

# ***Restricted Access Period (RAP) records in the custody of Qld State Archives (QSA)***

## **Factsheet**

### **What is a Restricted Access Period (RAP)?**

A RAP is a set period of time where access to public records (records) in the custody of Queensland State Archives (QSA) is generally not accessible to members of the public. This is usually to protect confidential, personal affairs or sensitive information.

A RAP is set under the [Public Records Act 2002](#) for all records transferred to QSA by a government department or government body.

The duration of a RAP is linked to the sensitivity, origins and content of information contained in a record and is calculated from the date of last action on a record. The last action may be the date of the last item (document) on the file, or the date of the last entry (activity) on the record (e.g. a register entry). It is not the last time the file was accessed or referred to. For example, if a hospital admission register covers the period 1950-1959, the RAP would be calculated from the latest date, 1959.

A RAP is set at a 'series' level and is relevant to all items within that series. A series is a group of 'items' (i.e. records) that form a set because they generally relate to the same business activity and are created in the course of performing that particular activity.

A RAP is applied for a set period of time and cannot cover an indefinite period, as the intent of the [Public Records Act 2002](#) is that all records eventually become available for public access to them.

Once a RAP for a record has ended, it is available on 'open access' to the public at the QSA Reading Room.

A RAP is set by an authorised person within a government department or government body. This is generally done when the records are transferred to QSA. If required, a RAP can be changed after transfer by written notice to the State Archivist.

More information on the RAPs can be found at [Restrict access to records at QSA \(Restricted Access Periods\) | For government | Queensland Government](#)

### **Applying for access to restricted records**

Under section 18(2)(b) of the [Public Records Act 2002](#), generally the State Archivist may grant access to records still subject to a RAP if:

- Access is given under the [Information Privacy Act 2009](#) or [Right to Information Act 2009](#); or
- The public authority gives the archivist a written notice stating –
  - (i) the public authority has classified the record as a record to which unrestricted access is allowed; or
  - (ii) access to the record may be given on conditions stated in the notice.

As well as being governed by the *Public Records Act 2002*, records held at QSA may also be subject to legal obligations under other legislation prohibiting or restricting disclosure of some records (including for example, an individual's health records).

To address the legislative obligations that may apply to records to which a RAP has been applied, applications for access to Queensland Health records are managed as follows:

- Under the *Information Privacy Act 2009*, if all documents being applied for contain the applicant's personal information; OR the applicant is acting on behalf of another person, and the documents contain that person's personal information.
- Under the *Right to Information Act 2009*, for all other cases.

Decisions under the *Right to Information Act 2009* are required to balance various factors set out in that Act. This may include, considering the broader public interest in providing access to a record before its RAP has ended. For example, access to an individual's medical records for family history research will not necessarily always be in the public interest, whereas the public interest may be clearer where access is sought for a formal accredited research program. Each application is considered on its merits.

Information on the fees associated with the RTI and IP application process can be found at [Fees and charges | Right to Information and Information Privacy](#)

## Evidence of identity

If an applicant is seeking access to records that contain personal information either in relation to themselves or on behalf of another person, evidence of identity must be provided within 10 business days after making an application. A Right to Information officer from Queensland Health will contact the applicant to arrange for the applicant to provide the required evidence of identity (for example: a certified copy of driver's licence or passport).

If seeking records on someone's behalf, the applicant must provide evidence of both identities as well as sufficient proof of authorisation to act on the person's behalf (for example: a client agreement if the applicant is a solicitor or written authorisation from the person concerned).

If an applicant is not seeking any personal information, evidence of identity is not required.

More information on the RTI and IP application process can be found at [Make a Right to Information request | Queensland Health](#)