

ACCESSING COMPLAINT DOCUMENTS

Complaints received

Council receives complaints and information from a variety of sources relating to a range of matters. Typically, when a complaint is received it will contain personal information of the complainant. Council is obligated to ensure all personal information is secured to protect the privacy of individuals as required by the [Information Privacy Act 2009](#) (IP Act) and the Information Privacy Principles contained in that Act.

What is personal information?

Council considers that personal information is about an individual, whether true or not, and if the identity of the individual can be reasonably ascertained from the information.

For example: a person's name, address, date of birth, email address, nationality, an image of the individual, opinion.

Can I access documents held by Council?

The [Right to Information Act 2009](#) (RTI Act) and the IP Act give people the right to apply to Council for access to documents. However, access to those documents may be refused if information in the documents is exempt or contrary to the public interest to release as outlined in the RTI Act.

Will I get access to complaint documents?

You will likely only get access to documents that contain information based on your personal information, and/or procedural documents. It is very unlikely you will be given access to documents containing personal information of other people as these documents would enable you to work out the identity of the complainant. This information is typically considered to be contrary to the public interest.

If some of the documents you are applying for contain information that is exempt information, or information which is, on balance, 'contrary to the public interest to disclose, access to those documents will almost definitely be refused.

For example: information that identifies the person who made a complaint is generally contrary to the public interest.

What is exempt information?

There are certain kinds of information which is exempt from release. When information is exempt, Council does not have to consider any other factors to release it. If information is not exempt information, Council will consider if the information is contrary to the public interest to disclose.

For example: any information that would reveal a confidential source of information which relates to the enforcement or administration of a law, is exempt information and you are likely to be refused access to the information on these grounds.

What is contrary to the public interest information?

The RTI Act contains lists of public interest factors, some favouring disclosure of information and some favouring non-disclosure. When making a decision about whether or not to release a document, Council's decision maker will identify all relevant factors for and against disclosure and weigh them up. If the factors against disclosure outweigh the factors for disclosure, access will be refused because disclosure would, on balance, be contrary to the public interest to disclose.

More information

Contact Council and ask to speak to the RTI Officer or email RTI@bundaberg.qld.gov.au and we will be happy to guide you through the process.