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## IPOLA GUIDELINE

### Applying the legislation – Right to Information Act 2009

#### Publication Schemes and proactive disclosure

**This guide does not reflect the current law.**

**It highlights important changes to the *Right to Information Act 2009* in a general way.**

**This guide is not legal advice and additional factors may be relevant in specific circumstances. For detailed guidance, legal advice should be sought.**

The *Right to Information Act 2009 (Qld)* (**RTI Act**) gives people the right to access to documents of an agency, subject to exceptions and limitations in the RTI Act, and places proactive disclosure obligations on agencies.

#### What is proactive disclosure?

Proactive disclosure occurs where an agency proactively releases information without being asked for it, for example by publishing datasets on its website.

Publication schemes and disclosure logs<sup>1</sup> are forms of proactive disclosure mandated by the RTI Act, but agencies should consider proactively disclosing additional information.

Proactive information release puts information into the community faster and at lower cost, reduces agency time and resources spent processing individual information requests, and demonstrates a commitment to openness, accountability, and transparency.

Strategies to enhance proactive disclosure include:

- putting systems in place to identify information suitable for proactive release and maximising its release giving authority to officers to release information without the need for an access application under the RTI Act and ensuring they understand and are encouraged to do so
- publishing datasets in accessible formats that promote their reuse
- making sure website pathways to access information are clear and easy to use

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<sup>1</sup> A disclosure log makes documents released to an applicant under the RTI Act available to a wider public audience. Refer to *Disclosure logs* for more information.



- adding metadata to documents to make them discoverable through search engines.

Effective proactive disclosure makes information as simple as possible to find. As part of achieving effective proactive disclosure, agencies should ensure their publication scheme, disclosure log, administrative access schemes and links to datasets available through the Queensland Government Open Data portal are easy to locate on the agency website.

Refer to **Administrative release of information** for more information on making information available outside of a formal access application.

### Publication schemes

A publication scheme is a collection of information that must be published on an agency's website, unless doing so is not reasonably practicable. Agencies are required to have a publication scheme unless they are a prescribed entity under section 16(2).

Under section 21(1), publication schemes must contain details about:

- the agency's structure and functions and how the agency's functions affect members of the public
- any arrangements that enable members of the public to engage with the agency's functions
- the types of information held by the agency
- the types of information the agency makes publicly available and how that information is made available; and
- procedures for asking for information, including, for example, any fee or charge that may be payable.

A Regulation can require additional information to be included in a publication scheme.

### Queensland Privacy Principle 1

Under Queensland Privacy Principle 1 (QPP 1) in the *Information Privacy Act 2009* (Qld), agencies are required to have a privacy policy that includes the information specified by QPP 1.4. It may be useful to consider whether QPP 1 and publication scheme obligations can be met together.

Refer to **QPP 1 – open and transparent management of personal information** for more information.

### Information that shouldn't be included

Agencies are not required to include exempt or contrary to the public interest information in a publication scheme.<sup>2</sup>

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<sup>2</sup> Section 21(4).



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Additionally, agencies must ensure they do not breach their privacy obligations under the *Information Privacy Act 2009* (Qld) and any confidentiality or secrecy obligations under agency-specific legislation when adding information to a publication scheme.

### **Format, accessibility, and availability of information**

Information listed in a publication scheme should be accessible through a direct website link. If someone is unable to access an agency's publication scheme through the website, agencies should meet all reasonable requests to provide the information in an alternative format.

If it is not reasonably practicable for an agency to publish part of its publication scheme on its website, it must publish information about how that part can be accessed.<sup>3</sup> For example, if information is only available in hard copy, information about how to access it must be included in the publication scheme.

### **Contact details**

The publication scheme should include appropriate contact details. If these are the general customer service contacts, customer service staff should be given appropriate training.

### **Easy to locate**

The OIC recommends to agencies that they make their disclosure logs:

1. easy to find
2. easy to use
3. up to date
4. useful (meaningful, explanatory and in compliance with legislative requirements)

When OIC audits an agency's publication schemes, it considers how many steps (or mouse clicks) are required to reach it from the home page. An agency should ensure its publication scheme is easy to find, for example via a 'Right to Information' link in the website footer or on the home page.

If it is not possible to include a Right to Information link in the footer or on the homepage, agencies should ensure that a member of the public can navigate to the publication scheme in a logical manner. For example, by locating the RTI link on the 'About us' menu of the website.

Agencies should also ensure the publication scheme can be located by using the website's search function.

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<sup>3</sup> Section 21(3).



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## Accessibility

Publication schemes and linked documents should be accessible to the community, including people who are vision, speech, or hearing impaired or whose language may not be English.

Queensland Government's Digital Services policy<sup>4</sup> requires Queensland Government agencies (excluding local councils and some others) to meet certain minimum requirements for the creation and maintenance of agency internet sites, which includes the following strategies for ensuring that web pages are accessible to as many people as possible:

- Consistent User Experience (CUE) Standard; and
- World Wide Web Consortium (W3C) Web Content Accessibility Guidelines

These standards may also be useful for agencies which are not required to comply with them.

## Fees and charges

Generally, unless the information is part of an existing administrative or statutory scheme for which charges are payable, information in the publication scheme should be made available at no cost.

However, where provision of documents would impose significant costs on an agency, e.g., posting and printing significant amounts of information for someone who cannot access the publication scheme online, an agency could charge for the reasonable actual costs of providing the information.

## Reviewing and maintaining publication schemes

### *Publishing significant and new information*

Publication schemes should include significant information and be updated to include new information. Examples of significant information that should be published and kept up to date are:

- legislation
- policies and procedures
- publications
- initiatives
- projects
- lists of data holdings
- agency restructures.

Agencies are encouraged to review their systems for publication of information to the agency's public website to ensure that information being published is

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<sup>4</sup> <https://www.forgov.qld.gov.au/information-and-communication-technology/qgea-policies-standards-and-guidelines/digital-services-policy>



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reviewed and maintained according to the requirements. This includes a system for ensuring document links are up to date.

Agencies should ensure they have clearly assigned responsibility for maintaining the publication scheme.

### **How long should information stay on the website?**

Agencies need to ensure information in the publication scheme is relevant, up to date and accurate, and that outdated material is archived or removed. Each agency should implement procedures to ensure that new information covered by the publication scheme is available and that any outdated information is replaced or archived.

**For additional IPOLA assistance, please contact the IPOLA team by email [IPOLA.Project@oic.qld.gov.au](mailto: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](mailto:enquiries@oic.qld.gov.au)**

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