

IPOLA GUIDELINE

Applying the legislation – Right to Information Act 2009

Deletion of irrelevant information

This guide does not reflect the current law.

It highlights important changes to the *Right to Information Act 2009*.

This guide does not constitute legal advice and is general in nature only. Additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.

1.0 Overview

The *Right to Information Act 2009* (Qld) (**RTI Act**) provides a right of access to documents of an agency and a Minister, subject to some exceptions and limitations.¹ The RTI Act allows agencies² to delete information from documents if it is not relevant to the application.³ Information is irrelevant if it is not within the scope of the application.

Note

Deleting irrelevant information is not a ground of refusal under the RTI Act; it is a mechanism to remove information from a document that is irrelevant to the application. A decision to give access subject to deletions is a reviewable decision.⁴

2.0 Out of scope vs irrelevant information

The term 'out of scope' does not appear in the RTI Act. It is used to describe whole documents that do not fall within the terms, or *scope*, of an application. It cannot be used to describe *information* contained in documents that **do** fall within the scope of an application.

¹ Section 23 of the RTI Act.

² In this Guideline, references to agencies include Ministers unless otherwise specified.

³ Section 73 of the RTI Act.

⁴ See the definition of 'reviewable decision' in schedule 4A of the RTI Act.



The term 'irrelevant information' is used to describe information contained within a *document*, when the document is generally within the scope of an application, but the document also contains information that is not relevant to the application.

Example

An application is made for all records of stray **dogs** picked up by the local Council. The Council prepares a single report each financial year about all stray **animals** it picked up that year. The report is a document within the scope of the application, but the information it contains includes information about stray cats and other animals, which is not relevant to the application made: it is irrelevant information.

In these circumstances, information in the report that relates to animals other than stray dogs can be deleted as irrelevant information.

Section 73 of the RTI Act refers to deleting irrelevant information. To rely on section 73 agencies must assess whether information can reasonably, as opposed to irrationally or absurdly, be considered 'not relevant' to the terms of an applicant's access application.⁵ Generally, this will be where the information is not information that the applicant has applied for in their application.

If it is determined that the information can be categorised as irrelevant information then it may only be deleted where the agency considers that it is reasonably practicable to give access to a copy of a document from which the information has been deleted.

3.0 Whole documents that are not relevant to the terms of the application

When an agency conducts searches, it is not uncommon for documents to be given to the decision maker that, on closer inspection by the decision maker, are not actually within the scope of the application. These documents are *out of scope* of the application.

Section 73 of the RTI Act only refers to deleting irrelevant *information*—other parts of the document must fall within the terms of an access application before it can be used. It cannot be used on whole documents that fall outside the terms of an application.

If an *entire document* is out of scope of an application, it should **not** be considered at all as part of the application, nor should it be referred to in the notice of decision.

Mentioning whole documents that are out of scope of the application can be misleading and cause confusion for applicants. It may also increase the number of review applications as applicants may not understand or believe the agency would have mentioned these documents if they did not relate to their application.

⁵ *BDP and Medical Board; WNK (Third party)* (Unreported, Queensland Information Commissioner, 19 December 2007) at [121].



4.0 Is it practicable to give access to a copy of the document?

It will be practicable to delete irrelevant information where it is feasible to produce a redacted version of a document from which irrelevant information has been deleted. This means that it will be practicable to delete information where it is physically or mechanically possible, and where the agency concerned has the necessary resources.

Please refer to [Providing Access to Documents](#) and, if the document is a video recording, the [Managing Access to Digital Video Recordings](#) for more information.

For additional IPOLA assistance, please contact the IPOLA team by email IPOLA.Project@oic.qld.gov.au

For information and assistance on current legislation, please refer to the OIC's guidelines, or contact the Enquiries Service on 07 3234 7373 or by email enquiries@oic.qld.gov.au

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