

Administrative Access – Family history (genealogy) requests

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Purpose

Queensland Public Trustee (QPT) recognises there is significant interest within the community for family history (genealogy) information. Individuals looking to establish family records often seek access to information held by QPT about deceased persons, and these requests are referred to as family history or genealogy requests.

The personal information of an individual who has died may be released under the Administrative Access Policy, without the need for a formal application to be made under the [Right to Information Act 2009 \(Qld\)](#) (RTI Act), in specific circumstances which are outlined in this guide.

This document is intended to be a summary guide only. Further and more detailed information may be found on the Office of the Information Commissioner's (OIC) website (www.oic.qld.gov.au) and within the RTI Act and [Information Privacy Act 2009 \(Qld\)](#) (IP Act).

Factors to consider

Eligible requests

Requests for personal information for family history or genealogy research purposes will only be considered under the Administrative Access Policy when **ALL** of the following criteria apply:

- the individual the personal information relates to has been confirmed as being deceased
- administration of the deceased estate has been finalised, and all assets have been distributed
- there is no known disagreement or dispute related to the deceased estate
- disclosing the information would not reasonably be expected, if the person were alive, to impact on the individual's privacy (for example, sensitive health information)
- the information being requested is not exempt information or contrary to the public interest (refer to QPT Guide: Administrative Access – Exempt information and factors for deciding public interest)
- the person requesting the information is an 'eligible family member' and has provided proof of their identity and relationship to the deceased.

Who is an 'eligible family member'?

The following relationships to the deceased person are considered to be eligible family members, but only in the order of priority listed and if they are reasonably available.

1. A spouse (includes both married and de facto partners, regardless of gender) (See sections 32DA and 36 of the *Acts Interpretation Act 1954* (Qld))
2. An adult child (aged 18 years or more) (defined in schedule 5, RTI Act.)

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3. A parent¹
4. An adult sibling
5. If none of the above persons are reasonably available:
 - a. If the deceased person *was not* an Aboriginal person or Torres Strait Islander, then the next nearest adult relative who is reasonably available.
 - b. If the deceased person *was* an Aboriginal person or Torres Strait Islander, then a person who is an appropriate person according to the tradition or custom of the Aboriginal or Torres Strait Islander community to which the deceased person belonged and who is reasonably available.

If a person higher in the priority list is available, a person lower in the list cannot be considered as the eligible family member, for this information request purpose.

If a person higher on the priority order list is not reasonably available, the next person on the list will be considered (and so on) until a person who is reasonably available has been identified. A person may be considered to be 'not reasonably available' if it cannot be confirmed that they exist, they are deceased, they cannot reasonably be contacted, or is unable or unwilling to act as an eligible family member of the deceased person for the purpose under the RTI Act.

For more information, please refer to [OIC's eligible family members guideline](#).

Processing the request

If the information being sought has already been transferred to Queensland State Archives (QSA), the genealogy request will be handled by the Compliance Systems and Governance unit in Strategy and Governance division. The decision-maker will be the Manager Privacy and Complaints, or another person nominated by the Director Compliance Systems and Governance or Executive Director Strategy and Governance.

If the information being sought has not been transferred to QSA, responsibility for handling the request rests with either:

- the organisational unit or regional office that completed the estate administration (if QPT administered the deceased estate). The decision-maker will be the manager of the respective organisational unit or regional office.
- the organisational unit or regional office that was responsible for managing the customer's affairs when the individual was alive (if QPT did not administer the deceased estate). The decision-maker will be the manager of the respective organisational unit or regional office.

Regardless of which organisational unit is responsible for processing the request, the following supporting information should be requested:

- Evidence of identity: A certified copy of the requestor's photographic identification (such as a valid driver's licence or other photo identification like a passport) must be obtained.
- Evidence of relationship as an 'eligible family member': Certified copies of documents must be provided that evidence the requestor's relationship to the deceased person, such as birth, death or marriage certificates, as well as proof relating to their right to obtain the information according to the order of priority of family eligible members. For example, if the requestor is the adult child of the deceased person, the requestor will need to provide evidence that other potentially eligible family members are NOT reasonably available (i.e. the death certificate of the deceased person's spouse and a certified birth certificate that names the deceased as the requestor's parent).

¹ The RTI Act does not recognise a step-parent as a parent for the purposes of defining an eligible family member. To determine if a step-parent is a parent under the eligible family member definition it will be necessary to consider the relationship between step-parent and adult child – in particular, the extent of their familial connection and involvement.

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- Description of the document(s) sought: Although optional, obtaining as specific a description as possible of the information being sought, and why, may assist with being able to process the request more quickly and effectively. Files can be very large and may contain a lot of information that is administrative or irrelevant to the requestor.
- Reason for the request: If the requestor is seeking access to information held by QPT for specific reasons, it is recommended that they provide information or evidence to support those reasons. This is not mandatory, however because there is such a strong weight placed on a person's privacy under legalisation, if the requestor does not provide any information to counter it, there is a low likelihood that the access to the information will be granted. Additional guidance can be found on the OIC website regarding [applying for a deceased person's information](#) and [applications for records of deceased people](#).

Factors for and against disclosure must be weighed to determine if information should be released to an eligible family member.

Factors favouring disclosure

A request for access to a deceased person's information may be considered to be in the public interest if the reason for the request is:

- to understand the reasons for agency decisions made about the deceased's care or treatment
- to understand the circumstances surrounding their death
- to assess how an agency treated the deceased.

When deciding on whether to release information, the weight given to the deceased's privacy interests could be reduced when:

- there is evidence of a close family relationship
- the requestor already has knowledge of or was involved in the deceased's care, medical treatment or the circumstances surrounding their death, if that is relevant to the information being requested
- any special dependence or relationship between the applicant and the deceased.

Factors against disclosure

A deceased person's information should NOT be released to someone who did not have a close relationship with the deceased and/or was not closely involved in the deceased person's situation, care, or life.