RIGHT TO INFORMATION/ ACCESS TO PERSONAL AND CREDIT INFORMATION POLICY

PURPOSE
To describe the policy relating to legislation which gives individuals a right to apply for access to documents under the Right to Information Act 2009 (Qld) (RTI Act); and access to and amendment of their personal information under the Information Privacy Act 2009 (Qld) (IP Act); and access to and correction of personal information, credit information and credit eligibility information under the Privacy Act 1988 (Cth) (Privacy Act).

POLICY STATEMENT
The RTI Act sets minimum standards for the disclosure of information contained in Queensland Government agency held documents. The IP Act sets minimum standards for the disclosure of, and, amendment to personal information of individuals contained in documents in the possession of Queensland Government agencies. Ergon Energy, being a Government Owned Corporation, is an agency for the purposes of the RTI Act and IP Act.

The Privacy Act at Schedule 1 contains Australian Privacy Principles 12 and 13 which require organisations that hold personal information about individuals to allow them access to and correction of their personal information. The Privacy Act at Schedule 2 in sections 21T and V allows individuals to apply for access to their credit eligibility information and correction of their credit information and credit eligibility information, subject to certain exceptions.

Ergon Energy will ensure that all requests for documents under the RTI Act and the IP Act and access to personal information and credit eligibility information under the Privacy Act are handled in accordance with the provisions of the Acts and are processed in a timely, professional manner and in accordance with statutory timeframes where applicable. Ergon Energy will assess requests for documents and personal information under these Acts on their merits having regard to whether any exemptions are applicable and against public interest factors.

IMPLEMENTATION

Right to Information Act and Information Privacy Act
The RTI Act and IP Act confer upon members of the community a legally enforceable right of access to information held by Queensland State agencies subject to exemption provisions and public interest factors, which are intended to protect essential public and private interests. The RTI Act applies to all functions of Ergon Energy Corporation Limited. However, the RTI Act does not apply to the functions of Ergon Energy Queensland Pty Ltd, except so far as they relate to community service obligations. There are statutory timeframes for processing access applications under the RTI Act and access and amendment applications under the IP Act, and applicants are accorded rights of Internal Review and External Review.

An application fee is applicable for applications under the RTI Act and processing charges are applicable when the processing time exceeds 5 hours. Access fees are applicable for access to documents disclosed under the RTI Act and IP Act. The relevant fees and charges are outlined in the Right to Information Regulation 2009 and relevant access charges in the Information Privacy Act Regulation 2009 and are applied where relevant.

The Office of the Information Commissioner's website provides guidelines on exemptions and public interest factors applicable to both the RTI Act and IP Act. The Principal Officer of Ergon Energy has delegated original decision-making to the RTI & Privacy Officer and
RIGHT TO INFORMATION/ ACCESS TO PERSONAL AND CREDIT INFORMATION POLICY

Internal Review to a Corporate Lawyer of Ergon Energy to fulfil the statutory duties and obligations prescribed by the RTI Act and IP Act.

Privacy Act

The RTI & Privacy Officer will also process formal requests for access to and correction of personal information, credit information and credit eligibility information under the Privacy Act.

Personal Information

Applications for access to personal information under APP 12 of the Privacy Act must be processed within a reasonable period after the request is made. Access charges are applicable for documents disclosed in response to requests for access to an individual's own personal information under the Privacy Act. The charges must not be excessive and must not apply to the making of the request. If access to personal information is refused or not given in the manner requested, written notice must be given to the individual which sets out the reasons for refusal, unless having regard to the grounds for the refusal would be unreasonable to do so; and mechanisms available to complain about refusal.

In accordance with APP 13, applications for access to personal information under the Privacy Act must be processed within a reasonable period after the request is made. The individual must not be charged for making the request or for correcting or for associating a statement to their personal information.

Credit Eligibility Information and Credit Information etc

Applications for access to credit eligibility information in accordance with section 21T must be processed within a reasonable period after the request is made. Access fee charges are applicable, but must not be excessive and must not apply to the making of the request. Access is to be considered in line with the specified exceptions in section 21T. If access to information is refused or not given in the manner requested, written notice must be given to the individual which sets out the reasons for refusal, unless having regard to the grounds for the refusal would be unreasonable to do so; and mechanisms available to complain about refusal.

Applications for correction of credit information, Credit Reporting Body derived information or Credit Provider derived information are processed in accordance with section 21V. If Ergon Energy is satisfied the information is out-of-date, incomplete, irrelevant or misleading all reasonable steps must be taken to correct the information within 30 days from receipt of the request. There must not be a charge imposed on the individual for making the request or correcting the information. Ergon Energy must within a reasonable period of correcting the information, give each relevant individual written notice of the correction. If Ergon Energy does not correct the information, it must within a reasonable period give the individual written notice of the decision and provide reasons.

REFERENCES

Right to Information Act 2009 (Qld)
Right to Information Regulation 2009 (Qld)
Information Privacy Act 2009 (Qld)
Information Privacy Regulation 2009 (Qld)
Privacy Act 1988 (Cth)
DEFINITIONS

Agency;
(a) a department; or
(b) a local government; or
(c) a public authority; or
(d) a government owned corporation; or
(e) a subsidiary of a government owned corporation.

agency does not include an entity to which the RTI Act does not apply.

Credit Information: refer to Privacy Act 1988 (Cth)

Credit Eligibility Information: refer to Privacy Act 1988 (Cth)

Credit Reporting Body derived Information: refer to Privacy Act 1988 (Cth)

Credit provider derived Information: refer to Privacy Act 1988 (Cth)

Document: Any paper or other material on which there is writing, marks, figures, symbols or perforations having a meaning for a person qualified to interpret them, any disc, tape or other article or any material from which sounds, images, writing or messages are capable of being reproduced (with or without the aid of any other article or device). (Refer to section 36 Acts Interpretation Act 1954 (Qld)).

External Review: If an applicant is aggrieved by an RTI Act or IP Act original decision or Internal Review decision, an application for External review may be submitted to the OIC.

Internal Review: If an applicant is aggrieved by the response to their RTI Act or IP Act request, an application for internal review may be submitted or the applicant may apply directly to the Office of the Information Commissioner (OIC) for External Review.

IP Act: Information Privacy Act 2009 and Information Privacy Regulation 2009. Legislation that confers upon members of the community a legally enforceable right of access to their own personal information held by state and local government agencies (including public authorities and local government) subject to a number of public interest factors and exemption provisions, which are intended to protect essential public and private interests.

Privacy Act: Privacy Act 1988 (Cth). An Act to make provision for the protection of the privacy of individuals in accordance with the 13 Australian Privacy Principles (APP) in Schedule 1; and in Schedule 2 in protecting individual’s credit information and credit eligibility information.

Personal Information: means information or an opinion about an identified individual, or an individual who is reasonably identifiable:
(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.

RTI: Right to Information

RTI Act: Right to Information Act 2009 and Right to Information Regulation 2009. Legislation that confers upon members of the community a legally enforceable right of access to information held by state and local government agencies (including public
authorities and local government) subject to a number of public interest factors and exemption provisions, which are intended to protect essential public and private interests.

**RTI & Privacy Decision-Maker**: The Principal Officer of any agency or the officer who has been delegated under section 30 of the RTI Act and section 50 of the IP Act to be decision-maker and deal with applications.

**RTI & Privacy Officer**: The officer delegated under section 30 of the RTI Act and section 50 of the IP Act to be decision-maker and deal with applications.

## ENFORCEMENT

**Right to Information Act and Information Privacy Act**

Non-compliance of the statutory timeframes under the RTI and IP Acts, without consultation and agreement with the applicant, will lead to a deemed decision refusing access. The decision-maker must give prescribed written notice to the applicant as soon as practicable after the deemed decision. The RTI Act requires that the application fee be refunded to the applicant when there is a deemed decision. Applicants have rights of review directly to the Office of the Information Commissioner when there is a deemed decision.

**Privacy Act**

Applicants who are refused access and/or correction of their credit information or credit eligibility information have right to make a complaint to the Privacy Commissioner under Part V of the Privacy Act.

## CATEGORY

Corporate Governance.