



Information Sheet – Requesting access to information

The Mental Health Review Tribunal (**Tribunal**) supports the rights of individuals to request information and records either through formal applications made under the *Information Privacy Act 2009 (IP Act)* or the *Right to Information Act 2009 (RTI Act)*, or through an informal administrative access scheme.

What records can I request?

You may make a request to the Tribunal to access records containing your own personal information under the IP Act. Before making a request under the IP Act, you may wish to contact the Tribunal to find out if you are allowed access to that information without needing to complete a formal IP Act request.

You may also make a request for access to someone else's personal information on that other person's behalf under the IP Act. To do this, you would need proof of proper authorisation. This may be in the form of a guardianship order or a written authority signed by the other person. Again, we recommend you contact the Tribunal first to see if you are allowed access to that information without needing to complete the format request.

You may also request access to other records held by the Tribunal under the RTI Act. Before making an application, we recommend you have a look at the Tribunal's website to see if the information is already available. Our website contains information about the Tribunal and its functions and also includes copies of its annual reports.

What is personal information?

The IP Act defines personal information as "*information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.*" In summary, personal information is any information about an identifiable living individual; including staff, patients and the community more broadly.

Personal information may include things such as a person's:

- name
- date of birth
- address
- any information when combined with other information that could identify an individual.

When might access requests be refused?

There are a range of factors that the Tribunal will take into account when deciding whether to release information and records. These factors are outlined in the IP Act, the RTI Act and the *Mental Health Act 2016*. For any request for access to information, the Tribunal may consider, among other things:

- whether there is a law that prohibits the Tribunal releasing the information or record
- whether the nature of the information or record is within the scope of the IP Act or RTI Act



- whether the information or record contains personal information, and if so, whether those persons have given their consent for the information or record to be released
- whether release of the information or record may be detrimental to the mental health or wellbeing of a person
- whether it is in the public interest to release that information or record.

The *Mental Health Act 2016* also creates strict obligations of confidentiality for certain records such as victim impact statements and documents subject to confidentiality orders. It is likely that documents such as these will not be released by the Tribunal through requests for access to information.

How do I request access to information?

We recommend that you first contact the Tribunal in relation to your request as it may be possible for the Tribunal to release documents to you through its administrative access scheme. This process is free of charge, less formal and may allow the Tribunal to release documents to you more quickly. You can make preliminary enquiries by phone, but we ask that all requests for information and records are made in writing. You can do this via post, email or by the Contact Us page on the Tribunal's website.

If you wish to request access to information or documents held by the Tribunal you may make a formal application under the IP Act or the RTI Act. The form can be found on the Queensland Government Right to Information and Information Privacy website at www.rti.qld.gov.au. You can send the completed form by post or email to the Tribunal.

When making a request or enquiry about access to information and records it may be helpful to consider the following prompts:

- Are you seeking specific documents (is it a clinical report, a notice, a decision etc.)?
- What time period is the information from or when was the document created (a date range can be helpful to narrow a search)?
- Any other information that may help us identify the documents you are seeking.

Once you submit a request for access to information, a staff member of the Tribunal will review your request to ensure that the records you are seeking may be released. In some cases, where necessary, a staff member of the Tribunal may contact you to clarify or assist you with your application.

Once the Tribunal makes a decision on your application you will receive notice of that decision in writing.

Contact the Tribunal

Mental Health Review Tribunal
PO Box 15818
CITY EAST QLD 4002
Phone: 1800 006 478
Email: MHRT.Enquiry@mhrt.qld.gov.au
Web: www.mhrt.qld.gov.au