

# Information access policy



# Acknowledgement of Traditional Custodians



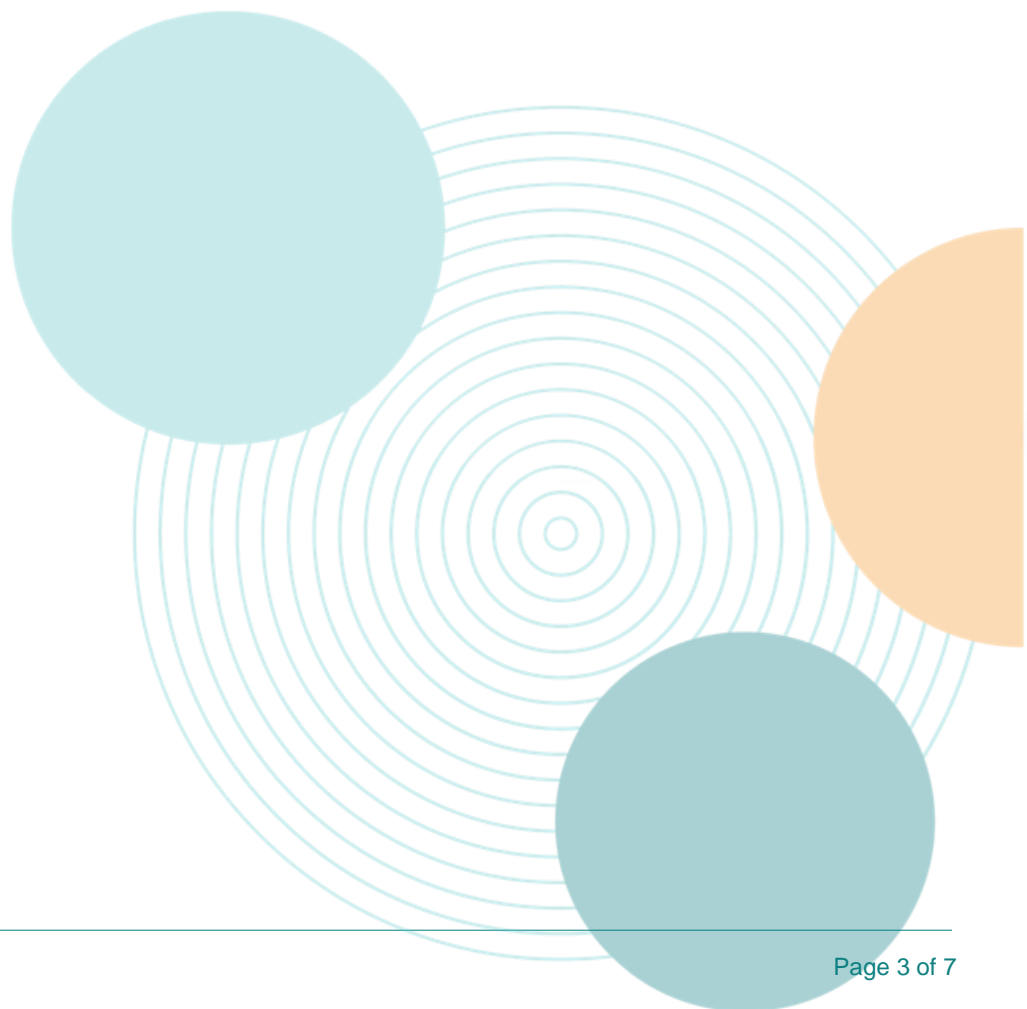
The Department of Justice and Attorney-General recognises and acknowledges Aboriginal and Torres Strait Islander peoples as the First Peoples of Queensland and as the Traditional Custodians of Queensland's precious land and waters. We pay our respects to their Elders past, present and emerging.

We recognise and celebrate the unique and continuing position of Aboriginal and Torres Strait Islander peoples in Australia's history, culture and future, and acknowledge their ongoing strength, resilience and wisdom. We are working to translate this recognition into fair, safe and inclusive practices, policies and services for Aboriginal and Torres Strait Islander peoples.



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## 1.0 Purpose

The purpose of this policy is to outline the criteria and eligibility, for an entity, to enter into an arrangement with the Registrar-General of Births, Deaths and Marriages (Registrar) to obtain information contained in a register under the Registrar's control.

## 2.0 Introduction

The core functions of the Registry of Births, Deaths and Marriages (RBDM) are to:

- collect and maintain information about key life events that occur in Queensland in registers;
- provide access in appropriate cases to information in these registers, including issuing official life event certificates; and
- disseminate statistical information.

Recording important events in people's lives such as births, deaths, and marriages, provides individuals with the official recognition and documentation necessary to establish identity, family relationships and civil status.

Life event information held by RBDM also contributes significantly to Australia's and Queensland's vital statistics, which are used for research, planning and the formulation of effective and efficient evidence-based policy across multiple sectors.

The use and disclosure of personal information is closely controlled under the *Births, Deaths and Marriages Registration Act 2023* (BDMR Act) to protect the privacy of individuals and protect against the risk that information will be misused.

The BDMR Act provides that the Registrar may release information:

- in response to a request, made in writing, by a person or other entity, to access a certificate or document related to a **particular** life event (section 110 or 112);
- under an arrangement with an entity for the provision of information in a register (section 118);
- under an agreement with particular agencies such as the Queensland Families and Child Commission, and the Health Ombudsman in relation to specific functions undertaken by those agencies (sections 120-121);
- under a reciprocal administrative arrangement with another Australian RBDM (section 103).

The framework for entities to enter into an arrangement for access to information in life event registers is outlined in section 118 of the BDMR Act and enables the sharing of information when it is in the public interest, noting that one of the objects of the BDMR Act is the collection and dissemination of statistical information.

## 3.0 Scope

**In scope** – this policy covers:

- Access to information by an entity pursuant to section 118 of the BDMR Act, i.e. where the Registrar may enter a public interest arrangement with an entry for the provision of information.

**Out of scope** – this policy does not cover:

- The criteria or process for an individual or entity seeking information or a certificate in relation to a specific life event – see RBDM's [Certificate Access Policy](#).

## 4.0 Information sharing arrangements

The Registrar is permitted to enter into arrangements to provide registered information to an entity where the arrangement is in the public interest. In entering these arrangements, the Registrar must protect the persons to whom the information relates as far as practicable, from unjustified intrusion on their privacy.

Specific arrangements between RBDM and other entities are negotiated and formalised under specific agreements signed by the parties. Each agreement is constructed to ensure that all the relevant details, including fee arrangements, obligations to ensure data security and privacy, and outlining the purpose for the agreement, meet the legislative requirements.

The framework for the Registrar to enter into information provision arrangements is also subject to the range of relevant legislative requirements that apply to all Queensland government agencies. When releasing information under agreements with other agencies the Registrar is also required to comply with the *Information Privacy Act 2009* (Qld) (IP Act) and the Information Privacy Principles (IPPs). The IPPs require the Registrar to take all reasonable steps to ensure the entity will not use or disclose the information for a purpose other than the purpose for which it was shared.

## 5.0 Who may obtain information under an agreement

Entities seeking to obtain information under section 118 of the BDMR Act must meet key criteria, to be considered for an arrangement:

1. The entity must meet good standing 'due diligence' requirements, as assessed by RBDM;
2. The entity must commit to information privacy and security standards appropriate to the information sought, as outlined in the RBDM Data Access Principles;
3. The purpose and use for which the entity seeks the information must demonstrate that the arrangement is in the public interest; and
4. The entity must enter into an appropriate agreement, the essential terms and conditions of the arrangement, as assessed by RBDM.

## 6.0 Public interest test

The Office of the Information Commissioner Queensland (OICQ) describes the term 'public interest' as referring to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. Public interest considerations are generally common to all members of, or a substantial segment of, the community, as distinct from matters that concern private or personal interests.

The BDMR Act does not define or set out the specific arrangements that will be in the public interest. 'Public interest' must be interpreted in a way that will best achieve the purpose of the BDMR Act<sup>1</sup>, and the subject matter, scope and purpose of the Act is relevant to determining its meaning<sup>2</sup>.

The power to enter public interest arrangements with entities recognises the significant community value of the information RBDM holds for statistical, research, policy development and planning purposes relating to population, fertility, health, mortality and other matters. The power also recognises the value of the information for other public purposes, such as improving the quality of data held by government agencies.

RBDM works closely with the OICQ to ensure that our data management policies and procedures effectively and appropriately balance individual rights to privacy with public interest purposes for making information available to other agencies.

There's no set list of 'public interest' objectives, however the RBDM approach and relevant examples are outlined within the RBDM Data Access Principles (which are available to entities interested in entering an arrangement). In every case, the specific requests and the privacy principles that apply are evaluated following the data access principles when considering a new arrangement.

RBDM will be as transparent as possible about the public interest purpose for an agreement, while safeguarding registered information from being obtained fraudulently or improperly.

## 7.0 Review of a decision

Any person not happy with a decision made by RBDM can seek a review of the decision by applying to QCAT in accordance with the procedures outlined in the *Queensland Civil and Administrative Tribunal Act 2009*.

## 8.0 Compatibility with Human Rights

RBDM is committed to upholding, safeguarding, and advancing human rights. Under the *Human Rights Act 2019*, RBDM is required to act and make decisions in a manner that aligns with human rights. When deciding whether to enter an arrangement for the provision of information, RBDM must give careful consideration to human rights and ensure compliance with this obligation.

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<sup>1</sup> Section 14A *Acts Interpretation Act 1954*.

<sup>2</sup> See *Hogan v Hinch* (2011) 243 CLR 506, [31].



## 9.0 Commencement and version

Commencement date: 24 June 2024

Version: 2.0

Approved: Registrar-General