



**Office of the Information Commissioner  
Queensland**

**Disclosure logs -**

**Queensland Government departments**

**Report No. 2 to the Queensland Legislative Assembly for 2020-21**

We thank the staff of the Queensland government departments for their support and cooperation.



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ISBN: 978-0-6484026-9-5

August 2020

Mr Peter Russo MP  
Chair  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Russo

I am pleased to present 'Disclosure logs - Queensland Government departments'. This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The report outlines how well Queensland Government departments meet the requirements for operating disclosure logs.

In accordance with subsection 184(5) of the *Right to Information Act 2009* (Qld) and subsection 193(5) of the *Information Privacy Act 2009* (Qld), I request that you arrange for the report to be tabled in the Legislative Assembly.

Yours sincerely



Rachael Rangihaeaata  
**Information Commissioner**



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# 1. Summary

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Disclosure logs are part of a website that captures documents government agencies have released under the *Right to Information Act 2009* (the RTI Act). They are a tool that agencies can use to make more information available to the community. This enhances openness and transparency and supports the broader aims of the RTI Act.

Disclosure logs should be easy to find and use. When disclosure logs are well designed, individuals can access published information easily, quickly and freely, and only need to apply under the RTI Act as a last resort. This can save money and effort for agencies and the community. Disclosure logs also need to be current, complete and accurate to be effective.

The RTI Act and Ministerial guidelines set out the information that departments must publish in their disclosure logs.<sup>1</sup> This includes a copy of the documents released after the applicant has accessed them.<sup>2</sup> There are some exceptions. The RTI Act describes types of information which agencies must delete from any document or information included in disclosure logs.

We examined the disclosure logs of Queensland Government departments at a point in time – the end of 2019 – and compared them with selected departmental internal data. We assessed whether departments comply with their legislative obligations about disclosure logs and use them effectively to publish information. This report presents the key findings across all departments. We will provide detailed feedback to each department separately.

## Conclusions

Departments maintain mostly compliant disclosure logs but there are gaps. The logs are not always current or complete. On average, departments take nearly two months to update their disclosure logs after receiving a valid application. The average time to publish information after an applicant accesses the documents is 50.3 days. However, a small number of departments take more than six months to publish after access.

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1 Right to Information Act 2009 (Qld); Ministerial Guidelines: Operation of Publication Schemes and Disclosure Logs, under section 21(3) and sections 78, 78A and 78B of the RTI Act.

2 If an applicant does not access documents within a prescribed time period, the agency must publish information advising the community how to access the released documents.

When agencies do not keep their disclosure logs up-to-date, they miss out on possible efficiencies in handling access applications. As the community does not have access to timely information, there is a risk that an individual applies to access the same documents.

Almost half the departments consistently link to released documents or explain why they are not publishing them in the disclosure logs. Another seven departments follow this practice but not consistently. Although not a legislative requirement, agencies are more open and transparent when they note on their disclosure logs the reasons for not publishing documents they have released to applicants.

While it is generally easy to find the departments' disclosure logs on their websites, not all disclosure logs are easy to read or use. This diminishes their value and means the departments do not fully realise the benefits of their disclosure logs as a tool for proactive disclosure. It can also affect the community's confidence in government agencies because they are not as transparent and open as they could be.

Most departments have not designed their disclosure logs to support browsing or searching, although some have tools, like the ability to filter the list or search by keyword.

Recurring themes appear in the information topics listed in most departments' disclosure logs. Agencies have an opportunity to identify information frequently sought and consider if they can make that information available more easily and efficiently.

Queensland Government departments must have disclosure logs with specified information. We encourage all agencies to have a disclosure log to support openness and transparency. They should design disclosure logs with the reader in mind, so that the logs are easy to find and use, and contain timely, accurate and useful information.

## **Recommendations**

We recommend agencies make their disclosure logs

1. easy to find
  - have a clear pathway on the website
  - signpost and cross reference if the agency operates multiple disclosure logs
2. easy to use
  - integrate browse, search and/or filter functions
  - explain how to obtain assistance in using the disclosure log
3. up-to-date
  - publish the required information promptly
  - acquit all applications received and publish their outcomes as much as possible
  - keep the disclosure logs complete and accurate
4. useful
  - give a meaningful summary of the information the applicant sought
  - link to accessed documents
  - explain when not linking to accessed documents.



## 2. Context

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A disclosure log is part of a website that captures documents released by government agencies under the *Right to Information Act 2009* (the RTI Act). It enhances an agency's openness and transparency and supports its accountability.

The RTI Act and associated Ministerial guidelines<sup>3</sup> detail the requirements for agencies' disclosure logs. Departments must publish released documents to their disclosure logs, along with information about valid applications received. Other agencies should publish released documents to their disclosure logs wherever possible.

There are limitations about publishing information to disclosure logs. For example, agencies must not publish documents containing an applicant's personal information or information that would invade an individual's privacy.

Disclosure logs benefit the community and government agencies. When disclosure logs are well designed, individuals can access published information easily, quickly and freely, without making a formal application. As a result, agencies save money and effort as they do not have to repeat work done for one application across multiple applications for the same information.

Agencies can also use their disclosure logs to identify what information applicants regularly request. They can then look for better ways to make that information available, for example through an administrative access arrangement.

Administrative arrangements are a simple and efficient way to release information to the community. They allow access to documents without formal applications under the RTI Act, which are required to be the last resort. Agencies can charge a fee for administrative access.

Examples of administrative arrangements are searching registers of government licences or accessing your own personal information, such as medical or academic records.

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<sup>3</sup> *Right to Information Act 2009* (Qld); Ministerial Guidelines: Operation of Publication Schemes and Disclosure Logs, under section 21(3) and sections 78, 78A and 78B of the RTI Act.

This audit assessed whether departments comply with their legislative obligations about disclosure logs.<sup>4</sup> We examined whether departments:

- publish appropriate details of valid applications as soon as practicable after they receive a valid application
- publish appropriate details of processed applications, and copies of documents to which access was granted, where appropriate, as soon as practicable after giving access
- operate their disclosure logs in accordance with the RTI Act and the Ministerial guidelines.

This report presents the themes and issues we found across the departments' disclosure logs for the period we examined.<sup>5</sup>

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<sup>4</sup> The audit methodology is in the Appendix.

<sup>5</sup> 1 July 2018 to 30 June 2019 for all departments except three high-volume departments, for which the period is 1 January to 30 June 2019.

## **3. Compliant**

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### **Introduction**

Disclosure logs need to be current, complete and accurate to be effective and to support transparency and openness in government as the RTI Act intends.

The RTI Act and Ministerial guidelines set out the information that agencies must include their disclosure logs.

Departments must publish, as soon as practicable:

- after receipt of a valid application – details of the information sought and the date the application was validly made, and
- after an applicant has accessed released documents, a copy of the documents, and the names of the applicant and any entity benefiting from the application.

There are some exceptions. The RTI Act describes types of information which agencies must delete from any document or information included in a disclosure log (section 78B(2)). One example is information that would unreasonably invade an individual's privacy.

### **Conclusions**

Departments maintain mostly compliant disclosure logs. However, there are gaps, and the information is not always current.

Over a third of departments had some application listings missing from the disclosure logs, their internal records or both at the time of the audit data capture.

While across departments, the average time to publish information after an applicant accessed the documents is 50.3 days, a small number of departments take more than six months to publish after access.

Almost half the departments consistently link to released documents or explain why they are not publishing them in the disclosure logs. Another seven departments adopt this practice but do not follow it consistently.

While not a legislative requirement, agencies are more open and transparent when they note on their disclosure logs the reasons for not publishing the documents they have released to applicants.

When agencies do not keep their disclosure logs up-to-date, they may not fully realise its benefits, including possible efficiencies in handling access applications. It also means that the community does not have the most current and complete information.

## Timely

The RTI Act and the Ministerial guidelines do not define '*as soon as practicable*'. Some jurisdictions prescribe the timeframe for publication after access, ranging from 10 working days<sup>6</sup> to 90 days<sup>7</sup> after the agency gives access to the documents.

Across departments,<sup>8</sup> the average time to publish details of valid applications after receipt is 54.4 days, just under two months.

One group of five departments takes less than 4 weeks to publish information about valid applications. By contrast, another group of three departments takes at least 140 days, and on average 6 to 7 months (199 days), to publish. One department in that group took over 13 months to publish information about several valid applications.

**Figure 3A – Time to publish receipt of valid applications**

Up to 4 weeks (16.3 days average)	4 to 7 weeks (38.7 days average)	2 to 3 months (63.8 days average)	3 to 4 months (96.2 days average)	Over 4 months (198.9 days average)
5 departments	8 departments	2 departments	2 departments	3 departments

Source: Office of the Information Commissioner

After an applicant has accessed the released documents, departments must publish information about the application. Before they do, they must consider whether there are reasons for not publishing any of the information. Across departments,<sup>9</sup> the average time to publish after access is 50.3 days.

The quickest group of departments takes less than 8 weeks after access to publish information. A large group publish between 3 to 6 months. However, there are three departments that are particularly slow in publishing information after access, averaging close to a year. It took one department in that group just over 15 months to publish after access.

<sup>6</sup> Section 11C(6) *Freedom of Information Act 1982 (Cwlth)*.

<sup>7</sup> South Australia - Premier and Cabinet Circular PC045: DISCLOSURE LOGS FOR NON-PERSONAL INFORMATION RELEASED THROUGH FREEDOM OF INFORMATION.

<sup>8</sup> This excludes one department who published no information for over two years after a machinery-of-government change. Responsibility for managing the disclosure log was unclear. The department has rectified the situation.

<sup>9</sup> Ibid.

**Figure 3B – Time to publish information after access<sup>10</sup>**

Up to 8 weeks (22.4 days average) 6 departments	8 to 12 weeks (66.7 days average) 2 departments	3 to 6 months (137 days average) 8 departments	Over 6 months (359.3 days average) 3 departments
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Source: Office of the Information Commissioner

Some departments publish information in batches. For example, a department might publish to the disclosure log a couple of times a year. When the batches are few and far between, for example when publishing twice a year, this can lead to substantial delays.

The volume of applications does not predict timeliness of publication. Departments that receive many applications do not necessarily publish quicker or slower than other departments.

However, individual departments that operate their own, single disclosure log have quicker publication times than when there are multiple managers and/or multiple disclosure logs.

An applicant has 40 business days to access released documents (the ‘access period’). Departments must wait for the applicant to access the documents during the access period before publishing on the disclosure logs. If an applicant has not accessed the documents within the access period, a department must include in the disclosure log:

*details identifying the document, and information about the way in which the document may be accessed and any applicable charge.<sup>11</sup>*

This situation is uncommon. The audit data contained 26 applications in eight departments, out of 2217 application listings for the period under review.

Only one of those departments handled the situation in accordance with legislative requirements. In its disclosure log, the department annotated the application:

*The applicant has not paid the required charges. Documents will be released to an individual/organisation upon receipt of \$246.40.*

<sup>10</sup> One department did not provide details about publication after access.

<sup>11</sup> Section 78(4) Right to Information Act 2009.

## **Complete and accurate**

Departments must publish specific information in their disclosure logs about the valid applications they receive. They must also publish specific information after the applicant accessed the documents released, unless the information is of a type prohibited under section 78B(2) of the RTI Act.

### **Applications received**

In total, departments said they received 2297 valid applications for the audit period.<sup>12</sup> Together, the disclosure logs for all departments list 2217 applications, a difference of 80 applications (3%).

The overall difference appears low but there are significant variations. Over a third of departments have application listings missing from either the disclosure logs, their internal records or both.

Results for individual departments show a range from all applications being accounted for to a net amount of 48 applications missing from the disclosure logs. Five departments had incomplete disclosure logs at the time of our data capture.

Under the RTI Act and the Ministerial guidelines, departments must include in their disclosure logs the date the applications were made valid. Two thirds of departments list the correct date in their disclosure logs.

### **Links to documents released**

After an applicant accesses released documents, departments must publish a copy of the documents, redacted as necessary. They also must publish the name of the applicant and any entity benefiting from the application, edited as necessary.

Departments must delete from the documents any information described in section 78B(2), for example information that would cause substantial harm to an entity.

A disclosure log is part of a website. If an applicant accesses a document, the department must include a copy of the document in its disclosure log. The most common way to do that is by linking the document.

Almost half the departments do this consistently or explain why they do not publish the document in their disclosure logs. While not a legislative requirement, it is good practice when agencies note on their disclosure logs the reasons for not publishing documents

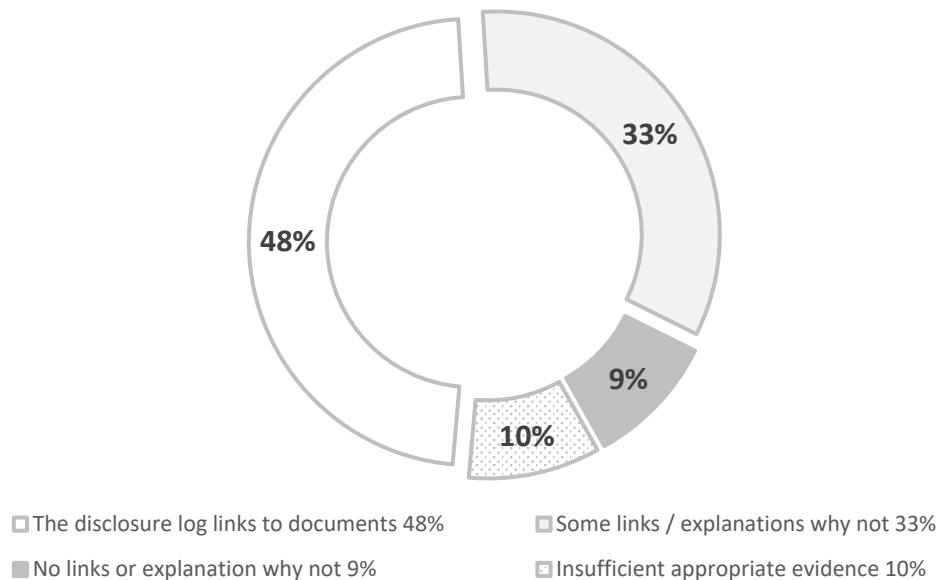
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<sup>12</sup> The audit period was 2018-19 for all but 3 departments. For those 3 high volume departments, the audit period was 6 months – January to June 2019.

they have released to applicants. A further seven departments link documents or explain non-publication, but not consistently.

When there are issues in linking documents, it is because the links are missing or not working, or there are delays or failure to publish correctly after the access period.

**Figure 3C –Links to released documents<sup>13</sup>**



Source: Office of the Information Commissioner

### **Names of applicants and entities**

Even if documents are not publishable, if the applicant has accessed the documents, departments must include the applicant's and/or entity's name in the disclosure log. However, they may use the exceptions listed under section 78B(2) and not name the applicant or entity in their disclosure logs.

While not a legislative requirement, agencies are more open and transparent when they note in their disclosure logs the reasons for not publishing the name of the applicant. Nearly half of departments name the applicants as required, or explain why not.

Over a third of departments did not identify entities potentially benefiting from applications. The remainder were split fairly evenly between departments who named entities appropriately and those who did not.

<sup>13</sup> Insufficient appropriate evidence means there were only one or two relevant applications – not enough to make an audit finding.



## 4. Well-designed

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### Introduction

A disclosure log is one of a set of tools to make information widely available.

It should be easy to find on an agency's website. It should be visible and prominent – advertised ahead of the procedure for applying under the RTI Act.

An effective disclosure log is easy to read and makes sense. Members of the community should be able to browse a meaningful list of applications for information to see if any requested or released information is of interest.

A well-designed disclosure log has tools or built-in filters so people can search the listing. It includes contact information for questions or further assistance.

### Conclusions

It is generally easy to find the departments' disclosure logs on their websites. Where there is no clear pathway, it is either because the website has inadequate signposting or the department has multiple disclosure logs but does not cross reference them.

However, not all disclosure logs are easy to read or use. This diminishes their value and undermines their purpose. It can also affect the community's confidence in a government agency because it is not as transparent as it could be.

A reader would not readily understand the information sought from a third of departments because the summary of the information requested is too generic. And while they provide contact details for questions or assistance, most departments have not designed their disclosure logs to support browsing or searching.

### Easy to find

Departments must include a link to right to information in their website's footer.<sup>14</sup> There should be a clear pathway to the disclosure log.

The disclosure logs of 17 departments (81%) are easy to find.

But the pathways to the disclosure logs of four departments are not sufficiently clear.

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<sup>14</sup> Queensland Government Chief Information Office, *Consistent User Experience Standard, Module 2: Checkpoint 26 – Standard footer*

Two departments with multiple disclosure logs do not make sure readers can find the right disclosure log quickly and easily.

Another department has two disclosure logs for different parts of the agency following machinery-of-government changes. The website does not explain this, nor cross reference between the two logs. As a result, a person searching the disclosure log may think there are no relevant applications.

In addition, the two disclosure logs use the same numbering system. This is confusing and does not help readers find the information they are looking for.

#### **Multiple disclosure logs**

The legislation describes how each agency must operate a disclosure log.

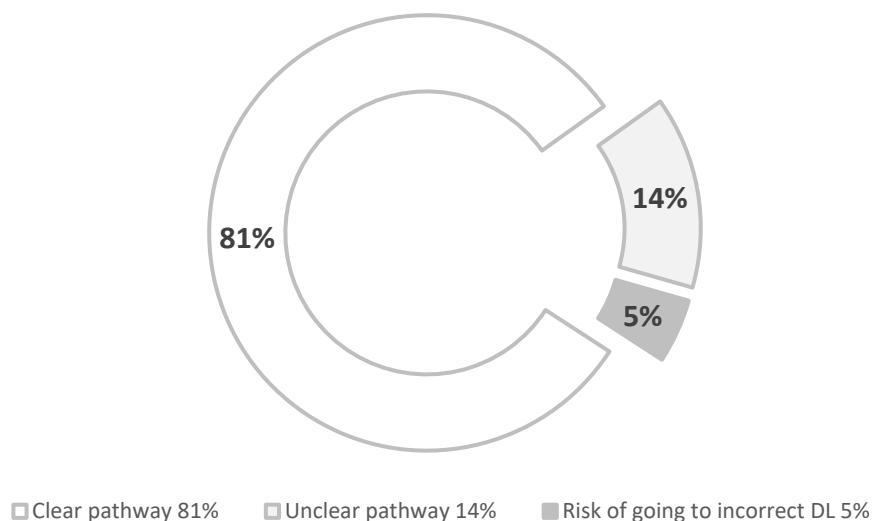
12 departments have multiple owners or managers of disclosure logs, or multiple disclosure logs.

These arrangements can fit within the legislative framework.

If a department has multiple disclosure logs, it must ensure quick and easy navigation to the correct disclosure log.

Organisational structures and management approaches will evolve and change. However, relevant disclosure logs should always be easy to find.

**Figure 4A – Pathway to disclosure log**



Source: Office of the Information Commissioner

## **Easy to use**

### **Summary of information**

About two thirds of departments give a meaningful summary of the information applicants sought.

When the summary is not meaningful, it does not help a reader understand the information sought. Examples are:

*Statistical information*

*Documents relating to a departmental property*

*Procurement documents*

Departments should describe the information sought in more detail where possible, such as ‘procurement documents *about IT services*’ or ‘documents relating to a departmental property *in the Wide Bay region*’.

Some departments use a standardised format for the topic summary. This makes it easy for a reader to browse through the disclosure logs. For example, the Department of Environment and Science summarises each topic in this order:

- the type of documents sought (communications, reports, documents)
- a few words describing the topic
- the date range.

### **Browse and search**

The disclosure logs of about a third of departments are easy to browse and search.

For example, the Department of the Premier and Cabinet’s disclosure log is easy to scroll through due to its tabular format. It has filter and keyword search functions.

**Figure 4B – Example of search function**

Show 20 entries		Search: Bush		
RTI reference	Date application made	Topic / information requested	Status	Applicant / entity
RTIP208	10 January 2020	<p>Documents held by the Premier and Minister for Trade relating to all correspondence between the Premier's Office, the Inspector-General Emergency Management, and the Minister for Fire and Emergency Services relating to The 2018 Queensland Bushfires Review Report.</p> <p>Time period / date range for request: 1 July 2019 to 31 July 2019</p>	Application finalised.	The Courier-Mail
<p>Showing 1 to 1 of 1 entries (filtered from 32 total entries)</p> <p style="text-align: right;">Previous 1 Next</p>				

Source: Office of the Information Commissioner - Screenshot of departmental webpage

The design of the disclosure logs for another third of departments gives the reader some help to browse or search. This is because the listing is in a tabular format or there are tools to filter the entries.

The remaining third of departments operate disclosure logs that are difficult to browse, for example, in a long list format with no search assistance tools. Other design features make scrolling difficult, like lists running across multiple webpages or needing to be expanded for reading.

Most departments list their right to information applications in a single disclosure log. They can use it to acquit all applications received and their outcomes, for example, if the department did not discover any documents or if it did not publish on the disclosure log the documents released to the applicant due to privacy considerations.

This is good practice because it enhances an agency's openness and transparency. It also avoids the perception that the department hasn't processed the applications within a reasonable time.

A small group (four departments) adopted a model that splits the disclosure logs into two lists.

One list is about the applications received. One department describes it:

*Applications received – Section 78 of the RTI Act requires the department to include certain information to a Disclosure Log as soon as practicable after a valid access application is made, in particular, the details of the information being sought as stated in the application and the date the application was made.*

The other list contains information about some applications where the department granted access to documents. It also has links to the documents the applicant accessed.

Its description is:

*Documents accessed – When the department makes a decision on an access application to give access to a document that does not contain personal information of the applicant, and the applicant has accessed the document within the access period (40 business days).*

This model can satisfy minimum legislative requirements if the department acquires all applications granting access.

For example, when an applicant fails to access the document within the access period, a department must include in the disclosure log:

*details identifying the document, and information about the way in which the document may be accessed and any applicable charge.<sup>15</sup>*

The description of the second listing ‘*Documents accessed*’ does not cover this possibility.

While there is no legislative requirement to do so, the 2-lists model does not show applications where, for example, a department:

- transferred the application to the correct agency
- found no document relevant to the application
- refused access.

This can result in departments receiving multiple applications for the same information because prospective applicants cannot find out the outcomes of previous applications. It could also lead to a perception that departments haven’t processed the applications within a reasonable time.

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15 Section 78(4) Right to Information Act 2009

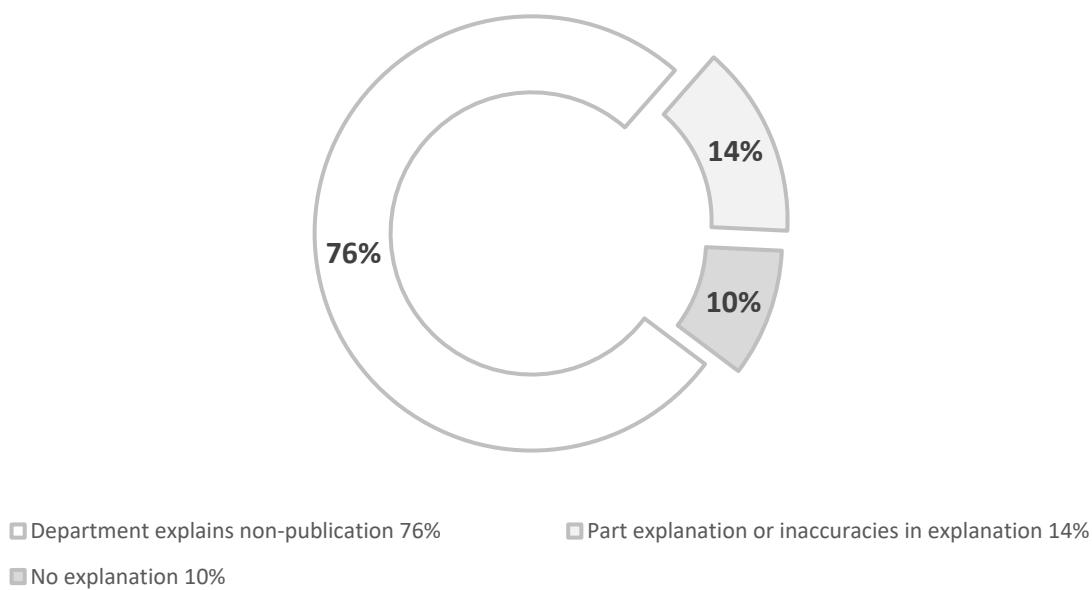
Most departments with a single list disclosure log showed good practice in acquitting applications, although not always consistently.

### **Explanations**

Agencies should explain in their disclosure logs why they may not publish some information. While they are not required to do so, this increases their transparency.

Over three quarters of departments outline possible reasons for not publishing information, including why there might be blank pages within a document. Three departments give insufficient or inaccurate explanations, and a further two give no explanation.

***Figure 4C –Explanations for not publishing information***



Source: *Office of the Information Commissioner*

### **Contact details**

Agencies should provide contact details for questions and feedback about their disclosure logs. Three quarters of departments give those details, but for a quarter the contact information is confusing or hard to find.

Agencies should encourage people to seek help if they need documents in a format different to the published format. Seventeen departments tell readers how to access documents in an alternative format. Four departments do not explain sufficiently how to obtain documents in alternative formats.

## 5. Appendix – Audit methodology

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The audit objective was to assess whether the departments comply with their obligations about disclosure logs.

We addressed the objective through the following lines of inquiry:

- Departments publish appropriate details of valid applications as soon as practicable after they receive a valid application.
- Departments publish appropriate details of processed applications, and copies of documents to which access was granted, where appropriate, as soon as practicable after giving access.
- Departments operate their disclosure logs in accordance with the Act and the Ministerial guidelines.

We also assessed whether the departments used their disclosure logs effectively to publish information.

We copied disclosure logs from departmental websites in November 2019, and then contacted departments to request selected internal records of publication to the disclosure logs.

Between December 2019 and July 2020, we compared the online disclosure logs with the selected internal records the departments provided. We confirmed and analysed the data to calculate the time taken to publish, and test how well departments meet their obligations.

The audit assessed all Queensland Government departments' disclosure logs. It covered applications received for 2018-19, except for three high volume departments, for which the audit period was January to June 2019.

The audit did not examine:

- the process to deal with applications, including decisions to give the applicant access or the content of the information released
- information about applications made under the *Information Privacy Act 2009*
- whether agencies notified the applicants about publication in the disclosure logs under section 54(2)(a)(iii) of the *Right to Information Act 2009*
- applications to Ministers.

Departments adopted a range of approaches to their disclosure logs:<sup>16</sup>

- single owner operators of unique disclosure logs
- multiple owners of a department's disclosure log
- a disclosure log duplicated across two websites
- a service hub maintaining disclosure logs for multiple departments
- interlocking websites for multiple agencies with multiple disclosure logs.

The RTI Act describes how each individual department must operate its disclosure log but not multiple disclosure logs or multiple owners.

We considered the legislative framework for multiple owners and multiple disclosure logs. We found that, for the purposes of this audit, all of these arrangements could fall sufficiently within the definition of the RTI Act to comply with the legislation.

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16 Recent changes affected the number of departments audited and the structure of disclosure logs. *Administrative Arrangements Order (No. 1) 2020*, divided the former Department of State Development, Manufacturing, Infrastructure and Planning between other departments and created a new Department of Regional Development and Manufacturing from 11 May 2020. *Administrative Arrangements Order (No. 1) 2019*, created a new Department of Youth Justice and Queensland Corrective Services from 20 September 2019.