



CTP Claims History Administrative Release Scheme

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1.0 Introduction

1.1 Policy statement

The Motor Accident Insurance Commission (**MAIC**) is committed to the administrative release of information it holds unless it would, on balance, be contrary to the public interest to release that information.

Administrative release refers to the disclosure of government-held information in response to a request from a member of the public rather than through a formal application under the *Right to Information Act 2009 (Qld)* (**RTI Act**) or the *Information Privacy Act 2009 (Qld)* (**IP Act**). It is often an easier, faster and cheaper way for an individual to access their personal information where there are no legislative prohibitions on the disclosure and no personal information of other persons contained in that information.

MAIC already proactively releases information to the public related to the performance of the compulsory third party (**CTP**) insurance scheme and trends through the [Scheme Knowledge Centre](#). Administrative release of a person's CTP claims history complements this process as another method through which MAIC can facilitate the release of information.

1.2 Purpose

MAIC must keep a register of claims under section 89(1) of the *Motor Accident Insurance Act 1994 (Qld)* (**MAI Act**). Information held in the register of claims about an individual's CTP claims history is routinely requested from MAIC. A stand-alone administrative access scheme has been designed through the Queensland CTP Portal to address the volume of these requests, enhance security and create efficiencies for applicants.

The Queensland CTP Portal is an existing public facing portal that allows registered users to submit forms regarding the Queensland CTP scheme and allow the secure transmission of documents.

This CTP Claims History Administrative Release Scheme (**Scheme**) sets out a framework for the administrative release of CTP claims history information through the Queensland CTP Portal.

2.0 Who can apply for administrative release under the Scheme?

Any individual over the age of 18 may apply for the administrative release of their own CTP claims history.

A person cannot apply for access to the CTP claims history of someone else unless they are:

- where there is written authority for a law firm or legal practitioner to access their client's CTP claims history (where the client is over the age of 18), a person acting on behalf of the law firm or legal practitioner; or
- where an individual under the age of 18 has a parent or guardian acting on their behalf and there is written authority provided by the parent or guardian for a law firm or legal practitioner to access that person's CTP claim history, a person acting on behalf of the law firm or legal practitioner; or

- where an individual over the age of 18 has a person appointed as their guardian and there is written authority provided by the guardian for a law firm or legal practitioner to access that person's CTP claim history, a person acting on behalf of the law firm or legal practitioner; or
- a person appointed as the guardian of the relevant individual over the age of 18 by a court or tribunal and a copy of the relevant order is provided.

A law firm, legal practitioner, or guardian can only apply for an individual's CTP claims history information if they are located in Australia. Personal information cannot be transferred outside of Australia under the IP Act unless an individual agrees to the transfer of their personal information.

Any applications made by an individual under the age of 18 (or their parent/guardian) to access their own CTP claims history will fall outside the scope of the Scheme and will require a formal application to be made under the RTI Act or IP Act.

3.0 What information can be released under the Scheme?

Where MAIC determines that it is appropriate to administratively release a CTP claims history, this will include the following information about an individual based on the information contained in the MAIC register of claims:

- confirmation that they have lodged a claim in the Queensland CTP scheme, including the date of accident, relevant insurer and claim number; or
- confirmation that there is no CTP claims history available in the MAIC register of claims relating to that individual.

All other applications for additional information will fall outside of the scope of the Scheme and will require a formal application to be made under the RTI Act or IP Act.

4.0 Accuracy and completeness of the information released

The MAIC register of claims depends on the accuracy and completeness of information about CTP claims provided to MAIC by CTP insurers.

An individual's CTP claims history may be incomplete where a claim has been made that has not been reported to the MAIC register of claims, either because it has been made less than one month prior or the CTP insurer has not disclosed the CTP claim to MAIC.

An individual's CTP claims history may not be identified where the CTP insurer has provided inaccurate information to MAIC, e.g. where the CTP claims history for the person has incorrectly spelled that person's name.

5.0 How to apply for a CTP claims history

All requests for the administrative release of CTP claims history should be made to MAIC through the [Queensland CTP Portal](#). Before commencing the process, a user must create a registered account in the Queensland CTP portal.

The requirements for each application will vary depending on the applicant, as set out below.

5.1 Applications for your own CTP claims history

If an individual over the age of 18 is applying for administrative release of their own CTP claims history, they must provide evidence of their identity before the information can be released.

MAIC will accept copies of the following forms of identification:

- the identifying page of current passport;
- a current driver's licence; or
- birth certificate.

5.2 Applications made by a law firm or legal practitioner

For all applications made by a law firm or legal practitioner on behalf of their client, the law firm or legal practitioner must carry out identity checks of their client and attest to that in the application form when seeking the CTP claims history.

If a law firm or legal practitioner is acting for a client over the age of 18, law firms or legal practitioners must also provide a copy of their client's signed MAIC authority permitting them to access their CTP claims history held by MAIC. A copy of the authority template is available for download once logged into the Queensland CTP portal.

If a law firm or legal practitioner is making an administrative release application for a client under the age of 18 who has a parent or guardian acting on their behalf, the law firm or legal practitioner must have sighted relevant evidence verifying the parental relationship or appointment as guardian and have verified the identity of the parent or guardian, and attest to both those matters in the application form when seeking the CTP claims history. The law firm or legal practitioner must provide a copy of a MAIC authority signed by the parent or guardian permitting them to access the individual's CTP claims history held by MAIC.

If a law firm or legal practitioner is making an application on behalf of a client who is over the age of 18 who has a guardian appointed, the law firm or legal practitioner must have sighted the court or tribunal order appointing the guardian for that individual and have verified the identity of the guardian, and attest to both those matters in the application form when seeking the CTP claims history. The law firm or legal practitioner must provide a copy of a MAIC authority signed by the guardian permitting them to access the individual's CTP claims history held by MAIC.

5.3 Applications by guardian of a person over the age of 18

For applications made by the guardian of a person over the age of 18 seeking that person's CTP claims history, MAIC will require a copy of the court or tribunal order appointing the guardian and evidence of the guardian's identity.

MAIC will accept copies of the following forms of identification:

- the identifying page of current passport;
- a current driver's licence; or
- birth certificate.

6.0 Making a decision on the application

Once an application for the administrative release of a CTP claims history is lodged in the Queensland CTP portal, a MAIC Officer will be responsible for reviewing the request, conducting relevant searches and deciding whether access is granted in each case.

As a general guide, where MAIC receives a request for a CTP claims history of an individual accompanied by the appropriate supporting documentation consistent with this Scheme, the information will be released to the applicant.

However, each request will be considered on a case-by-case basis having regard to the content of the particular information being sought, and all relevant facts and circumstances that exist at the time of making a decision under this Scheme. The existence of this Scheme does not create a right or entitlement to the information being sought.

Once MAIC has reviewed the application and made a determination, the applicant will receive an email advising:

- the request has been approved and is ready for download; or
- the request has been rejected on the basis that insufficient information/documentation has been provided (and the applicant will be invited to resubmit); or
- that MAIC has refused to deal with the application.

7.0 How long will it take for a request to be processed?

There are no timeframes under the RTI Act or IP Act in which administrative release requests must be processed. However, MAIC will endeavour to process requests for a CTP claims history within twenty (20) business days.

8.0 When an application will not be granted

Administrative release of CTP claims history will not be granted where any of the following apply:

- an application form has not been properly completed; or
- the applicant's identity has not been verified or there are concerns in regard to that verification; or
- sufficient supporting documentation has not been provided.

There may be other reasons MAIC may, at its discretion, decide not to release the information administratively.

If MAIC determines that an application does not conform with the requirements of this Scheme or that release under this Scheme is not appropriate, then the applicant will be advised that they can either amend and resubmit their application or make a formal application under the RTI Act or IP Act.

9.0 Refusal to deal

In accordance with this Scheme, MAIC will refuse to deal with an application that:

- is being made by an individual under the age of 18, or that individual's parent or guardian;
- is being made by someone not permitted to request another person's CTP claims history information under this Scheme;
- is requesting information beyond the scope of CTP claims history information; or
- is not in the public interest to administratively release.

10.0 What do I do if my administrative release request is refused?

There are no appeal rights available to an applicant or third party who is dissatisfied with the release of information, or decision not to release information, under this Scheme. However, the person may lodge a formal request for information under the RTI Act or IP Act.

General information about how to make information privacy and right to information applications is available on the [Queensland Treasury website](#).

An applicant or third party may submit a complaint via the [MAIC website](#).

11.0 Privacy Statement

Personal information collected by MAIC in relation to an application for a CTP claims history under this Scheme will be managed by MAIC in accordance with the IP Act and the MAI Act.

MAIC may collect this information from:

- (a) an individual over the age of 18 who has applied for the administrative release of their own CTP claims history; or
- (b) a law firm, legal practitioner or guardian who is applying for access to an individual's CTP claims history as authorised under section 2.0 of this Scheme.

MAIC collects this information to allow it to:

- (a) assess and process an application; and
- (b) if applicable, to verify:
 - (i) an applicant's or guardian's identity;
 - (ii) the appointment of a guardian; and/or
 - (iii) a law firm's or legal practitioner's authority to access an individual's CTP claims history.

This information will generally only be used for these purposes, however we are also allowed to use your personal information for another purpose when:

- you have provided your consent, either expressly or impliedly; or
- it will protect your safety or wellbeing or the safety and wellbeing of others; or

- we are required by law; or
- we are required to for law enforcement purposes; or
- the additional use is directly related to why we originally collected your information; or
- it is required for limited research purposes.

This information will not be disclosed outside of MAIC unless authorised or required by law.

We store your personal information within Australia. We will only disclose your personal information outside Australia if:

- you consent; or
- we are authorised or required to by law; or
- it will protect your safety or wellbeing or the safety and wellbeing of others; or
- two or more of the following apply –
 - the recipient is subject to equivalent privacy obligations; or
 - the transfer is necessary to perform a function of QT; or
 - the transfer is for your benefit; or
 - we have taken reasonable steps to ensure the information is protected.

For more information about our privacy practices, please see Queensland Treasury's privacy policy available at <https://www.treasury.qld.gov.au/legal/privacy/>. Queensland Treasury's privacy policy contains information about how an individual may:

- (a) access the personal information about them that is held by MAIC and seek the correction of that information; and
- (b) complain if they believe that MAIC has breached its obligations under the IP Act to comply with the information privacy principles and how MAIC will deal with that complaint.

12.0 Scheme review

This Scheme is subject to periodic reviews to ensure its continued relevance and effectiveness and will be reviewed when the *Information Privacy and Other Legislation Amendment Act 2023* commences,

13.0 Human Rights

Under the *Human Rights Act 2019* (HR Act), MAIC and Treasury has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When making a decision about a person's right to seek and receive information, decision-makers must comply with this obligation. For further information on the HR Act see: <https://www.qhrc.qld.gov.au>.

14.0 Further information

For further information or clarification, please contact the MAIC Regulation Team:

Phone: 1800 287 753

Email: maic@maic.qld.gov.au

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