

## WHAT IS RIGHT TO INFORMATION?

The *Right to Information Act 2009* (RTI Act) is the State Government's legislation which gives members of the public the right to obtain information held by public authorities and Ministers and about the operations of Government. The RTI Act commenced on 1 July 2010 and replaced the *Freedom of Information Act 1991* (FOI).

Like FOI, the RTI Act gives members of the public a legally enforceable right to information held by public authorities or a Minister unless the information is exempt information. The RTI Act goes further than FOI because it encourages public authorities to be more proactive and responsive in disclosing information.

The Commissioner for Children and Young People is a public authority for the purposes of the RTI Act and must comply with the obligations under the RTI Act.

## WHY DO WE HAVE A RIGHT TO INFORMATION ACT?

The object of the RTI Act is to improve democratic government in Tasmania by:

- increasing the accountability of the executive to the people in Tasmania;
- increasing the ability of the people of Tasmania to participate in their governance; and
- acknowledging that information collected by public authorities is collected for and on behalf of the people of Tasmania and is the property of the State.

## TYPES OF DISCLOSURE

The RTI Act recognises four categories of information disclosure:

*Required Disclosure* – Information that is required by law to be published, such as an annual report.

*Routine Disclosure* – Information of interest to the public that is released on a routine basis, such as statistics.

*Active Disclosure* – Information that is freely released upon request without the need for a formal application and assessment process.

*Assessed Disclosure* – Information that is released on application after it has been formally assessed under the provisions of the RTI Act.

Assessed Disclosure is meant to be 'the method of last resort'. Public authorities are expected to release as much relevant information as possible in response to enquiries (Active Disclosure) or that may be of public interest (Routine Disclosure) without the need for a formal application and assessment process.



## WHAT INFORMATION CAN BE ACCESSED?

You have the right to request any information held by the Commissioner for Children and Young People. Where we can we will give you this information at no cost. However, some sensitive information, such as personal or business information, may need more formal assessment before we decide whether it can be released (see Assessed Disclosure below for details).

The Right to Information Regulations 2010 prescribe minimum requirements that must be contained in an application for assessed disclosure:

- The name of the applicant;
- The address of the applicant, for communication on matters relating to the application;
- The daytime contact details of the applicant;
- The general topic of the application;
- Details of the information sought by the applicant;
- Details of any efforts taken by the applicant, before the application was made, to obtain the information sought;
- The date of the application;
- The signature of the applicant;
- If the application includes a request for personal information of the applicant, proof of the identity of the applicant.

Part 3 of the RTI Act lists the grounds under which information may be exempt from release. The Commissioner is not obliged to release exempt information.

You can view, download and print the RTI Act and the RTI Regulations from the Tasmanian Legislation Online website:

[Right to Information Act 2009](#)

[Right to Information Regulations 2010](#)

## HOW DO YOU OBTAIN INFORMATION?

The Commissioner for Children and Young People routinely releases information through this website such as reports including the annual report, media releases, resources and other publications. You can access most information via the home page or do a search of the website or the publications list.

Please contact the Commissioner for Children and Young People if you cannot find what you are looking for and we will try to help you. If all or part of your request is more closely related to the functions of another agency it will be promptly transferred to the other agency and you will be notified accordingly.



Many requests will be responded to without reference to the RTI Act. However, if you specifically ask for your request to be treated as a RTI request, you will be directed to the RTI Co-ordinator:

**Commissioner for Children and Young People**

Attention: RTI Co-ordinator

1/119 Macquarie Street

HOBART TAS 7000

Phone: 03 6166 1368

Email: [isabelle.crompton@childcomm.tas.gov.au](mailto:isabelle.crompton@childcomm.tas.gov.au)

If after collating the information relevant to your request it is considered that it would be contrary to the public interest to release some of the information you have requested, the RTI Co-ordinator will contact you. You will be given the option of excluding that information from your request or proceeding with the formal assessment process, Assessed Disclosure.

## OTHER PLACES TO LOOK

Before you lodge a RTI request with the Commissioner for Children and Young People, you are required to check whether the information is readily available, either from our website or from other government departments and bodies.

The Service Tasmania Network:

- The Service Tasmania website
- or visit a Service Tasmania office
- or call 1300 13 55 13
- or contact Service Tasmania via their online form, [www.service.tas.gov.au/contact/ask](http://www.service.tas.gov.au/contact/ask)

Via Tasmania Online:

- Search for information at [www.tas.gov.au](http://www.tas.gov.au)

The Tasmanian Archives Office:

- [www.archives.tas.gov.au/database](http://www.archives.tas.gov.au/database)
- Email TAHO on [taho@education.tas.gov.au](mailto:taho@education.tas.gov.au)

## ASSESSED DISCLOSURE

For formal assessment under the RTI Act, you will need to complete a [RTI Assessed Disclosure Form](#).

Applications are to be accompanied by a non-refundable application fee, unless you are claiming an exemption (see below). This fee is 25 fee units, which is \$38.75 as at 1 July 2017 and is indexed annually. This is the maximum amount the information will cost you.



You may apply to have the fee waived if:

- You are in financial hardship – we would usually ask to see evidence that you are in receipt of Centrelink or Veterans Affairs payments;
- You are a Member of Parliament and the application is in connection with your official duty; or
- You are able to demonstrate that you intend to use the information for a purpose that is of general public interest or benefit.

## **WHAT WILL WE DO ONCE WE HAVE YOUR APPLICATION?**

We will check your application to make sure we have the information requested and that the application fee is paid or you are eligible for it to be waived. An RTI Officer will then assess your application against the RTI Act and notify you of the outcome as soon as practicable.

If your request is complex or is for a large amount of information we may ask you to grant us more time, or discuss options such as splitting the request and/or releasing information in stages. If some or all of the information is exempt information, the RTI Officer will explain the reasons to you in writing, as well as your rights if you want an independent review of the decision.

If the RTI Officer assessing your request does not notify you of his/her decision within the timeframe allowed you are entitled to apply to the Ombudsman for resolution of the matter [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

## **TIMEFRAMES FOR ASSESSED DISCLOSURE**

The RTI Act specifies the timeframe within which we must notify an applicant for Assessed Disclosure of the outcome of their request. The timeframe is determined by the 'Acceptance Date' and is either 20 or 40 working days following the Acceptance Date, depending on whether consultation with third parties is required for sensitive personal or business-related information.

The RTI Officer will advise you if third party consultation is necessary. The Acceptance Date is the date on which we received your request, or if we need to clarify it with you, it is the date on which we notify you that we are able to act on your request within a maximum of ten working days.

You should note that unless you have paid the fee or a decision to waive it has been made, your application for assessed disclosure has not been validly made and the timeframes referred to do not begin to run.

## **INFORMATION DISCLOSURE POLICY**

The Commissioner for Children and Young People (the CCYP) recognises that the Tasmanian people have a right to information held by the CCYP and will actively provide access to that information.



## RTI ACT AND REGULATIONS

You can view, download and print the RTI Act and the RTI Regulations from the Tasmanian Legislation Online website:

[\*Right to Information Act 2009\*](#)

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The Tasmanian Ombudsman has produced a Manual and Guidelines concerning implementation of the RTI Act. [See the Tasmanian Ombudsman website.](#)