

RIGHT TO INFORMATION POLICY

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Policy Snapshot

This Policy sets out the approach which will be taken by Titles Queensland in respect of Right to Information and Personal Information matters under the *Right to Information Act 2009* (Qld) and defines the rules and authority parameters within which Right to Information and Personal Information matters are managed by Titles Queensland to ensure compliance with the relevant legislation.

1. Policy objective

Titles Queensland undertakes Titles Registry Functions relating to the administration of the land registry and water allocations register pursuant to the Enabling Act. The Enabling Act declares Titles Queensland a 'public authority' for the purposes of the *Right to Information Act 2009* (Qld) to the extent Titles Queensland is performing a Titles Registry Function.

The RTI Act provides a formal process for members of the public to apply for access to documents and the RTI Act requires an authority to release any documents within the scope of the legislation, unless doing so would not be in the public interest or they are otherwise exempt under the RTI Act.

The RTI Act and the Enabling Act therefore require Titles Queensland to comply with the RTI Act and allow access to certain documents held by Titles Queensland in performance of a Titles Registry Function.

This Policy sets out how Right to Information and Personal Information requests will be managed by Titles Queensland.

2. Application of RTI Act

This Policy applies to Titles Queensland:

- (a) only to the extent that the document being sought is held by Titles Queensland performing a Titles Registry Function; and
- (b) does not apply to documents held by any related entities of Titles Queensland or shareholders.

3. Key terms/ definitions

Applicant	means a person who makes an Application.
Application	means a compliant Access Application made in writing in accordance with the RTI Act.
Enabling Act	means <i>Queensland Future Fund (Titles Registry) Act 2021</i> (Qld) as amended from time to time.
LTA	means the <i>Land Title Act 1994</i> (Qld).
Personal Information	means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion: a. whether the information or opinion is true or not, and b. whether the information or opinion is recorded in a material form or not.
Policy	means this Right to Information Policy including any annexures or schedules.
RTI Act	means the <i>Right to Information Act 2009</i> (Qld).
RTI Regulation	means the <i>Right to Information Regulation 2009</i> .
Titles Queensland	means Queensland Titles Registry Pty Ltd ACN 648 568 101.
Titles Registry Function	has the meaning given to it by section 5 of the Enabling Act.

4. Making RTI Applications

Before Submitting an Application

Titles Queensland manages Titles Registry Functions relating to the land registry and water allocations register. Accordingly, under section 35 of the LTA, a person may, on payment of the relevant titles registry fee, search for and obtain a copy of documents kept in the register (i.e., in relation to the indefeasible title of a lot, a registered instrument, an instrument lodged but not registered, or other information kept under the LTA).

Before submitting an Application, an Applicant should check to see if the document is available by means other than by making an Application. For example, this may include:

- (a) the information sought may be available on the Titles Queensland website or Publication Scheme;

- (b) the information sought may be available for purchase through the 'searches' tab of the Titles Queensland website; or
- (c) if the information sought is still not able to be found on the Titles Queensland website, a phone call or an email to Titles Queensland can confirm whether the information can be made available.

If the information cannot be accessed through existing channels including those mentioned above, the Applicant may submit an Application.

Titles Queensland undertakes a range of business activities and an Applicant should consider whether the documents requested relate to the performance of a Titles Registry Function. Where documents sought do not relate to a Titles Registry Function and are outside the scope of the RTI Act (for example Titles Queensland undertaking other functions for Government or engaging in commercial contracts), Titles Queensland will, where applicable, redirect your enquiry. Further information on Titles Registry Functions can be found in the Publication Scheme or Applicants can contact RTI@titlesqld.com.au for further information on the scope of the RTI Act and its application to Titles Queensland.

Submitting an Application

The Applicant must submit an Application in writing to Titles Queensland (to Titles Queensland's postal address or RTI@titlesqld.com.au).

Applications must comply with the requirements in the RTI Act. Some key items to consider include:

- (a) The RTI Act does not affect the operation of another act that enables a member of the community to access documents or information, whether or not on payment of a charge (i.e., section 35 of the LTA).
- (b) Where an Application is lodged under the RTI Act, proper consideration must be given to:
 - (ii) whether the Application is for a document Titles Queensland holds in the performance of a Titles Registry Function;
 - (iii) whether the Application gives sufficient information concerning the document to which access is being requested so that the document can be appropriately identified (i.e., the request is not too broad);
 - (iv) whether the Application states an address to which notices under the RTI Act may be sent to the Applicant (for example an email or postal address);
 - (v) whether the Application states if access is sought for the benefit of or use of the document by the Applicant, or another entity and if it is another entity, whether the name of the other entity has been provided;
 - (vi) if the Application is in respect of a document containing Personal Information of the Applicant, whether evidence of identity of the Applicant has been received by Titles Queensland within 10 business days after making the Application (or if an agent is acting for the Applicant, evidence of the agent's authority); and
 - (vii) if the Application is not in relation to Personal Information of the Applicant, whether the Application is accompanied by the Application fee.

Titles Queensland's RTI Application form can be found [here](#). While use of this form is not mandatory, it may assist in ensuring an Application complies with the legislative requirements and can be processed efficiently.

Approval of access

Titles Queensland will assess the Application and, if the request complies with the RTI Act and Enabling Act, give the Applicant access to the whole or part of the document within the timeframes specified in the RTI Act.

If an Application does not comply with the RTI Act, the Applicant will be informed of the reasons why it does not comply and be given a reasonable opportunity to consult and make any changes necessary to rectify the non-compliance within the timeframes specified in the RTI Act.

If, after giving the opportunity mentioned above and any consultation, Titles Queensland decides to refuse access because the application does not comply with the RTI Act, Titles Queensland will give the Applicant written notice of the decision within the timeframes specified in the RTI Act.

Fees and charges

No fees are payable for an Application for documents containing the Applicant's *Personal Information*.

For Applications for documents that do not contain the Applicant's Personal Information the Application Fee is set out in the RTI Regulation and published on the RTI [website](#). If applicable, processing fees for time spent on the Application may also apply and Titles Queensland will advise the Applicant if this is applicable.

Rights of review

If the Applicant is dissatisfied with an access decision made by Titles Queensland, the Applicant may apply for:

- (a) **Internal review:** to have the decision examined under internal review. An internal review will be completed by a delegate of the Chief Executive Officer, provided that an internal review application must not be decided by the person who made the reviewable decision or a person who is less senior than that person. An application to have a decision internally reviewed must be made in writing within the timeframe specified in the RTI Act.
- (b) **External review:** directly with the Office of the Information Commissioner, within the timeframe specified in the RTI Act, irrespective of whether Titles Queensland has internally reviewed the decision. Alternatively, if the Applicant in the first instance applies for an internal review and is dissatisfied with the internal review decision, the Applicant may apply for an external review of the internal review decision. An Applicant cannot apply for an internal review after an external review.

5. References

Privacy Policy

Information Privacy Act 2009 (Qld)

Right to Information Act 2009 (Qld)

Right to Information Regulation 2009 (Qld)