



Queensland
Government

Department of
**Communities, Housing
and Digital Economy**

Our reference: 22002R

25 August 2021

Mr Fraser Tweedale
29 Cape Street
Holland Park QLD 4121

Sent by Email : frase@frase.id.au

Dear Mr Tweedale

I refer to your application under the *Right to Information Act 2009 (Qld)* made to the Department of Communities, Housing and Digital Economy in which you seek access to:

“Source code of the "Check in Qld" Android and iOS applications, AND source code of software libraries used by those applications ("dependencies"), excluding platform libraries and publicly available dependencies, if any.

Documents describing the client-server protocol or network application programming interface (API) used by the "Check in Qld" applications.

Documents describing commercial arrangements (e.g. contracts or procurement documents) with third parties for the development, maintenance, acquisition, operation, technical support of the "Check in Qld" iOS/Android applications and the corresponding server application(s).

Type of documents requested: Program source code, build scripts, manifests, software license terms, developer documentation, media files (icons, audio), and similar documents. API documentation, architecture diagrams, etc. Contracts etc.

Date range for request: 1 January 2021 – 30 June 2021”

Authority

In accordance with section 30(2) of the RTI Act, I am an officer delegated by the Director-General to make decisions under the RTI Act. The Director-General is the Department's principal officer under the RTI Act.

Access to documents

Section 3 of the RTI Act provides:

3 Object of Act

- (1) *The primary object of the Act is to give a right of access to information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give access.*
- (2) *The Act must be applied and interpreted to further the primary object.*

Section 44 of the RTI Act provides:

Pro-disclosure bias in deciding access to documents

- (1) *It is the Parliament's intention that if an access application is made to an agency or Minister for a document, the agency or Minister should decide to give access to the document unless giving access would, on balance, be contrary to the public interest.*

Searches

Searches undertaken by the Queensland Government Customer and Digital Group (QGCDG) within the department could not locate any documents responsive to your application.

Decision

Accordingly, I must refuse access to your application under sections 47(3)(e) and 52(1) of the RTI Act.

Reasons for Decision

Section 47(3)(e) of the RTI Act provides:

47 Grounds on which access may be refused

- (3) *On an application, an agency may refuse access to a document of the agency and a Minister may refuse access to a document of the Minister—*
.....

(e) *because the document is nonexistent or unlocatable as mentioned in section 52; ...*

Section 52(1) of the RTI Act provides:

52 Document nonexistent or unlocatable

For section 47(3)(e), a document is nonexistent or unlocatable if—

- (a) *the agency or Minister dealing with the application for access is satisfied the document does not exist;*

I have been advised by the QGCDG that Smart Service Queensland does not have the source code of the Check In Qld Android or iOS applications, or the source code of software libraries used by those applications, or documents that describe the client-server protocol or network application programming interface (API) used by the Check In Qld app.

I am satisfied that proper and thorough enquiries have been made.

I consider that section 52(1)(a) applies, as there are no documents held by the Department that fall within the scope of your application.

Accordingly, I must refuse your application under section 47(3)(e) of the RTI Act.

Additional information

We have been advised that the information you are seeking to access may be held by the ACT Health Directorate.

Should you wish to lodge an application to the ACT Health Directorate, the contact details are as follows:

Freedom of Information Coordinator
ACT Health Directorate
GPO BOX 825
CABBERRA CITY ACT 2601

(T) (02) 5124 9831
(E) HealthFOI@act.govb.au

Processing charge

As the time taken to process your application was no more than 5 hours, there is no processing charge payable.

Review Rights

If you are dissatisfied with the decision that I have made under the RTI Act you may exercise your review rights.

I have attached an information sheet which details your right of review. Please note that any request for a review must be made within 20 business days after the date of this decision letter.

If you have any queries or concerns about your application, please do not hesitate to contact this office on (07) 3008 3117.

Yours sincerely

(issued electronically by)

Patricia Cabaniuk
Senior Right to Information and Privacy Officer
Legal Services

Rights of Review under the *Right to Information Act 2009*

Internal Review

If you disagree with this prescribed written notice, you are entitled to seek an internal review under section 80 of the *Right to Information Act 2009* (Qld).

The time limit for seeking an internal review is twenty (20) business days after the date of this written notice of decision.

Your request must be in writing and made to the General Counsel, Legal Services. The internal review will be undertaken by an officer no less senior than the original decision maker.

Your application can be lodged in one of the following ways:

In person: Level 3, 60 Albert Street Brisbane Qld 4000
Post: GPO Box 2457 Brisbane Qld 4001
Email: righttoinformation@epw.qld.gov.au
Online: www.rti.qld.gov.au

External Review

You do not have to request an internal review of this prescribed written notice to apply for an external review by the Information Commissioner.

If you wish to seek an external review, you must apply within twenty (20) business days of the date of this written notice of decision to the Information Commissioner.

Your application can be lodged with the Information Commissioner in one of the following ways:

In person: Level 7, 133 Mary Street Brisbane (by appointment only)
Post: PO Box 10143 Adelaide Street Brisbane Qld 4001
Email: administration@oic.qld.gov.au
Online: www.oic.qld.gov.au