on changes to give the community greater access to information.

Dr David Solomon produced the report - *The Right to Freedom of Information – Reviewing Queensland's Freedom of Information Act* (Solomon Report). It made 141 recommendations for change including new laws to replace the *Freedom of Information Act 1992* and Information Standard 42 (Information Privacy). In its response to the Solomon Report¹, the Government supported the majority of the recommendations, agreed to overhaul the Queensland government's approach to the release of information and stated the overriding principle that: "...the community has a right to information held by the government."

The Solomon Report² recommended moving away from the 'pull' model (under which government information is released only when there is a request for that information) in favour

¹ *The right to information – A response to the review of Queensland's Freedom of Information Act* (Government Response).

² Recommendation 2.



of a 'push' model where information is routinely and proactively released without the need for a triggering access request.

The Government has committed itself to the 'push' model and accepted Solomon's recommendations for greater proactive release of information. There are various ways in which agencies are achieving this -

- publication schemes: A publication scheme is a web-based tool which set out the agency's key information-holding in areas like services, finances, priorities, decisions and policies. From the 09/10 financial year onwards, publication schemes will replace the traditional Statement of Affairs.
- disclosure log: A disclosure log is another web-based tool that allows the public to access documents released under non-personal Right to Information applications. Disclosure logs will continue to publish the documents released under the RTI regime into the future.
- increased administrative release through executive discretion; and
- administrative access schemes.

DET's publication scheme is available at <http://deta.qld.gov.au/right-to-information/published-information.html> and disclosure log at <http://deta.qld.gov.au/right-to-information/disclosure-logs.html>.

Solomon also advocated greater administrative release of information through the exercise of executive discretion in good faith and in the appropriate circumstances (with sufficient legal protection).³ DET will achieve this by marking certain types of information (such as new policy) for 'proactive release' at the development stage and following through with proactive publication when the relevant work is complete.

Finally, Solomon recommended that agencies implement administrative access schemes for appropriate information sets only. This document establishes DET's administrative access scheme for particular information sets. Please see Attachment 2 for more information.

³ Recommendation 3.



Application

This scheme applies:

- from **1 July 2009** onwards;
- to DET Central Office, Regional Offices and District Offices;
- to requests by persons or entities outside of government for access to DET documents for any reason - except in relation to requests from the media, or requests by current employees for their 'employee records';
- to existing DET documents (i.e. there is no positive requirement to 'create' new documents in response to a request but, if reasonably practicable, it can be a helpful way to respond to a request);
- to information which is not already publicly available;
- without limiting or impeding the operation of any legislation or current policies and procedures including administrative access arrangements in place in schools.
- Community Engagement and Partnerships will continue to use existing processes to manage requests for information from the media – consistently with the central tenet of the new Right to Information access regime that *the community has a right to information held by the government*;
- Human Resources (HR) will manage requests from current employees for their 'employee records' under the *Public Service Regulation 2008* – consistently with the central tenet of the new Right to Information access regime that *the community has a right to information held by the government*.



Definitions

Administrative release means disclosure of requested information outside of any legislative process but without breaching existing law or other obligations.

Approval Guidelines means the flow chart set out at Attachment 3 and the related attachments (5, 6, 7 and 8).

Business Unit or Team means a DET officer's work area (i.e. as defined by the current DET organisational chart).

Category means the *types* of information falling under the various Information Sets. (e.g. under the Finance Information Set, there is only one Category - 'Financial management'). The IAO's role is to collate all relevant Category documents that serve to answer the request for information. Please note that under the DET Business Classification Plan, a Category is called a 'Keyword'.

DET Business Classification Plan means the department's quick guide to controlled vocabulary used for classifying, titling and indexing records – available here <https://oneportal.deta.qld.gov.au/Services/InformationTechnology/Forms/Documents/busclassplan.pdf>

Document means any document in DET including electronic records, audio and video tapes, disks and reports.

Document Classification Table means the table set out at Attachment 1.

Information Access Officer (IAO) in accordance with *Section 5. Information release, access and use* of the Department's Information Management Procedure, this means the member of each Business Unit or Team who is delegated responsibility for managing an administrative release request.

Information means matter contained in documents, and can also mean the creation of new documents to capture information requested in the enquiry if reasonably practicable (as mentioned in the Application section).



Information Set means the broad categories of information that DET holds – see Attachment 2.

Level 1 Approval means approval by a Business Unit or Team’s Senior Officer.

Level 2 Approval means approval by a Business Unit or Team’s Senior Executive Officer.

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” (from IP Act). See Attachment 7 for more information.

RTI as used in the Document Classification Table means that the request for information should be dealt with under the *Right to Information Act 2009* and is not generally appropriate for administrative release.

Senior Executive Officer means, for all offices, an Assistant Director-General, Associate Director-General or Deputy Director-General (the more serious / sensitive the request – the higher-level senior officer that should be consulted).

Senior Officer means:

- At Central Office - the Business Unit or Team’s Executive Director;
- At Regional Office - the Business Unit or Team’s Regional Executive Director;
- At District Office - the Business Unit or Team’s Executive Director (Schools).



Overview of 5 day process

To see how the administrative release process operates refer to the flow chart on page 11.

NOTE: the entire process of assessing whether particular information can be released administratively is intended to take **no longer than 5 working days**.

Further explanation is provided below.

Step 1 - Request Received

DAY 1

Request for information is received from a person / entity outside of government:

- by **appropriate** Business Unit → the Business Unit IAO to manage the request and consider whether administrative release is appropriate in accordance with this Scheme.
 - EXAMPLE - A Finance Business Unit receives a request for a school's annual revenue – the Business Unit's IAO to manage the request.

- by **incorrect** Business Unit → – the incorrect Business Unit's IAO should brief their respective Executive Director (Central Office), Regional Executive Director (Regional Office), or Executive Director, Schools (District Office) for referral to the appropriate Business Unit to consider administrative release.
 - EXAMPLE - A Corporate Services Business Unit receives a request about school performance – a Corporate Services Executive Director should refer the matter to an Education Queensland (EQ) Executive Director for action by the relevant EQ IAO.

- by **LALB** → will refer to the appropriate Business Unit's IAO for consideration of administrative release.

Step 2 – TRIM File Creation

DAY 1

Once the request is with the appropriate Business Unit, its IAO must open a TRIM file. The steps to follow are set out in Attachment 9.



For the purposes of calculating fees at the end of the process, the IAO should keep a record of the time spent processing the request from Day 1 to Day 5.

Step 3 – Liaise with Governance Strategy & Planning

DAY 2

The IAO of the Business Unit must liaise with Governance Strategy and Planning (GSP) to seek advice as to whether the information requested has already been published via DET's Publication Scheme or any other publicly available DET sources. If the information is already available, GSP to advise the applicant where the information can be found and update the TRIM file notes.

If the information is not already available the IAO continues to Step 4.

Step 4 – Document Classification Table

Days 3 - 5

- **Information Set** - IAO to refer to the Document Classification Table (Attachment 1) and identify the relevant Information Set (i.e. is the request about assets, finance, human resources etc.?)
- **Category** - then consider what *type* of information is sought by identifying the relevant Category (i.e. if the request is generally about schools – is it more specifically about student management, schools management, curriculum or educational marketing?) The IAO's role is to collate all relevant Category documents that serve to answer the request.
- **Unsure** - if the IAO is unsure what Information Set or Category the request falls into, see the [DET Business Classification Plan](#) for more detail or contact the Document Management Services Unit for advice.
- **More than one** – if the IAO considers that the request falls into more than one Information Set or Category, consult with potentially affected Business Unit's IAOs and collectively agree how to manage the request.
- **Collate documents** - the IAO's role is to collate all relevant Category documents that serve to answer the request. As mentioned above, this may involve liaising with other IAOs and sourcing documents from other Business Units as required.



Step 5 – What is the applicant seeking access to?

Days 3 - 5

Once the IAO has established the Information Set and Category, consider whether the applicant is seeking:

- their own 'personal information' (see Attachment 7 for more information on personal information); or
- non-personal information (e.g. a report, school maintenance information, curriculum) or 'personal information' about someone else (e.g. X applying for Y's employee record).

Refer to the Document Classification Table (Attachment 1) to ascertain whether the particular request can be dealt with administratively (i.e. the table states: 'Administrative Access with Level 1 Approval' or 'Administrative Access with Level 2 Approval') or whether the Right to Information process is required (i.e. the table states 'RTI').

If the type of request requires the RTI process to be followed, IAO to advise LALB without delay.

If the type of request can be dealt with administratively, the IAO continues to Step 6.

Step 6 – Determine approval level for administrative release

Days 3 - 5

If 'Administrative Access with Level 1 Approval' or 'Administrative Access with Level 2 Approval' is listed in the Document Classification Table for the type of request, brief to the relevant Approval Officer:

Level One Approval Officer	Level Two Approval Officer
IAO to brief their Senior Officer: <ul style="list-style-type: none">• Executive Director (Central Office)• Regional Executive Director (Regional Office)	IAO to brief a Senior Executive Officer: <ul style="list-style-type: none">• Assistant Director-General;• Associate Director-General; or



<ul style="list-style-type: none">• Executive Director, Schools (District Office) <p>Provide:</p> <ol style="list-style-type: none">1. a copy of the Approval Guidelines at Attachment 3 to the Approving Officer; and2. the bundle of Category documents proposed for administrative release	<ul style="list-style-type: none">• Deputy Director-General <p>Decide who to brief based on the seriousness / sensitivity of the information being considered for administrative release.</p> <p>Provide:</p> <ol style="list-style-type: none">1. a copy of the Approval Guidelines at Attachment 3 to the Approving Officer; and2. the bundle of Category documents proposed for administrative release
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Step 7 - Application of Scheme

Days 3 - 5

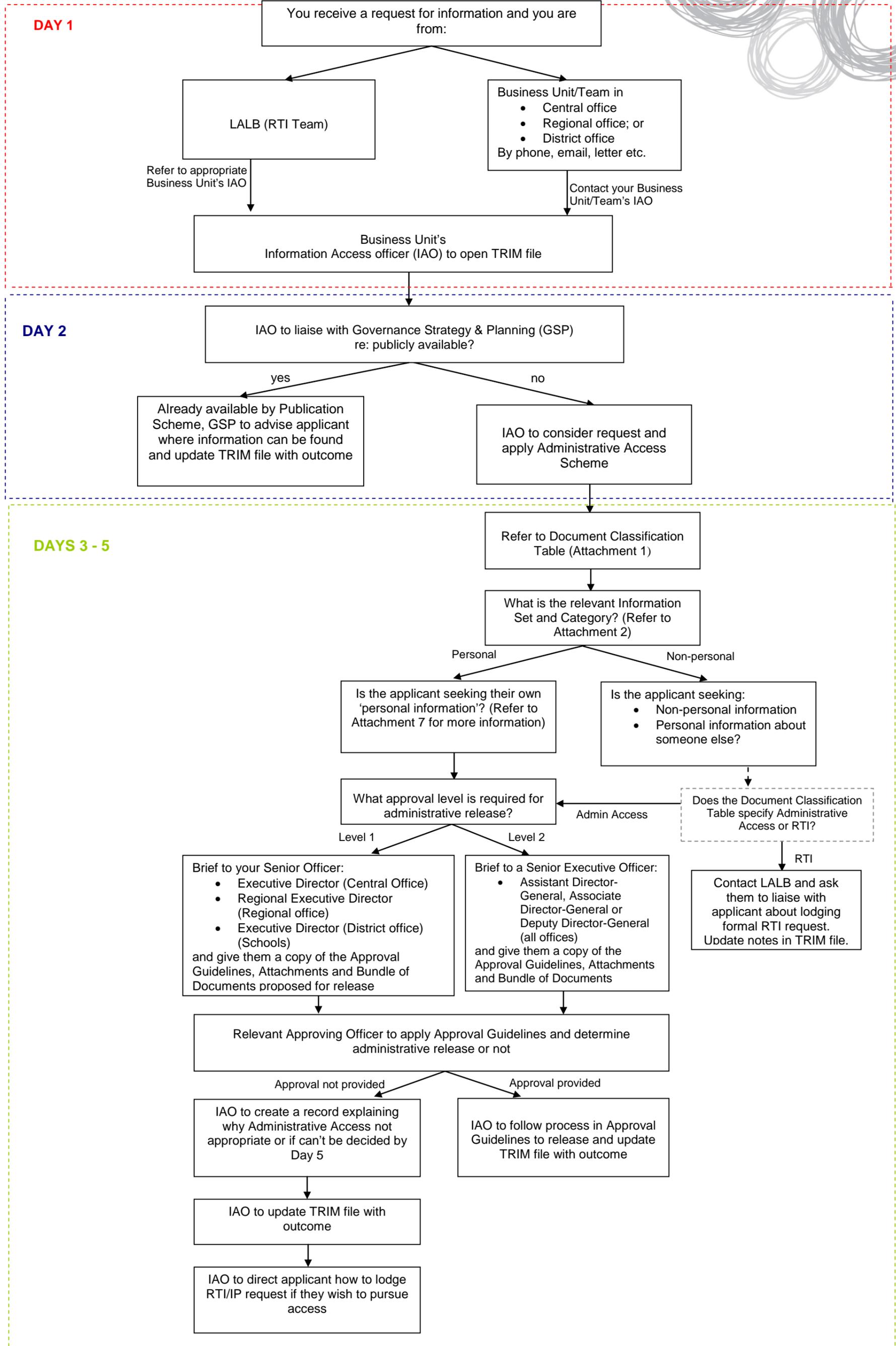
The relevant Approval Officer to consider this Scheme's Approval Guidelines to determine whether the information sought can be released administratively or not.

Step 8 – Approval process

Days 3 - 5

- **Approval NOT provided**
If the Approval Officer decides that it is not appropriate to provide access administratively, a record must be created explaining why access is not appropriate. IAO to update notes in TRIM file and direct applicant to LALB for consideration of other access options (e.g. RTI).
- **Approval provided:**
Refer to the Approval Guidelines at Attachment 3 for final steps: any fees, terms of release.

PROCESS OVERVIEW FLOWCHART



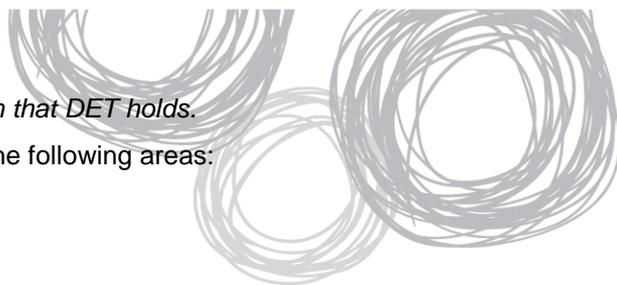
ATTACHMENT 1 - DOCUMENT CLASSIFICATION TABLE

Information Classification	Applicant seeking their own personal information	Applicant seeking non-personal information, or personal information about someone else
1. Asset management		
1.1. Facility management	N/A	Administrative Access with Level 2 Approval
1.2. Equipment & stores management	N/A	Administrative Access with Level 2 Approval
1.3. Fleet management	N/A	Administrative Access with Level 2 Approval
1.4. Information communication technology	N/A	Administrative Access with Level 2 Approval
2. Finance		
2.1. Financial management	N/A	Administrative Access with Level 2 Approval
3. Human resources		
3.1. Human resource management	Administrative Access with Level 1 Approval	RTI
3.2. Staff development	Administrative Access with Level 1 Approval	RTI
3.3. Health & safety	Administrative Access with Level 1 Approval	RTI
3.4. Workforce relations	Administrative Access with Level 1 Approval	RTI
4. Information services		
4.1. Information management	N/A	Administrative Access with Level 2 Approval
4.2. Publication management	N/A	Administrative Access with Level 2 Approval
5. Strategic management		
5.1. Community relations	Administrative Access with Level 1 Approval	Administrative Access with Level 2 Approval

ATTACHMENT 1 - DOCUMENT CLASSIFICATION TABLE

Information Classification	Applicant seeking their own personal information	Applicant seeking non-personal information, or personal information about someone else
5.2. Government relations	N/A	RTI
5.3. Legal services	N/A	RTI
5.4. Strategic management	N/A	Administrative Access with Level 2 Approval
6. Schooling		
6.1. Student management	Administrative Access with Level 1 Approval	RTI
6.2. Schools management	Administrative Access with Level 1 Approval	Administrative Access with Level 2 Approval
6.3. Curriculum provision	Administrative Access with Level 1 Approval	Administrative Access with Level 2 Approval
6.4. Educational marketing	Administrative Access with Level 1 Approval	Administrative Access with Level 2 Approval
7. Vocational training		
7.1. Student management	Administrative Access with Level 1 Approval	RTI
7.2. VET management	Administrative Access with Level 1 Approval	Administrative Access with Level 2 Approval
8. Early Childhood		
8.1. Early childhood management	Administrative Access with Level 1 Approval	RTI

ATTACHMENT 2 – Information Sets



An information set is – a broad category of information that DET holds.

DET currently maintains 8 broad Information Sets in the following areas:

- asset management
- finance
- human resources
- information services
- strategic management
- schooling
- vocational training
- early childhood.

Within these Information Sets are specific Categories. These are the sub-sets numbered 1.1, 1.2 etc.

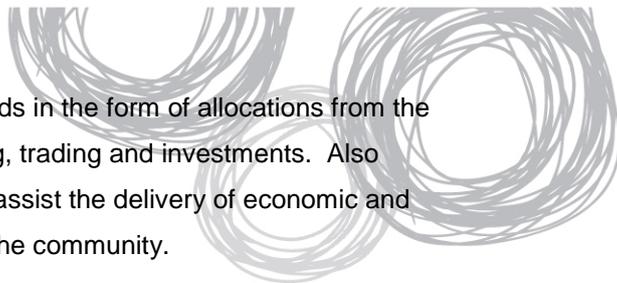
1. Asset management information set

- 1.1. Facility management** means the function of managing land, storage or living space within premises, and of acquiring, constructing, fitting out, managing, maintaining, protecting, transferring and disposing of land and premises. Includes buildings and land allotments either owned, rented or leased by the department, such as schools, institutes, educational facilities, office blocks, repositories and workshops. Also includes the removal of pollutants and waste and cleaning of facilities.
- 1.2. Equipment and stores management** means the function of acquiring, supplying, maintaining, repairing and disposing of equipment and stores stocked and used by the department. Items of equipment include instrument, implements, tools, machines, plant, furniture and furnishings. Stores include chemicals, hardware, homeware items, kitchen / cleaning items, medical supplies and stationery.
- 1.3. Fleet management** means the function of acquiring, managing, maintaining, repairing and disposing of vehicles. Vehicles are any means of conveyance owned or used by the department to transport people or items.
- 1.4. Information communication technology** means the function of developing or acquiring, testing and implementing applications and databases to support the department's business needs to capture, store, retrieve, transfer, communicate, and disseminate information through automated systems. Includes evaluating software and hardware and acquiring, tendering, leasing, licensing, and disposing of systems. Also includes communication network systems such as videoconferencing, voice mail, and email and the technical aspects of the Internet, Intranet, and web sites.

2. Finance information set

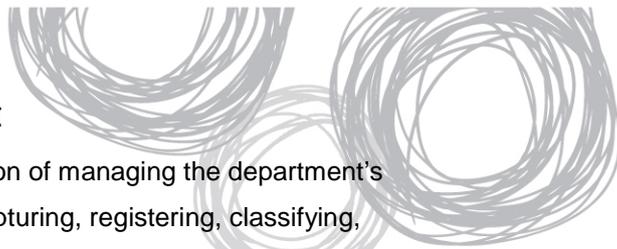
- 2.1. Financial management** means the function of managing the department's financial resources. Includes establishing, operating and maintaining accounting systems controls and procedures, financial planning, framing budgets and budget

submissions, obtaining grants, managing funds in the form of allocations from the consolidated fund and revenue from charging, trading and investments. Also includes monitoring and analysing assets to assist the delivery of economic and social services to government, industry and the community.



3. Human resources information set

- 3.1. Human resource management** means the function of managing all persons employed in the department. Includes casual, temporary and part-time employees as well as contractors and consultants engaged by the department. Includes establishing and changing the organisational structure through establishing, classifying, grading and reviewing positions and preparing organisational charts.
- 3.2. Staff development** means the function of encouraging staff to develop their skills and abilities (through activities, programs and events) to maximise their potential and increase their productivity. Includes identifying, implementing and evaluating all aspects of training and learning needs and programs (internal and external) available to staff.
- 3.3. Health and safety** means the function of implementing, coordinating and monitoring workplace health and safety and associated legislation throughout the department. Includes rehabilitating injured workers, providing compensation to personnel, students or visitors injured while proceeding to or from work, educational institutions, or departmental premises, during working or institution business hours, or whilst on departmental premises, in accordance with associated legislation. Includes safety policy, monitoring safe work practices, procedures, and preventative measures to promote and protect the wellbeing of employees and students, and establishing committees to investigate and advise on health and safety issues in the workplace for staff and students. Also includes administering student medication.
- 3.4. Workforce relations** means the function of establishing formal relations with the department's employees and their representatives to achieve a harmonious workplace. Includes negotiations conducted to obtain determinations, agreements or awards, industrial disputes settled within the department or by an external arbiter and reports of the state of workforce relations within the department.



4. Information services information set

- 4.1. Information management** means the function of managing the department's information resources. Includes creating, capturing, registering, classifying, indexing, storing, retrieving and disposing of records and developing strategies to manage records. Also includes acquiring, evaluating, controlling and disposing of library and other information products, items kept for reference purposes, and providing services to internal and external clients, based on information resources. Data administration and archival records are also classified under this term.
- 4.2. Publication management** means the function of having works, irrespective of format, issued for sale or general distribution internally or to the public. Includes drafting, manual or electronic production (design, layout, typesetting, printing etc.), marketing, and supply of publications by the department. Includes external publications (such as technical papers, issue papers, articles for professional journals and reports) and leaflets, which aim to promote the department's services and public image; and internal publications (such as newsletters, circulars, procedure manuals etc.) which are not produced for public relations reasons. Also includes multi-media publications and online information services.

5. Strategic management information set

- 5.1. Community relations** means the function of establishing rapport with the community and raising and maintaining the department's broad public profile. Includes grant funding, advertising, media liaison, public relations, exhibitions, celebrations, ceremonies, speeches, official representation at functions, and participation in community activities. Also includes relationships with peak and professional bodies, industry and community organisations and the public.
- 5.2. Government relations** means the function of administering the formal relationship between the department and those processes of government not covered by other general administrative or functional keywords used in DET's Business Classification Plan. Includes the department's relationship with Ministers and Members of Parliament and the political processes of Government; Parliamentary and Children's Commissioners; liaison with bodies carrying out investigations, such as the Crime and Misconduct Commission; and relationships with other Local, State, Commonwealth or overseas governments and Ministerial Councils such as the Council of Australian Governments (COAG) and the Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA) and their associated committees and working groups.
- 5.3. Legal services** means the function of providing legal services to the department. Includes interpreting and providing advice to the department regarding legal matters, the drawing up of legal agreements and the handling of legal action, litigation and disputes including formulating and amending legislation which provides the legislative basis for the department. Also includes legal advice received from in-

ATTACHMENT 2 – Information Sets

house lawyers and external sources including the Crown Solicitor's Office. The handling of Right to Information (RTI) and Information Privacy requests are also classified here.

- 5.4. Strategic management** means the function of applying broad systematic management planning for the department. Includes developing, monitoring and reviewing business plans, strategic plans, work plans, corporate plans, agreements, energy and waste management plans, and other long-term organisational strategies. Also includes developing the corporate mission, objectives, continuous improvement processes, quality assurance and certification, accreditation and formulating and amending legislation which provides the legislative basis for the department. Also includes the organisational management of the Minister's portfolio activities.

6. Schooling information set

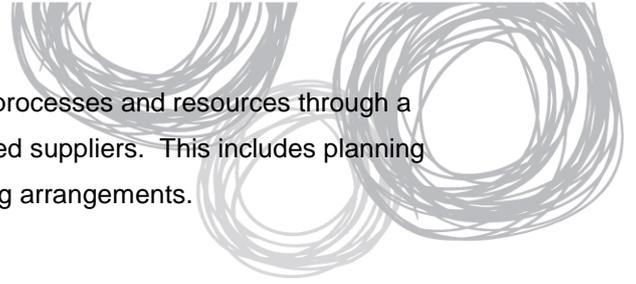
- 6.1. Student management and support** means the function of managing services, programs and activities in support of diverse student populations. Includes discipline, attendance, home schooling, suspensions / exclusions, apprenticeships, and traineeships. Also includes addressing the particular needs of student groups to allow equitable participation and outcomes. Students may be internal, external, child or adult.
- 6.2. Schools management** means the function of managing all matters that relate to the operational management of schools. Includes school holidays, school uniforms, flag-flying and other protocols, as well as school specific official events and non-curricular sporting activities.
- 6.3. Curriculum provision** means the function of enhancing student learning outcomes through quality curriculum. Includes developing, implementing and delivering teaching processes and education resources through a range of options. Students may be internal, external, child or adult.
- 6.4. Educational marketing** means the function of marketing educational programs, products and services in Australia and overseas. These include school, tertiary and vocational education programs, places for fee paying students, study tours, consulting services and educational resources. Also includes promoting schools and tertiary institutions and vocational education training organisations.

7. Vocational training information set

- 7.1. Student management** means the function of managing services, programs and activities in support of diverse student populations. Includes, participation in courses and apprenticeships and traineeships. Also includes addressing the particular needs of student groups to allow equitable participation and outcomes. Students may be internal, external, child or adult.
- 7.2. VET management** means the functions of: developing the products and capacity to offer post compulsory training, managing training assets, and implementing and

ATTACHMENT 2 – Information Sets

delivering vocational education and training processes and resources through a range of options and a network of pre-qualified suppliers. This includes planning mechanisms, delivery models and purchasing arrangements.

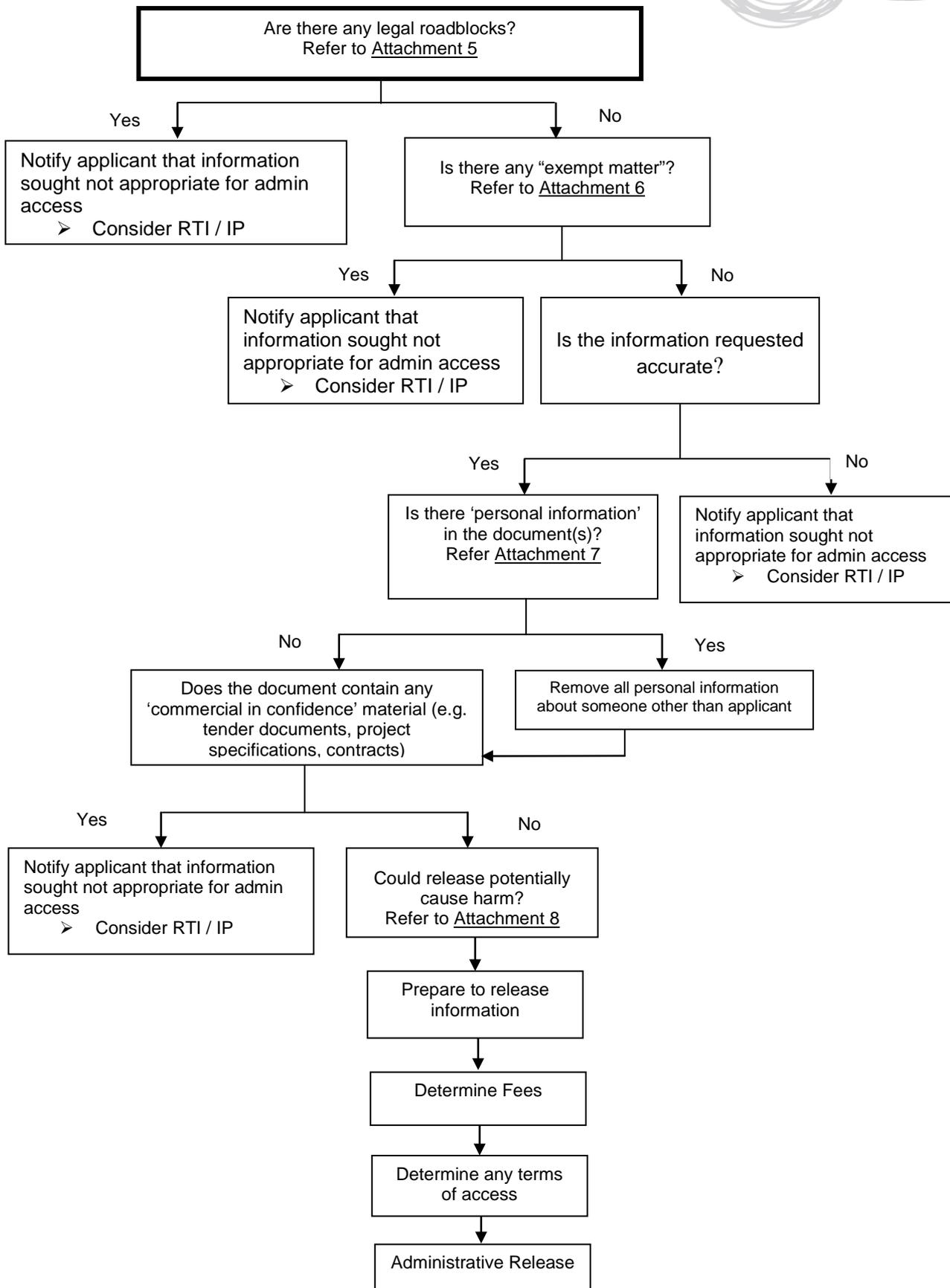


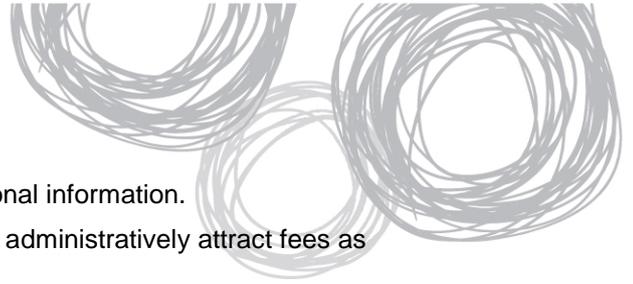
8. Early childhood information set

8.1. Early childhood management means the function of policy development and coordination for quality integrated education and care services for children from birth to 12 years. Includes regulation and monitoring of early childhood services and providing input into the national early childhood development reform agenda. Also includes planning and implementing kindergarten programs for children aged 3.5 to 4.5 years of age; and the provision of funding to Non-Government organisations.

Attachment 3 – Approval Guidelines

Where an item in the Document Classification Table requires Level 1 or Level 2 Approval – these are the matters for the relevant Approval Officer to consider and resolve. The objective of these approval guidelines is to determine whether release of information is **appropriate**.





Fees

No fees apply where a person applies for their own personal information.

For all other non-personal requests, documents released administratively attract fees as follows:

1. requests that take less than 5 hours to process → \$0.20 for each A4 black and white photocopied page if the total charge would amount to \$20 or more – if not, no charge
2. requests that take 5 or more hours to process → \$5.80 for every 15 minutes (or part of 15 minutes) in excess of 5 hours spent processing the request PLUS \$0.20 for each A4 black and white photocopied page if the total charge would amount to \$20 or more – if not, no charge

Watermark

All documents released under this policy should carry this watermark:

Released under DET Administrative
Access Scheme

All documents released under this policy in hard copy only should carry the 'Released under DET Administrative Access Scheme' stamp (held by Business Unit or Teams' IAOs)

Attachment 5 – Legal Roadblocks



1. Legal Processes:

Documents should not be released administratively if the information has also been requested in current civil proceedings under legislation or by court-ordered process such as subpoenas, notices to produce, search warrants and related documents.

2. Copyright:

If a third party holds copyright in the relevant information (rather than the Crown – e.g. a tenderer has submitted plans or information about a product) – ensure that documents are provided for viewing only rather than copying.

Consider seeking approval from the author prior to release and Attachment 8 Harm Factors.

3. Legal Professional Privilege:

Consider whether the relevant information was created for the dominant purpose of seeking or giving legal advice or for use in legal proceedings that have commenced or are reasonably anticipated. If so – privilege attaches and can only be waived by the Attorney-General.

4. Confidential Information:

Consider s 426 Education (General Provisions) Act 2006 – personal information about prospective, current or former students is confidential. (NOTE: this would include medical information such as reports by psychiatrists or doctors on Human Resources files)

- *Consider s 286 Vocational Education, Training and Employment Act 2000 – information gained by performing a function under the Act is confidential.*
- *Consider whether there is any 'commercial in confidence' material (e.g. tenders, project specifications, contracts, safety plans) – should not be released administratively as a matter of policy.*

5. Disciplinary Processes:

Documents should not be released administratively if they are about current investigations, prosecutions, internal staff grievances or disciplinary matters about someone other than the person requesting the information.

ADVICE: If after receiving this attachment, you are still unsure whether there are any Legal Roadblocks that could affect administrative release – please contact the Executive Director, Legal and Administrative Law Branch for advice.

Attachment 6 – Exempt Information

This attachment lists information which is exempt information as defined by Schedule 3 of the RTI Act. It is also generally inappropriate to release information under this Scheme to the extent that it comprises 'exempt information'.

1. Cabinet matter brought into existence before commencement of the RTI Act:

Cabinet matter created before commencement of the RTI Act (1 July 2009) and not officially published by a decision of Cabinet is 'exempt information'.

2. Cabinet information brought into existence on or after commencement of the RTI Act.

Cabinet information, including Cabinet committee or subcommittee information, created on or after commencement of the RTI Act (1 July 2009) is 'exempt information' if:

- a. it has been created for the consideration of Cabinet;
- b. its disclosure would reveal any consideration of Cabinet or would otherwise prejudice the confidentiality of Cabinet considerations or operations; or
- c. it has been created in the course of the State's budgetary processes;

Examples are: Cabinet Submissions, Cabinet briefing notes, Cabinet agendas, notes of discussions in Cabinet, Cabinet minutes and Cabinet decisions.

A report of factual or statistical information attached to a document mentioned from (i)-(vi) is 'exempt information' only if its disclosure would have an effect mentioned above at (a) to (c) or if it was brought into existence for the consideration of Cabinet for the State's budgetary processes.

NOTE: Information that falls into this category under the RTI Act has the status of 'exempt information' for 10 years for information considered by Cabinet from the date the information was most recently considered by cabinet OR for information not considered by Cabinet, ten (10) years from the date the information was created.

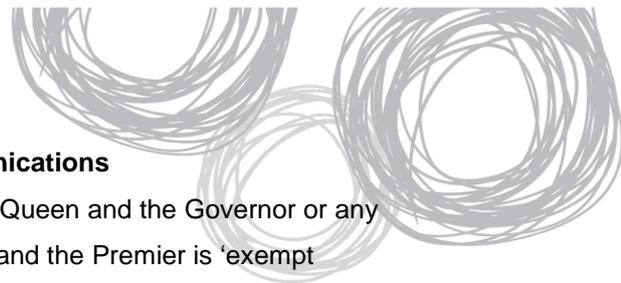
3. Executive Council Information

Information such as information created for submission to Executive Council or created for briefing the Governor, Minister or Director-General in relation to information submitted to Executive Council is 'exempt information'.

4. Information briefing incoming Minister

Information created by the agency for the purpose of briefing an incoming Minister is 'exempt information' for ten (10) years from the date of the appointment of the Minister.

Attachment 6 – Exempt Information



5. Information revealing particular Sovereign communications

Information revealing any communication between the Queen and the Governor or any communications between the Queen, or the Governor and the Premier is 'exempt information'.

6. Information disclosure of which would be contempt of court or Parliament

Information the disclosure of which would:

- a. be contempt of court; or
- b. be contrary to an order of a commission of inquiry, royal commission or a person or body having power to take evidence on oath; or
- c. infringe the privileges of the Queensland Parliament or another Parliament of Australia

is 'exempt information'.

7. Information subject to legal professional privilege

Information that would be privileged from production in a legal proceeding on a ground of legal professional privilege is 'exempt information'.

8. Information disclosure of which would found an action for breach of confidence

Information the disclosure of which would found an action for breach of confidence is 'exempt information'.

NOTE: 'Deliberative process information' (an opinion, advice or recommendation that has been obtained, prepared or recorded OR a consultation or deliberation that has taken place in the course of, or for the purposes of, the deliberative processes involved in the functions of government); and communicated by a Minister, a member of staff of or a consultant to a Minister, an officer of an agency or the State or an agency, will not be information founding an action for breach of confidence.

9. National or State security information

Information the disclosure of which could reasonably be expected to damage the security of the Commonwealth or a State is 'exempt information'.

10. Law enforcement or public safety information

Information is 'exempt information' if its disclosure could reasonably be expected to interfere with or prejudice law enforcement, for example if disclosure could prejudice the investigation of a contravention or possible contravention of the law, or disclosure could enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained. Also, information is 'exempt information' if its disclosure could endanger a person's life or physical safety or result in a person being subjected to a serious act of harassment or intimidation.

Attachment 6 – Exempt Information



11. Investment incentive scheme information

An investment incentive scheme is a scheme to promote projects by providing incentives, such as a tax refund or lump sum. The projects involve investing or expending money with the intention of creating job opportunities or continuing existing jobs. Such projects aim to provide stimulus to the growth of business in Queensland in certain sectors.

Information is 'exempt information' if its disclosure could reasonably be expected to disclose information about a particular incentive given to or arranged for a relevant person under a contract in relation to an investment incentive scheme or an incentive sought by or proposed for a relevant person whether or not the incentive was in fact given or arranged under an investment incentive scheme.

NOTE: Information that falls into this category under the RTI Act is only exempt for a limited period of time. For an incentive given or arranged under a contract, the period ends at the earlier of 1 year after the contract ends OR eight (8) years after the contract begins.

12. Information disclosure of which is prohibited by an Act.

If you have a Child Protection issue please contact the Legal & Administrative Law Branch for advice.

ADVICE: If after receiving this attachment, you are still unsure whether the document you are considering for administrative release contains information that would be 'exempt information' under the RTI Act, please contact the Executive Director, Legal and Administrative Law Branch.

Attachment 7 – Personal Information



This attachment assists Approval Officers to determine whether the documents being considered for administrative release contain 'personal information'.

NOTE: It is essential to properly consider this issue because as of December 2009, under the *IP Act*, breach of an individual's privacy can lead to statutory compensation up to **\$100,000** being payable to the relevant individual.

NOTE: 'Personal information' about persons *other than the applicant* should be removed from all documents released. That is – if a person seeks documents that contain their own personal information, it does not need to be removed. But if X seeks documents that contain Y's personal information, the personal information about Y should be deleted before disclosure to X.

- Personal information is *information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or an opinion.*
- In determining whether the information contains personal information – you need to consider the 3 elements of the definition:

1. Is the information you are dealing with “information or an opinion”?

- the information or opinion' may be recorded in a document – but it is not the document itself that becomes 'personal information'
- it is the contents of that document (i.e. the information or opinion) that can contain personal information

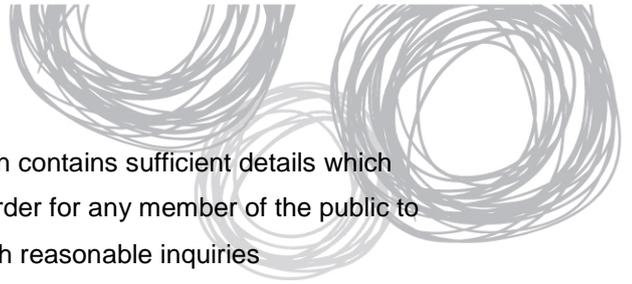
2. Is it 'about' an individual?

- that is, is it *in connection with* or *in relation to* an individual?
- EXAMPLE – if the document you are considering is the average final year test results for Queensland students which has been aggregated – it is unlikely to be 'about' an individual, so it would not be personal information

3. Is the identity of a person apparent from the information or opinion; or able to be reasonably ascertained from the information or opinion?

- that is, is the identity of the person the information is about, *clearly seen or obvious* from the information? OR
- is the identity of the person the information is about, *able to be found out by reasonable inquiries* starting with considering the information or opinion itself?

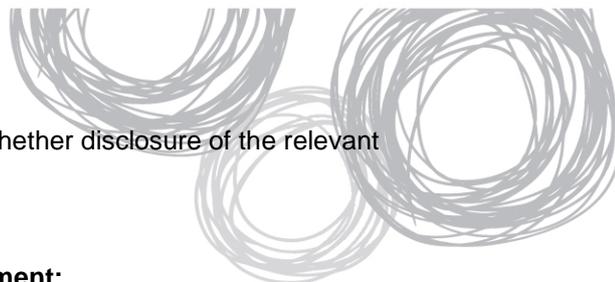
Attachment 7 – Personal Information



- look to see whether the information or opinion contains sufficient details which are peculiar or unique to the individual – in order for any member of the public to be able to find out the individual's identity with reasonable inquiries
- EXAMPLE – if the document you are considering contains a person's address this would probably be personal information. Because – it is sufficiently in connection with or in relation to that person, so it is 'about' them. Also, the address is a detail which is sufficiently peculiar to that person and would allow someone else to find out their identity with reasonable inquiries, starting with the address itself.

ADVICE: If, after reviewing this attachment, you are still unsure whether the document you are considering for administrative release contains personal information or not – please contact the Executive Director, Legal and Administrative Law Branch for advice.

Attachment 8 – Harm Factors



Consider whether any of these factors apply, and if so, whether disclosure of the relevant information could cause 'harm' as a result.

1. Relations between the State and another Government:

Do you have a reasonable expectation that disclosure of the information sought could cause damage to relations between the State and another government or divulge information of a confidential nature that was communicated in confidence by or on behalf of another government?

2. Investigation by the Ombudsman or Audits by the Auditor-General:

Do you have a reasonable expectation that disclosure of the information sought could prejudice the conduct of an investigation by the Ombudsman or audit by the Auditor-General?

3. Affect the operations of an Agency:

Do you have a reasonable expectation that disclosure of the information could have a prejudicial or adverse effect on the operation the agency? Could the disclosure reasonably be expected to cause a 'public interest harm' by:

- a. prejudicing the effectiveness of a method or procedure for the conduct of tests, examinations or audits by an agency; or
- b. prejudicing achieving the objects of a test, examination or audit conducted by an agency; or
- c. having a substantial adverse effect on the management or assessment by an agency of the agency's staff; or
- d. having an adverse effect on the conduct of industrial relations by an agency?

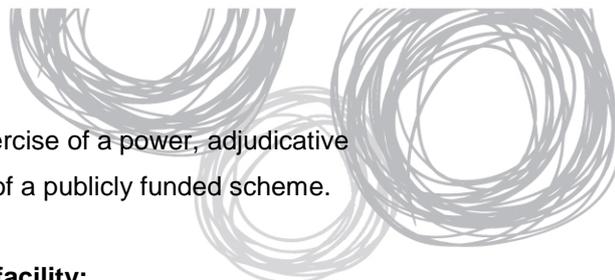
4. Deliberative processes of Government:

Do you have a reasonable expectation of 'public interest harm' through the disclosure of an opinion, advice or recommendation that has been obtained, prepared or recorded; or a consultation or deliberation that has taken place in the course of, or for, the deliberative processes involved in the functions of government.

NOTE: You shouldn't conclude you have reasonable expectation of a 'public interest harm' if the information in question:

- a. appears in an agency's policy document;
- b. is factual or statistical information;
- c. is an expert opinion or analysis (other than where such an opinion or analysis is commissioned in the course of or for the deliberative processes);
- d. is a report of a body or organisation established within an agency and prescribed by regulation; or

Attachment 8 – Harm Factors



- e. is a record of a decision or ruling given in the exercise of a power, adjudicative function, statutory function or the administration of a publicly funded scheme.

5. Security and good order of a corrective services facility:

Does the information relate to a corrective services facility and was it created by the Department of Corrective Services? Could disclosure of this information result in a 'public harm'?

6. Personal Information of person:

Do you have a reasonable expectation that disclosure of information would disclose 'personal information' of a person, whether living or dead?

NOTE: This does not apply where the information is personal to the applicant. The fact that an applicant has applied for his or her personal information is a factor *favouring* disclosure.

Please refer to Attachment 7 for more information.

7. Trade secrets or the commercial, business or financial affairs of an agency or person:

Do you have a reasonable expectation that disclosure could cause 'public interest harm' by disclosing:

- a. trade secrets of an agency or another person;
- b. information that has a commercial value to an agency or another person, where disclosure could reasonably be expected to destroy or diminish the commercial value of the information;
- c. information that concerns the business, professional, commercial or financial affairs of an agency or another person, where disclosure could reasonably be expected to have an adverse effect on those affairs or prejudice the future supply of this type of information to government; or
- d. the purposes or results of research and such disclosure could reasonably be expected to have an adverse effect on the agency or other person by or on whose behalf the research is intended to be, is being, or was, carried out.

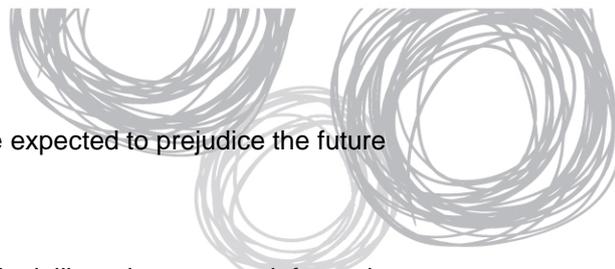
NOTE: This section does not apply where the information in question is the business, professional, commercial, financial or research information of the person by or on whose behalf an application for access is made.

8. Confidential Information:

Do you have a reasonable expectation that disclosure could cause 'public interest harm' because:

- a. the information is of a confidential nature communicated in confidence; and

Attachment 8 – Harm Factors



- b. disclosure of the information could reasonably be expected to prejudice the future supply of this type of information.

NOTE: this section does not apply if the information is deliberative process information and was communicated by a Minister, a member of staff of or a consultant to a Minister, an officer of an agency, the State or an agency.

9. Management of the economy of the State:

Do you have a reasonable expectation that disclosure could cause 'public interest harm' because it could:

- a. have a substantial adverse effect on the ability of the government to manage the economy of the State (without limiting the nature of such information, it includes the consideration of a contemplated movement in government taxes, fees or charges or the imposition of credit controls); or
- b. expose a person or class of persons to an unfair advantage or disadvantage because of the premature disclosure of information concerning proposed action or inaction of the Legislative Assembly or the government in the course of, or for, managing the economy of the State?

10. The State's or Agency's financial or property interests:

Do you have a reasonable expectation that disclosure could to have a substantial adverse effect on the State's or an agency's financial or property interests?

NOTE: Information falling within this clause is identified as creating a reasonable expectation of harm for eight (8) years from the date the information was created. After eight (8) years the reasonable likelihood of harm flowing from disclosure of the information is reduced or lessened.

ADVICE: If, after reviewing this attachment, you are still unsure whether the document you are considering for administrative release contains information that should not be released because of a 'harm factor' – please contact the Executive Director, Legal and Administrative Law Branch for advice.

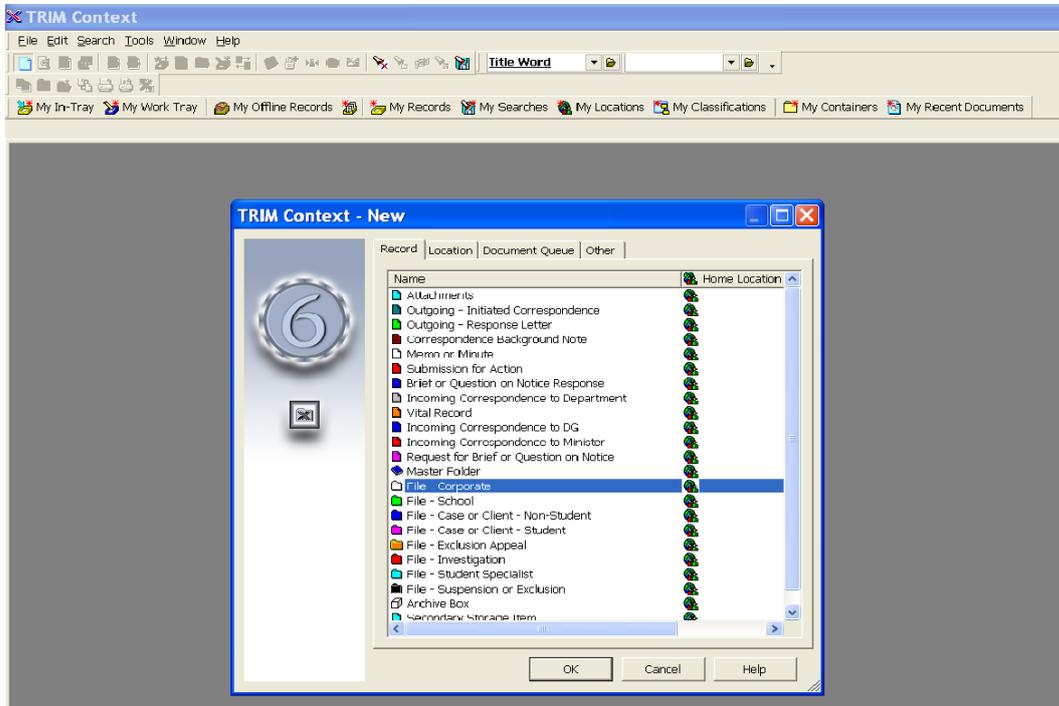
Attachment 9 – TRIM Instructions



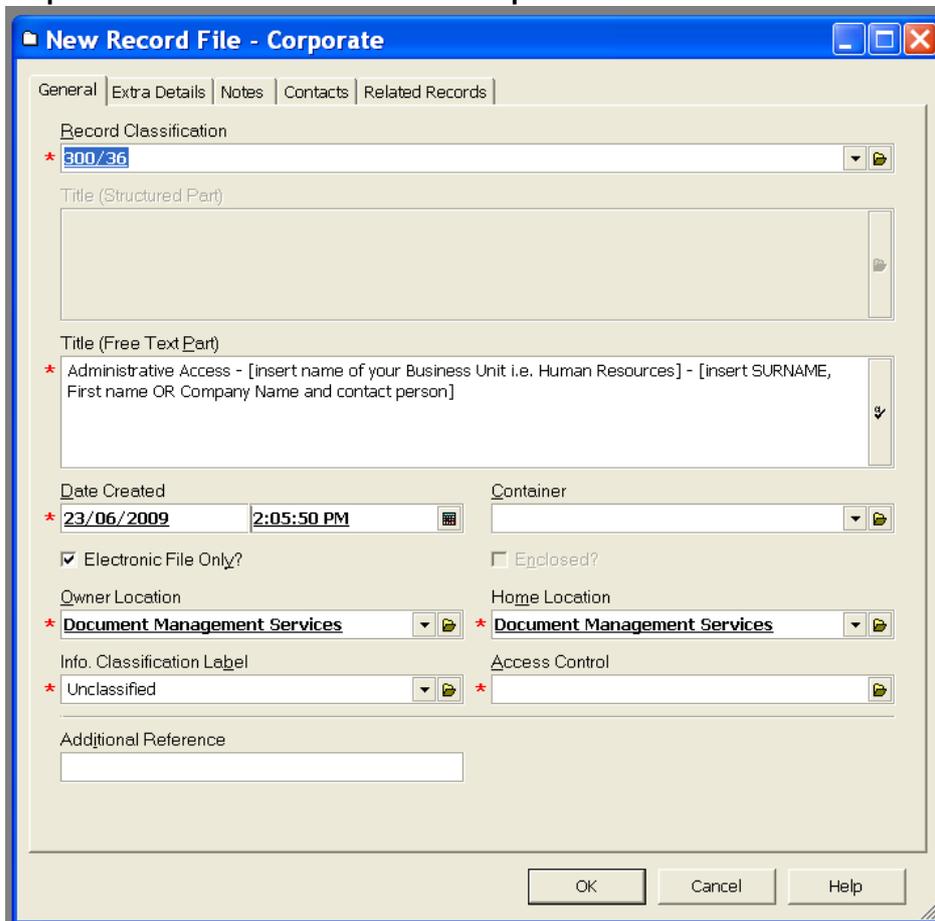
Creating TRIM File

Step 1 – Create a TRIM Corporate File:

Open TRIM – Select “File” >> “New” >> “File – Corporate” record type and click OK.



Step 2- Fill in the New Record File – Corporate Screen:



Attachment 9 – TRIM Instructions



The profile form box is displayed, with the **General** tab selected, you **must** complete the fields (marked with a red asterisk *):

- **Record Classification:** Will be **300/36 – Information Management - Enquiries** - use the KwikSelect button to search for and select this Classification, as per the DETA Corporate Thesaurus, then click **OK**.
- **Title (Structured Part):** Will be shaded with the following words– **Information Management – Enquiries** (i.e. 300/36)
- **Title (Free Text Part):** Type in - **Administrative Access** – [insert the full name of your Business Unit] – [insert the SURNAME, then First Name of the person requesting the information or the COMPANY Name and date of enquiry if the request is from a company].
- **Date Created:** Date on which the author created the file - defaults to the current date and time, can be changed if required – use the calendar to select a date.
- **Container:** Leave this blank
- **Electronic File Only?:** Defaults to identify file is electronic only. Untick if you would like a hardcopy file. NOTE: if you select “electronic” file or hard copy file all incoming and outgoing correspondence including email communications relating to the request will need to be scanned and/or saved to the TRIM file. Instructions on how to create a TRIM Document can be found at:
<https://oneportal.deta.qld.gov.au/ResourceCentre/Applications/HPTRIM/TRIMDocuments/Documents/TT202.tr5>
- **Owner Location:** This will default to the business unit that has a direct need and responsibility for the file. Leave this field as it is.
- **Home Location:** Defaults to the user’s business unit
- **Info. Classification Label:** Leave this as ‘Unclassified’
- **Access Control:** This will be “Open”

Further Information regarding TRIM can be found at:

<https://oneportal.deta.qld.gov.au/ResourceCentre/Applications/HPTRIM/TRIMDocuments/Documents/TT202.tr5>

Step 3 – Notes Field

This field will be used to track the request through each stage of the scheme. Instructions on how to update the Notes field in TRIM can be found at:

<https://oneportal.deta.qld.gov.au/ResourceCentre/Applications/HPTRIM/TRIMDocuments/Documents/TT202.tr5>