

# Right to Information Survey - Applicant's Experience

17	14:04	Closed
Responses	Average time to complete	Status

## 1. Have you submitted a request for information previously?

Yes	17
No	0



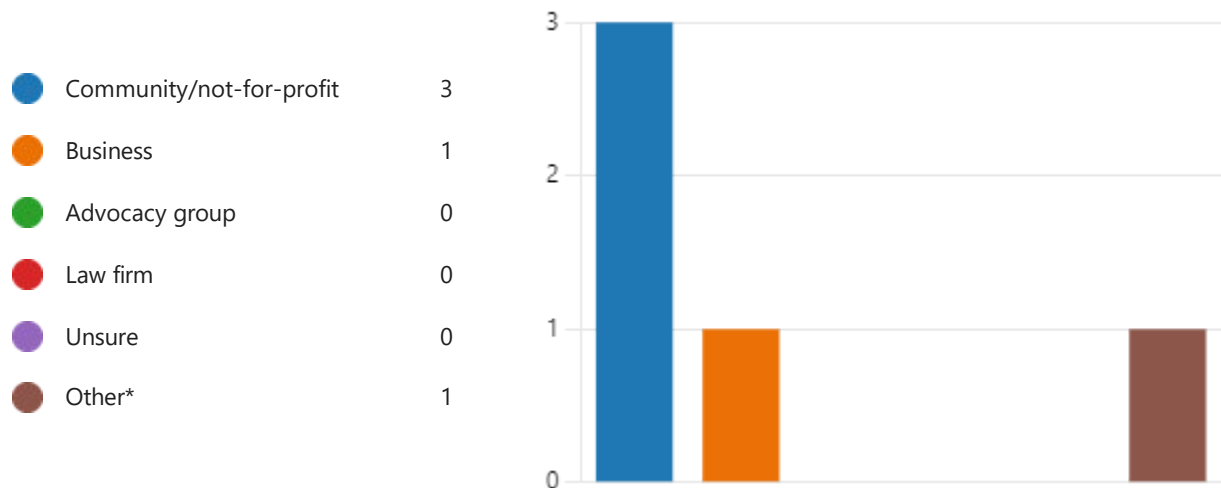
## 2. What category of applicant are you?

Member of Parliament	3
Member of the public	5
Organisation (including those s...	5
Journalist	1
Other*	3



\*Patients and Private person

3. Which type of organisation do you represent?

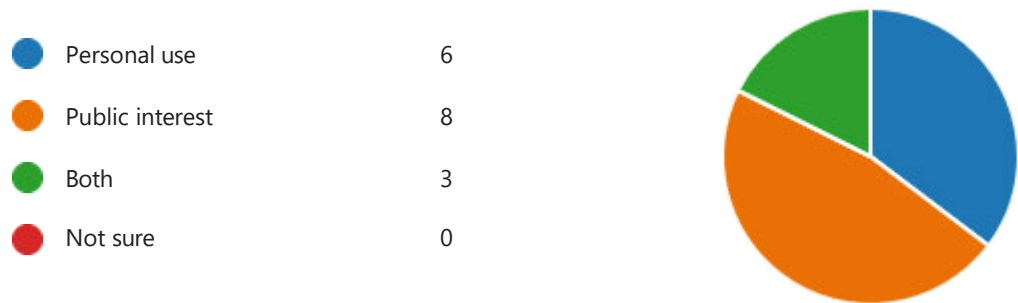


\*Insurance Investigators

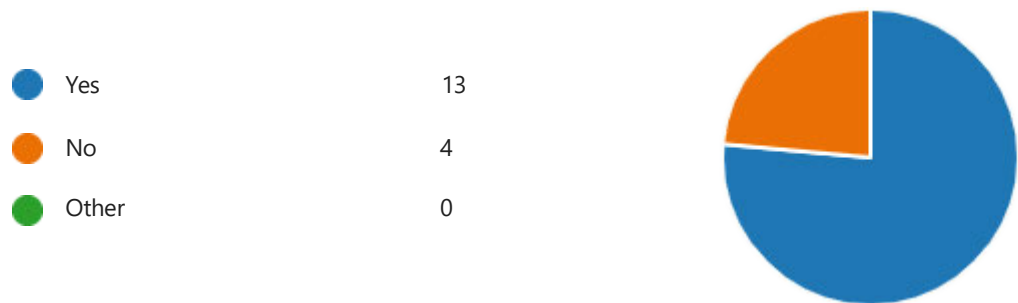
4. Were you applying for information for personal use, or information that you consider is in the public interest?

Information for personal use means information that you are looking to access from the government for a personal benefit or to use in a process that mainly affects you or your client (such as a legal proceeding or a development proposal).

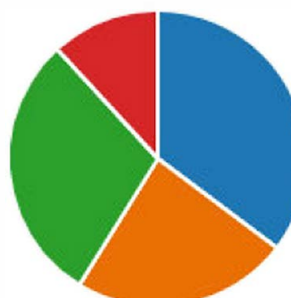
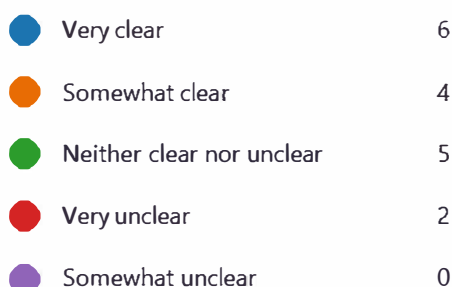
Information in the public interest means information that you are accessing to scrutinise a government process or decision.



5. Was it easy for you to figure out which area of government you should send your request for information to?



6. How clear was the process for lodging a right to information request?



7. What further information or resources would have helped to make the process clearer for you?

<b>1</b>	An Information Disclosure Policy on the Department of Health website, as required by Ombudsman guidelines in place since 2010, issued under section 49 of the RTI Act and available on the Ombudsman website.
<b>2</b>	An Information Disclosure Policy on the Department of Health website, as required by Ombudsman guidelines since 2010, issued under section 49 of the RTI Act and available on the Ombudsman website.
<b>3</b>	Other Acts of Law play a part in who controls the information sort. The Coroner believe they own everything associated to a death. They should attend the scene. Someone has to be assigned to investigate the death. The "Someone" should be a independent Detective who has never had any contact with the deceased what so ever and be trained to investigate. Family members and friends of the deceased should have a say about if the deceased would commit suicide. If the deceased has plans for the future that should be taken into consideration. Outpost Police Stations in rural areas and their staff should not investigate or have a say about the death. When someone is assigned to the death investigation the Senior Next of Kin is notified in writing. So this can be referenced in the RTI Application. Any other way of investigating a death is completely unacceptable. The application should be followed exactly to give the information to the applicant. Section 50 should be reminded to staff members who process applications because if someone who works in authority over this person says you can get that information but when the review is in affect at the Ombudsman Office and more documents are supplied to them then what was received to the applicant there is a huge problem. Section 50 needs to apply for each document found and not sent to the application for that staff member who denies access to the RTI Officer who asked for those documents. When a decision has been handed down by the Ombudsman which touches no new ground this should be included in all training procedures as examples of what is now law. If a Ombudsman is strong in his/her opinion about one decision and weak on the next then their should be a right to appeal through a retired Justice in another state.
<b>4</b>	A streamlined system across government agencies and departments would be helpful. For example, some departments accept emailed requests, while others require you print and fill out a form.

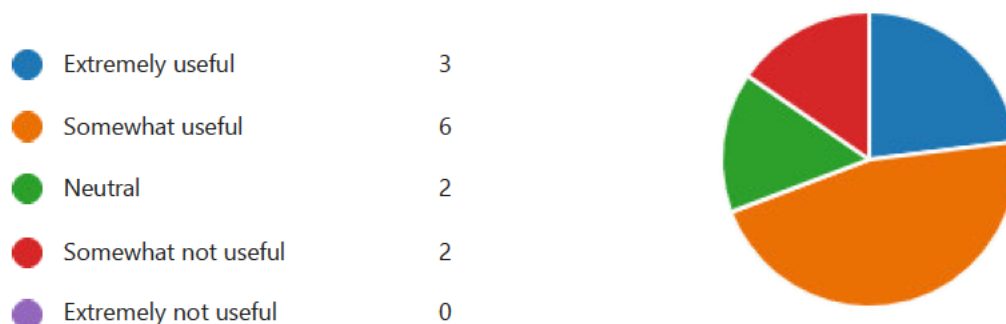
5	Further instruction on what was needed. If feel that my agency and the Government should be on the same page in that we just want to protect children and ensure the right people are working with children and it did not feel that way. No timelines were met and it felt like that Department were trying to find a reason to refuse the request. This goes against the Royal Commissions recommendation into information sharing.
6	State Growth does not provide a contact phone number or even a name for accessibility purposes.
7	Standard form across Departments and a phone number for assistance
8	More information on publicly available data, and more contact from the Department. For example, as someone who doesn't work in Government, I am not familiar with terminology or processes. If I had the opportunity to have a discussion with someone, my request would have been clearer and likely less painful for all involved!
9	more easily accessible manual etc.

8. Did you access an agency's (Department of Premier and Cabinet, Department of Health, Environment Protection Authority etc.) right to information website to lodge your request?



\*I accessed the department of Health website. They don't have a separate website for right to information.

9. How useful was the information on that website?



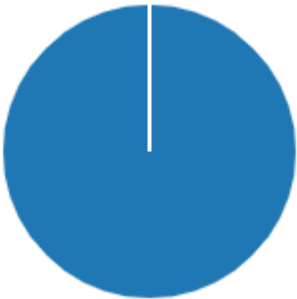
## 10. What was helpful or not helpful about the website?

1	Able to understand process and find out what I needed to do.
2	The embedded link to the documents. The form is not too long.
3	<p>[Firstly, the question 'Did you access an agency's (Department of Premier and Cabinet, Department of Health, Environment Protection Authority etc.) right to information website to lodge your request?' is poorly worded. Patients access the Department of Health website, not a separate Department of Health RTI website, meaning people will answer 'no' or 'other', and the questions about the website will not appear for them in this survey.] There is no Information Disclosure Policy on the Department of Health website, in non-compliance with Ombudsman guidelines issued in 2010 under section 49, and in breach of section 12 of the RTI Act. Many patients looking on the website for information about requesting their personal medical records will come across the 'Personal information and medical records' page:</p> <p><a href="https://www.health.tas.gov.au/patients/your-rights-and-responsibilities/personal-information-and-medical-records">https://www.health.tas.gov.au/patients/your-rights-and-responsibilities/personal-information-and-medical-records</a>. This page is almost all about the Federal Government's My Health Record website, with an application form for a request under the Personal Information Protection Act at the end. Patients looking on the 'Right to information' page of the website see a box near the top of the page advising them to go to the 'Personal information and medical records' page for information on accessing personal information and medical records, where they will find information on My Health Record, not information on accessing their personal medical records held by the Tasmanian Department of Health. The 'Right to information' page itself also doesn't have information about patients wanting to access their personal medical records held by the Tasmanian Department of Health.</p>
4	Understanding the power of the RTI Act is not reflected in the website or the attitudes of RTI staff in the department. It has to be clearly what is acceptable and not. I think that the Section 50 fines should be given to a retired Justice to decide not the Ombudsman because he/she has to live in that state which can cause issues for harassment by Police or other staff.
5	Many government RTI sites are confusing, and not intuitively set out.
6	Form accessible. Email to send document there.
7	The information on the NRE Tas website was helpful in explaining my rights and the process to obtain information from NRE Tas under the RTI Act
8	The process was laid out fairly well.
9	very limited information

11. Did you receive an acknowledgement of your application?



12. Would you have found it helpful to receive an acknowledgment of your application with an explanation of the process and timeframes?



13. Was the information provided in the acknowledgement helpful?



#### 14. What further information would you have liked in the acknowledgement?

1	An acknowledgement that the request has been received should be received within a few days. It is common for certain agencies to not provide an acknowledgement at all or do so up to a week after the application is submitted.
2	[There was some information which could be considered helpful to people not yet familiar with the process, but answering 'yes' in this survey takes away the opportunity to provide any further information.] The acknowledgement email asked for an extension of about 7 weeks on a task which the legislation says should be completed within 20 working days. This is like a uni student asking on the first day of semester one for an extension on an assignment until the end of semester one the following year. Such a request in that context would be denounced as completely unacceptable and lead to a discussion about whether they should leave and not consider attempting to come back until they are more capable of meeting the minimum requirements. Perhaps it's time to look at why legislative time frames are routinely not being met by the Health Department.
3	RTI really has no power at all the staff do just enough to process the application but ignore what's in the application. Their effort in my applications is at 10% because they spell checked it. Because of my request for emails - the Police now have access to them for investigations. WTF. Where are all the emails I was suppose to get. Queensland Government has the best RTI training package in Australia. Anyone can complete it. I have completed it. You need a stronger opinionated Ombudsman who doesn't care about what people think about them. Its a disgrace on how I have been treated by all Tasmanian Government Employees. And to top it off I am not alone. How many more women have to die on the East Coast of Tasmania before the Tasmania Police care about all the dead women they have ignored.

15. Did you receive confirmation that your application had been accepted?

Yes	12
No	2
Other*	2



\*Not until I phoned and mostly yes but on some occasions no acknowledgment was received, which meant the department concerned was able to leave the request in limbo. I was forced to pay to start the clock despite the journalist exemption.

16. Were you asked to change the scope of your request?

Yes	7
No	9



17. Were you satisfied with the reasons given in the request to change the scope of your request?

Very satisfied	0
Somewhat satisfied	2
Neither satisfied nor dissatisfied	1
Very dissatisfied	3
Somewhat dissatisfied	1





18. Did you understand the reasoning given for the decision you received?

● Yes	10
● No	6



19. Did you find that the decision gave enough detail to explain why all of the exemptions were made (if any)?

● Yes	7
● No	6
● There were no exemptions applied	3



20. Overall, how satisfied were you with the process of applying for information from the Tasmanian Government?

● Very satisfied	5
● Somewhat satisfied	0
● Neither satisfied nor dissatisfied	2
● Somewhat dissatisfied	1
● Very dissatisfied	8



21. Please provide any additional feedback on how the process could be made better.

1	It seems as though only about one-in-four RTI applications are returned on time. Timelines can be "renegotiated" but when agencies consistently miss their own extended deadlines, it all feels a bit futile. For example, the former Department of Communities extended a deadline over six times, consistently promising a response 'within the next week' before the decision (comprising just one page of straightforward information) was finally handed down some ~5 months after it was submitted. No change in 'process' will ever be effective so long as agencies continue to flagrantly disregard the RTI Act.
2	I have spoken with the staff at the Tas Police RTI Department on a number of occasions and have always found them to be very friendly and helpful
3	Overall I think it is a fast and simple process and the staff's correspondence is given in a helpful and timely manner. The only other thing that could assist members of the public would be Date Ranges for information, or headings for examples of why they are requesting info e.g. family history, legal proceedings, medical/ psychological reasons and what they are seeking. Otherwise I think it's a good process.
4	About 60% of RTI applications for assessed disclosure lodged with the Department of Health in the 2022-23 financial year were decided under section 18(5) of the RTI Act (ie. a direction is issued that the patient must not receive direct access to their own medical records ostensibly on the basis that it would "prejudice the physical or mental health or wellbeing" of the patient). These decisions are made at the discretion of lawyers for the Department of Health, with patients having no formal rights to review or appeal, and no formal rights to receive any reason or explanation why a lawyer for the department of Health decided an application under section 18(5). This allows lawyers for the Department of Health to deny any RTI application by a patient for their own personal medical records at will, leaving the patient no formal recourse. This happened to me, and I can attest that section 18(5) was misused in my case. According to information from the Department of Health RTI database, provided to me by the Manager of the Complaints Management Oversight Unit in the Office of the Health Secretary, of 461 RTI applications for assessed disclosure decided by the Department of Health in the 2022-23 financial year, 333 applications were for personal medical records and 191 of those were decided under section 18(5) of the RTI Act. That's without getting into decisions under the comparable section 3B of the Personal Information Protection Act (I've been told that decisions under the comparable section 3B of the PIP Act are currently not recorded, but that there were 4,366 requests for information under the PIP Act in 2022-23, leaving plenty of scope for hundreds or even thousands of extra cases like those formally decided under section 18(5). The figures are also only for cases which received a decision by the end of the financial year. There could be hundreds more cases where they simply didn't receive a formal decision by the end of the financial year and were therefore not included in the figures for decided applications. The Right to Information Act must be amended to close the loophole of section 18(5) and the Personal Information Protection Act must be amended to close the loophole of section 3B.
5	in nine years this is your first survey. You can call me. The Ombudsman is allowed to give you my details.
6	Requests should not always take the maximum time allocated to be sent out - simple requests should be addressed promptly. The Ombudsman needs more funding/staff to ensure appeals are handled quickly, particularly given how often original decisions are overturned and information released as a result. The public interest test is very often applied incorrectly, and not enough weight given to reasons for disclosure.

7	The process is too slow and when Child Protection Agencies are requesting the information, I feel that better communication is needed. It has felt like every step has been taken to refuse the application, when I feel we should be working together to provide a better, safer community for children. I understand privacy laws; however, information sharing in relation to the protection of children is key.
8	Payment of fee by credit card was at times challenging. Person taking fee was helpful though. I have said very dissatisfied above because I know we did not get all the info I requested. Hence, the info I got is not a complete set of documents I know exist. Other than that I thought the process went very well.
9	State Growth does not provide acceptance or confirmation of the 20 working day timeframe. Often chase requests and told that the information will be provided on a date and it is not. They do not comply with the Act as they do not try to agree on a new timeframe with a delay, they just notify the Applicant if the Applicant enquires on its status. There is no way of following up other than generic email.
10	The RTI officer at NRE Tas, [REDACTED] on each of three occasions provided the information requested as allowed in Schedule 1 of the Act. Because no personal information was requested I cannot comment on the application of that part of the Act.
11	The agencies need to comply with the spirit and substance of the Act. Too much secrecy, delay and obfuscation. Lack of detailed reasons for exemptions. Do not provide full schedule of relevant information in their possession. More resources need to be urgently allocated to the Ombudsman to allow for timely and effective review. There needs to be a stronger offence provision in the Act with a meaningful penalty. There needs to be more information provided on disclosure logs. Legislative reform required to clarify timeframes and delays incurred through delays in acknowledgement etc. There needs to be better proof of actual consultation with relevant third parties. Sections 6 and 19 used too frequently.