



Decision and Reasons for Decision

Citation: *T26 and Queensland Police Service [2025] QICmr 88 (27 November 2025)*

Application Number: 318088

Applicant: T26

Respondent: Queensland Police Service

Decision Date: 27 November 2025

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST - request for information about domestic violence incidents including body worn camera footage - personal information of applicant and of other individuals - fair treatment and administration of justice - right to privacy - flow of information to police - whether disclosure would, on balance, be contrary to the public interest - section 67(1) of the *Information Privacy Act 2009 (Qld)* and sections 47(3)(b) and 49 of the *Right to Information Act 2009 (Qld)*

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT OR UNLOCATABLE - applicant contends further footage should exist - whether agency has taken all reasonable steps to locate body worn camera footage - whether access to further documents may be refused - nonexistent documents - section 67(1) of the *Information Privacy Act 2009 (Qld)* and sections 47(3)(e) and 52(1)(a) of the *Right to Information Act 2009 (Qld)*

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Queensland Police Service (**QPS**) under the *Information Privacy Act 2009 (Qld)* (**IP Act**)² for access to all documents relating to domestic violence incidents recorded in (**QPRIME**)³ involving the applicant, including body worn camera footage, for a specified date range.⁴

¹ Access application dated 26 March 2024 and determined to be compliant with application requirements on 2 May 2024, following consultation regarding identification and scope.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Act 2023 (Qld)* (**IPOLA Act**) came into force, effecting changes to the IP Act and *Right to Information Act 2009 (Qld)* (**RTI Act**). As the access application was made before this change, the IP Act and RTI Act as in force prior to 1 July 2025 remain applicable to it in accordance with transitional provisions in Chapter 8, Part 3 of the IP Act and Chapter 7, Part 9 of the RTI Act. Accordingly, references to the IP Act and RTI Act in this decision are to those Acts as in force prior to 1 July 2025, which can be accessed at [IP Act](#) and [RTI Act](#) respectively.

³ Queensland Police Records and Information Management Exchange. QPRIME is the primary database used by QPS to maintain information and records of incidents and investigations.

⁴ 1 January 2017 to 26 March 2024.

2. QPS did not make a decision on the application within the prescribed statutory timeframe⁵ and was therefore, taken to have made a 'deemed decision' refusing access to all requested documents.⁶
3. The applicant applied⁷ to the Office of the Information Commissioner (**OIC**) for external review of QPS's deemed decision. On external review, QPS released information⁸ to the applicant relating to his interactions with QPS, with certain information redacted on the basis it contained the personal information of other individuals involved with the investigations and would, on balance, be contrary to the public interest to disclose.
4. The applicant declined to accept disclosure of information in resolution of the review and provided submissions to OIC outlining the reasons why he considers further documents should have been located.⁹ The applicant did however, agree to limit the scope of the information he was seeking on review to: *'all body-worn camera (BWC) footage that contains my personal information (Agreed Scope).'*¹⁰
5. In making this decision, I have also taken into account the evidence, submissions, legislation and other material as set out in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information and in doing so, have acted in accordance with section 58(1) of the HR Act.¹¹
6. For the reasons set out below, I vary QPS's deemed decision and find that:
 - a. access may be refused to the remaining body worn camera (**BWC**) footage on the basis that its disclosure would, on balance, be contrary to the public interest;¹² and
 - b. QPS has taken all reasonable steps to locate BWC footage falling within the terms of the Agreed Scope, and access may be refused to further footage because it is nonexistent.¹³

Issues for determination

7. There are two issues for determination in this review. Firstly, whether access to the remaining information in the located BWC recordings¹⁴ may be refused on the basis that it would on balance be contrary to the public interest.¹⁵ Secondly, whether QPS has taken all reasonable steps to locate all relevant BWC recordings so as to refuse access on the basis they do not exist.¹⁶
8. The table below lists the BWC recordings located by QPS in response to the application, including those to which full and partial access has been refused and those which the applicant contends should have been, but have not, been located by QPS.

⁵ A decision was due to be made by 7 June 2024.

⁶ Section 66 of the IP Act.

⁷ On 10 June 2024.

⁸ Sent to the applicant on 21 February 2025. The information was partially released and comprised 152 pages of QPRIME occurrence reports and three BWC recordings.

⁹ By way of written submissions dated 19 March, 25 March, 12 September, 23 September and 13 October 2025.

¹⁰ By email dated 25 March 2025.

¹¹ OIC's approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

¹² Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

¹³ Under section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act.

¹⁴ 20 entire and 3 part recordings.

¹⁵ Under section 47(3)(b) of the RTI Act.

¹⁶ Under section 47(3)(e) of the RTI Act.

Incident (QP number) ¹⁷	Date of footage	BWC located?	Issue for determination
Various ¹⁸	Within the date range specified in the access application	Yes – 20 recordings ¹⁹	full access refused - contrary to public interest
QP...186	05/08/2021	Yes	partial access refused - contrary to public interest
QP...043	10/10/2021	Yes	partial access refused - contrary to public interest
QI...454	27/01/2023	Yes	partial access refused - contrary to public interest
QP...004	17/10/2018	No	unable to be located
QI...862	27/06/2021	No	unable to be located
QP...657	08/03/2022	No	unable to be located
QP...069	11/04/2022	No	unable to be located
QP...243	22/05/2022	No	unable to be located
Not available ²⁰	24/05/2022	No	unable to be located
QP...963	23/07/2022	No	unable to be located
QP...963	14/10/2022	No	unable to be located

Refused information – contrary to public interest

Relevant law

9. An individual has a right, under the IP Act, to be given access to documents to the extent they contain the individual's personal information.²¹ However, this right is subject to the provisions of the IP Act and the RTI Act, including grounds for refusing access to information.²² Relevantly, access may be refused to information where its disclosure would, on balance, be contrary to the public interest.²³
10. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must:²⁴
 - a. identify and disregard any irrelevant factors
 - b. identify factors in favour of disclosure
 - c. identify factors in favour of nondisclosure; and
 - d. decide whether, on balance, disclosure of the information would be contrary to the public interest.

¹⁷ I have included the last 3 digits of each QP or QI incident/occurrence number to protect the privacy of individuals involved.

¹⁸ I am limited in the extent to which I can describe the fully refused recordings due to them being the subject of a contrary to public interest claim by QPS and noting they have been generated in the sensitive context of domestic violence incidents – see section 120 and 121 of the IP Act.

¹⁹ Some of the located recordings are duplicate versions of the one incident due to each attending officer creating their own body worn footage.

²⁰ The applicant raised the issue of missing footage from this date in his submissions to OIC.

²¹ Section 40 of the IP Act.

²² Section 67(1) of the IP Act provides that an agency may refuse access to a document in the same way and to the same extent it could refuse access to the document under section 47 of the RTI Act were the document to be the subject of an access application under that Act.

²³ Section 67(1) of the IP Act and section 47(3)(b) RTI Act. The term public interest refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. This means that, in general, a public interest consideration is one which is common to all members of, or a substantial segment of the community, as distinct from matters that concern purely private or personal interests. However, there are some recognised public interest considerations that may apply for the benefit of an individual.

²⁴ Section 49(3) of the RTI Act.

11. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of the public interest lies in a particular case. I have considered these,²⁵ together with all other relevant information, in reaching my decision. I have also applied the IP Act's pro-disclosure bias²⁶ and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.²⁷

Applicant's submissions

12. The applicant submitted:²⁸

*Practical alternatives such as **redaction, editing, or inspection-only access** are well-established and effective methods for safeguarding third-party privacy while still fulfilling individual rights. Using redaction to balance my right of access with third-party privacy is consistent with established OIC and QCAT practice. Indeed, in footage already released to me (including interviews with [another party] on [date] and [date]), redactions and edits have been applied, and I have raised no objection.*

*It is not reasonable to deny access altogether based on speculative concerns that I might misuse others' information, particularly where proportionate safeguards are available. My application is for **my personal information only**. Interviews with unrelated parties fall outside the scope of my request in my understanding, unless and until they result in action that directly affects me.*

[applicant's emphasis]

13. The applicant further submitted:

The preliminary view relies, in part, on the concern that disclosure may prejudice the flow of information to police. I submit that this factor should be given little or no weight. This concern appears based on a misunderstanding of my request. While I am aware of footage involving [another party] making admissions to police about her prior allegations and police terminating the interview, and that this information might be expected to "prejudice the flow of information, I reiterate that:

- I do not believe such interviews fall within the scope of my request; and*
- I am expressly not seeking access to those recordings.*

The BWC footage I seek is primarily of my own direct interactions with QPS officers. It does not involve confidential informants, anonymous sources, or similarly sensitive information.

Findings

Factors favouring disclosure

14. I have not taken into account any irrelevant factors in deciding where the balance of the public interest lies.

²⁵ I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed below. Some factors have no relevance, for example, the factor concerning innovation and the facilitation of research. I note the lists in Schedule 4 are non-exhaustive.

²⁶ Section 64 of the IP Act.

²⁷ Section 67(2) of the IP Act and section 47(2) of the RTI Act.

²⁸ Submission dated 12 September 2025. The applicant provided extensive submissions during the review on 19 March 2025, 25 March 2025, 12 September 2025, 23 September 2025 and 13 October 2025. While I have read those submissions thoroughly in reaching my decision in this matter, these reasons do not explicitly refer to the specifics of each argument made by the applicant in each of the submissions.

15. A public interest factor in favour of disclosure is raised where information is the applicant's personal information.²⁹ As the applicant was involved in certain interactions with the QPS, and given the broader context of the applicant's and others interactions occurring within a domestic violence context, the applicant's personal information in the form of images, audio and references to him by other people, inevitably appears within all the located BWC footage and, therefore, this factor is relevant to consider.
16. Through the external review process, the applicant has been granted access to his personal information where it appears in QPRIME reports and in some of the BWC footage which captures certain interactions with QPS officers.³⁰ Disclosure of this information has, in my view, served to discharge this public interest factor to a significant degree. However, there are instances, both within the QPRIME reports³¹ and the remaining BWC footage, where the applicant's personal information is inextricably intertwined with the personal information of other individuals connected to the various domestic violence incidents. That information has not been disclosed as I am satisfied that it would disclose the personal information of other individuals.³² In that regard, some of the applicant's personal information cannot be extracted to permit release without divulging the personal information of others.
17. In the course of investigating an alleged domestic violence incident, QPS officers will routinely speak with the complainant and other individuals about their involvement and record their version of events to establish facts and obtain evidence. During these conversations (generally referred to as witness statements), it is not uncommon for those individuals to identify other people in connection with an incident, thereby intertwining their version of events with the personal information of others. Relevantly, this will include witness statements and versions of events made by the applicant to QPS officers. As set out in paragraph 15 above, the information remaining in issue in the BWC footage includes intertwined personal information of this nature.
18. I recognise the significance of the public interest in the applicant obtaining access to his own personal information. However, taking into account that QPS has released the applicant's personal information to him (where it appears in a non-intertwined way)³³ and that any of his remaining personal information is combined with that of others, I afford this factor moderate weight.
19. The public interest will also favour disclosure of information which would enhance government accountability, inform the community of government operations, and reveal background/contextual information that has informed a government decision.³⁴ To the extent the refused information within the BWC footage discloses information about the way QPS dealt with the various incidents, the actions it took subsequently, and in reporting those incidents, I consider these factors apply. However, as QPS has released to the applicant the located QPRIME reports and the located BWC footage, subject to the redaction of information in the reports and footage containing the personal information of other individuals, I am satisfied that the weight of these factors is

²⁹ Schedule 4, part 2, item 7 of the RTI Act. Section 12 of the IP Act defines *personal information* as 'information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.'

³⁰ The applicant has received partial access to 152 pages of QPRIME reports and three BWC recordings.

³¹ I acknowledge the applicant has not raised any concerns in relation to the information that has been redacted in the QPRIME reports and is not seeking further access to the information within the reports. However, it is still relevant to take into account the released information in determining the weight of the public interest factor.

³² The RTI Act recognises that there are public interest factors favouring nondisclosure of other people's personal information: see paragraphs 23 to 29 of these reasons.

³³ In both the BWC footage and the QPRIME reports.

³⁴ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

somewhat reduced. For these reasons I consider these public interest factors carry moderate weight in favour of disclosure.³⁵

20. The RTI Act also recognises that public interest factors favouring disclosure will arise where disclosing information could reasonably be expected to:
- allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official.³⁶
 - advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies;³⁷ and
 - contribute to the administration of justice for a person.³⁸
21. Having examined the applicant's submissions, I am satisfied these factors arise for consideration. I accept that disclosure of the BWC footage could assist the applicant to inquire into possible deficiencies into QPS conduct. However, having reviewed the footage, I afford this factor low weight. I acknowledge that the applicant has raised fair treatment as a factor that should be considered. While I understand this is an important issue for the applicant, given the nature of the BWC footage I am not satisfied that there is a reasonable expectation its disclosure would, in any meaningful way, advance the applicant's fair treatment in his dealings with QPS and other agencies or contribute to the general administration of justice. On this basis, while these factors apply, I afford them only low weight.
22. I have carefully considered the BWC footage and have not identified any further factors favouring its disclosure.

Factors favouring nondisclosure

23. In addition to recognising an applicant's right to access their own personal information held by government agencies, the RTI Act also identifies that it is in the public interest to protect personal information and privacy of individuals other than the applicant.³⁹
24. I acknowledge the applicant's submissions that the *'BWC footage I seek is primarily of my own direct interactions with QPS officers. It does not involve confidential informants, anonymous sources, or similarly sensitive information'*⁴⁰ and therefore nondisclosure considerations regarding the personal information of other individuals and the flow of information to QPS should be given lower weight. As I have already outlined, the information remaining in issue comprises the personal information of other individuals intertwined in such a way with the applicant's personal information that it cannot be severed to permit partial access. I acknowledge the applicant has emphasised he is only seeking his own information about his own interactions but given the domestic violence context of those interactions, his information is inextricably linked with that of other individuals involved in the incidents.
25. As noted, certain information remaining in issue in the BWC footage identifies other individuals, contains their voice and image and other inherently private information such as their accounts of certain domestic violence incidents. The BWC footage also records information that was provided to QPS by those individuals in connection with those domestic violence incidents, e.g. descriptions of circumstances of the incidents, including

³⁵ Schedule 4, part 2, items 1, 3, and 11 of the RTI Act.

³⁶ Schedule 4, part 2, item 5 of the RTI Act.

³⁷ Schedule 4, part 2, item 10 of the RTI Act.

³⁸ Schedule 4, part 2, item 17 of the RTI Act.

³⁹ Schedule 4, part 3, item 3 and schedule 4, part 4, section 6 of the RTI Act.

⁴⁰ Submission dated 12 September 2025.

personal opinions/expressions. I am satisfied that such information in the BWC footage comprises the 'personal information'⁴¹ of individuals other than the applicant.

26. The BWC footage also contains inherently personal information such as the images, voices, tone and expression of the individuals who appear in the BWC footage. The Information Commissioner has previously found that disclosure of such 'lexical' and 'non-lexical'⁴² information in audio-visual recordings would result in a significant public interest harm.⁴³ Based on my analysis of the BWC footage, I am satisfied that disclosure would lead to significant public interest harm by disclosing the audio-visual personal information of other individuals in the context of domestic violence incidents attended by QPS.
27. The concept of 'privacy' is not defined in the IP Act or the RTI Act. It can, however, essentially be viewed as the right of an individual to preserve their 'personal sphere' free from interference from others.⁴⁴ I am satisfied disclosing the remaining information in the BWC footage could reasonably be expected to lead to a significant intrusion into the privacy of the individuals as it would reveal their involvement in, and views expressed in relation to, incidents attended by QPS officers. This factor is deserving of significant weight, given the particularly sensitive context.
28. The RTI Act also recognises a public interest in protecting the free flow of information to law enforcement agencies.⁴⁵ I am satisfied that this factor is relevant to consider given the refused information in the BWC footage includes statements provided to QPS by other individuals in relation to domestic violence incidents which were investigated by the QPS.
29. Obtaining contemporaneous information from parties involved in an incident of alleged violence⁴⁶ is integral to the effectiveness of a QPS discharging its law enforcement responsibilities. If the recordings of those statements/conversations were subject to routine and unconditional disclosure under the RTI Act, members of the community may be reluctant to provide full and frank statements to QPS at the time of an incident, thereby prejudicing QPS's ability to effectively conduct investigations for the purpose of law enforcement.⁴⁷ I am satisfied that this important public interest factor is enlivened by the information remaining in issue in the BWC footage, and I afford it significant weight in favour of nondisclosure.

Balancing the public interest factors

30. In balancing the factors for and against disclosure⁴⁸ of the refused information in the BWC footage, I have taken into account the pro-disclosure bias and the applicant's right to obtain access to his own personal information held by QPS, to which I have afforded moderate weight. Similarly, I have afforded the public interest factors associated with enhancing QPS's accountability and transparency in relation to how it conducts

⁴¹ As defined in section 12 of the IP Act.

⁴² I.e., both words spoken, and an individual's tone, demeanour or emotional state in speaking those words or interacting with government: see generally *New York Times Co. and National Aeronautics and Space Administration*, 920 F.2d 1002 (D.C. Cir. 1990, 1006), discussed and applied in *Williamson and Department of Police; "A" (Third Party)* (2005) 7 QAR 51 in the context of the repealed *Freedom of Information Act 1992* (Qld) request for an audio and video recording of a police interview. *Williamson* considered the application of the 'personal affairs' exemption under the repealed FOI Act; however, I am satisfied it remains relevant as a guide to interpretation when considering 'personal information' under the RTI Act.

⁴³ *82PNLR and Queensland Police Service* [2019] QICmr 21 (13 June 2019) at [39] to [43].

⁴⁴ Paraphrasing the Australian Law Reform Commission's definition of the concept in 'For your information: Australian Privacy Law and Practice' Australian Law Reform Commission Report No. 108 released 12 August 2008, at paragraph 1.56.

⁴⁵ Schedule 4, part 3, item 13 of the RTI Act. See *P6Y4SX and Queensland Police Service* [2015] QICmr 25 (11 September 2015) at [27]-[31], *P6Y4SX and Department of Police* (Unreported, Queensland Information Commissioner, 31 January 2012) at [35]-[40], *SW5Z7D and Queensland Police Service* [2016] OICmr 1 (15 January 2016) at [27]-[31].

⁴⁶ The Occurrence Report describes the occurrence type as 'Assault, Common' and this has been disclosed to the applicant.

⁴⁷ See *Marshall and Department of Police* (Unreported, Queensland Information Commissioner, 25 February 2011) at [29].

⁴⁸ Section 49(3) of the RTI Act.

investigations moderate weight. I am also satisfied that low weight should be afforded to the factors relating to the conduct or administration of an agency or official, fair treatment of individuals and other entities in accordance with the law and administration of justice for a person.

31. Weighing against this are several key factors favouring nondisclosure: prejudice to other individuals' right to privacy and to the flow of information to QPS, and the public interest harm in disclosing personal information of individuals other than the applicant. I am satisfied that these factors carry significant and determinative weight to support a conclusion favouring nondisclosure of the remaining information in the BWC recordings.
32. Accordingly, I find that disclosure of the remaining information in issue would, on balance, be contrary to the public interest.⁴⁹

Nonexistent documents – reasonableness of searches

Relevant law

33. Access to a document may be refused if it is nonexistent or unlocatable.⁵⁰ A document will be nonexistent if there are reasonable grounds to be satisfied it does not exist.⁵¹ A document will be unlocatable if it has been or should be in the agency's possession and all reasonable steps have been taken to find the document, but it cannot be found.⁵²
34. To be satisfied that a document does not exist, the Information Commissioner has previously identified a number of key factors to consider, including the agency's structure, its recordkeeping practices and procedures and the nature and age of requested documents.⁵³ After considering relevant factors, a decision-maker may conclude that a particular document was not created because, for example the agency's processes do not require creation of that specific document. In such instances, it is not necessary for the agency to search for the document, but sufficient that the circumstances to account for the nonexistence are adequately explained by the agency. If searches are relied on to justify a decision that the documents do not exist, all *reasonable* steps must be taken to locate the documents.⁵⁴ What constitutes reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the circumstances.
35. The Information Commissioner's external review functions include investigating and reviewing whether agencies have taken reasonable steps (as opposed to all possible steps)⁵⁵ to identify and locate documents applied for by applicants.⁵⁶ On an external review, the agency or Minister who made the decision under review has the onus of

⁴⁹ Section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

⁵⁰ Sections 47(3)(e) and 52(1)(a) of the RTI Act.

⁵¹ Section 52(1)(a) of the RTI Act.

⁵² Section 52(1)(b) of the RTI Act.

⁵³ These factors are identified in *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) (*Pryor*) at [19], which adopted the Information Commissioner's comments in *PDE and the University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) at [37]-[38] (*PDE*). These factors were more recently considered in *B50 and Department of Justice and Attorney-General* [2024] QICmr 33 (7 August 2024) at [15], *T12 and Queensland Police Service* [2024] QICmr 8 (20 February 2024) at [12], and *G43 and Office of the Director of Public Prosecutions* [2023] QICmr 50 (12 September 2023) at [19].

⁵⁴ In *Webb v Information Commissioner* [2021] QCATA 116 (*Webb*) at [6], McGill J observed that this does not extend to all 'possible' steps.

⁵⁵ *S55 and Queensland Police Service* [2023] QICmr 3 (30 January 2023) at [23], cited with approval in *W55 and Brisbane City Council* [2024] QICmr 13 (17 April 2024) at [19].

⁵⁶ Section 137(2) of the IP Act. The Information Commissioner also has power under section 115 of the IP Act to require additional searches to be conducted during an external review. The Queensland Civil and Administrative Tribunal confirmed in *Webb* at [6] that the RTI Act 'does not contemplate that [the Information Commissioner] will in some way check an agency's records for relevant documents' and that, ultimately, the Information Commissioner is dependent on the agency's officers to do the actual searching for relevant documents.

establishing that the decision was justified or that the Information Commissioner should give a decision adverse to the applicant.⁵⁷ However, where the issue of missing documents is raised, the applicant bears a practical onus of demonstrating that the agency has not discharged its obligation to locate all relevant documents.⁵⁸ Suspicion and mere assertion will not satisfy this onus.⁵⁹

Submissions

36. QPS provided search records and declarations from the relevant officers⁶⁰ which confirm QPS undertook searches at the Cleveland and Capalaba stations and of the following systems for information responsive to the access application:

- Notebook/diaries
- QPRIME
- Correspondence systems (including email)
- Case notes/reports
- Tapes or footage (including BWC footage)

37. The Cleveland and Capalaba stations also ensured they focused their searches on locating BWC recordings basing their searches on information obtained from the located QPRIME reports and additional information provided by the applicant on external review (including dates provided by the applicant of alleged interactions between the applicant and QPS officers and screenshots taken by the applicant from BWC footage already in his possession).

38. The applicant submitted⁶¹:

The OIC accepted searches undertaken at Cleveland and Capalaba stations. However, my interactions with QPS were not confined to these locations. Limiting searches to two local stations is fundamentally flawed when BWC, Policelink audio, and interview room recordings are stored in central repositories. Reasonable steps must include searches of all repositories, particularly centralised systems such as Evidence.com and other digital platforms used by QPS. The alleged absence of the requested footage, without a clear audit trail explaining why, creates an inference of improper information handling. QPS must produce this data to demonstrate accountability

39. The applicant further identified the relevant dates⁶² where he believed BWC footage *should exist but have not been disclosed* and submitted screenshots⁶³ evidencing the existence of BWC footage that had not been located. The applicant further submitted, with reference to the screenshots in his possession, that:

This clearly demonstrates that the claim that reasonable searches of Evidence.com have been conducted cannot be accepted, it is at best self evidently inaccurate, and likely intentionally misleading considering the full context. The available evidence is, in fact, more consistent with the stated intention of the QPS RTI team early on not to facilitate my request at all. As outlined in my earlier submissions, metadata from Evidence.com, together with signed statements and screenshots of the actual searches undertaken, would be both necessary and reasonable to substantiate any claim that responsive recordings are “not locatable.”

⁵⁷ Section 87(1) of the RTI Act.

⁵⁸ See *Mewburn and Department Local Government, Community Recovery Resilience* [2014] QICmr 43 (31 October 2014) at [13].

⁵⁹ *Parnell and Queensland Police Service* [2017] QICmr 8 (7 March 2017) at [23]; *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) at [36]; *Y44 and T99 and Office of the Public Guardian* [2019] QICmr 62 (20 December 2019) at [38].

⁶⁰ Search records provided 22 July 2025 and 29 October 2025.

⁶¹ Submission dated 12 September 2025.

⁶² 27 June 2021, 30 October 2021, 8 March 2022, 14 October 2022 and 6 June 2022.

⁶³ The applicant submitted two screenshots from two separate BWC recordings that the QPS was unable to locate and believed did not exist.

40. In response to OIC's request to conduct further searches for the missing recordings, QPS provided further submissions⁶⁴:

The Officer in Charge...Cleveland Station has caused further searches to be undertaken by the relevant officer and also inquired with the Body Worn Camera Division within QPS for assistance. Inquiries reveal the relevant footage was destroyed as it was categorised as non-evidential resulting in disposal after a period of 2 years ...

41. The Officer in Charge of Cleveland Station also confirmed in an attached statement the steps taken to investigate the issue of missing footage, including records of communications between relevant officers involved, noting:⁶⁵

I have completed another search for the relevant BWC and tasked [Officer A], [Officer B] and the owner of the suspected BWC, [Officer C] with locating relevant footage.

These searches have failed to locate relevant footage as depicted in the still's [sic] provided by the applicant.

Enquiries with these officers reveal the BWC was allocated to and worn by [Officer C]. The recordings when uploaded were not categorised as "evidence".

...

Uncategorised files delete after 100 years. Files categorised as "non-evidential" are automatically deleted after 2 years. Files categorised as "evidential" are deleted after 99 years.

The categorising of the relevant files as "non-evidential" may explain their deletion given the incident was over 2 years ago. This would explain the inability to locate any relevant footage.

42. QPS also provided OIC with a copy of audit logs (pertaining to Officer C – the relevant officer) which confirms the BWC recording uploaded by Officer C was destroyed on 28 May 2024.⁶⁶

Findings

43. I am satisfied that the searches undertaken by QPS located 23 BWC recordings comprising footage of incidents involving QPS attendance with the applicant and/or other individuals, and that the located recordings relate to the QPRIME incident reference numbers as set out in the table at paragraph 8 of these reasons.
44. I am satisfied that searches of and for notebook/diaries, QPRIME, correspondence systems (including email), case notes/reports and tapes or footage (including searches of Evidence.com for BWC footage), as well as searches at the relevant police stations were appropriately targeted searches for the purpose of locating information responsive to the access application. I am satisfied those locations represent the locations where information pertaining to domestic violence complaints and associated investigations would reasonably be expected to be located. I am satisfied that volume of material that was located, in the form of 152 pages of QPRIME occurrence reports and 23 BWC recordings, demonstrates that the locations searched were the appropriate locations to search for documents and information relevant to the applicant's request.
45. As outlined above, the applicant provided OIC with evidence of the existence of BWC footage not located by QPS in its initial searches in the form of 'screen shots' of BWC

⁶⁴ Submission dated 29 October 2025. Evidence of the destruction in the form of Evidence.com audit logs (pertaining to the relevant officer) was also provided as part of the QPS submission, in addition to a report prepared by the Officer in Charge Cleveland Station dated 25 October 2025 outlining the steps undertaken to search for relevant BWC recordings.

⁶⁵ Statement dated 27 October 2025.

⁶⁶ Evidence Audit Trail log generated on 27 October 2025.

recordings which were timestamped with dates that had not been located by QPS. Upon receipt of those screenshots, I considered they established reasonable grounds to justify QPS undertaking further searches. Having reviewed the subsequent inquiries and searches undertaken by QPS as detailed in the Cleveland Station report and the Evidence.com audit logs, I accept QPS' position that those recordings have been destroyed and that there is no requirement to undertake backup searches.⁶⁷

46. I acknowledge that the BWC footage located by QPS has not met the applicant's expectations. I also recognise that the applicant has endured significant delay since making his access application in March 2024; it took almost a year before he was released any relevant documents by QPS. I understand that this, in addition to the destruction of certain footage, has inevitably led to the applicant's loss of confidence in QPS's ability to locate all relevant documents.
47. Taking into account the Agreed Scope, the searches undertaken by QPS, the located documents (including the 20 BWC recordings to which full access was refused) and the information provided by QPS about destroyed footage, I am satisfied that in the particular circumstances of this case:
- a. QPS has taken reasonable steps to locate BWC footage responsive to the Agreed Scope
 - b. in the case of the destroyed BWC footage, QPS has provided sufficient evidence to demonstrate that this footage no longer exists; and
 - c. access to further BWC footage can be refused on the basis it does not exist.

DECISION

48. For the reasons set out above, I vary the reviewable decision⁶⁸ and find that:
- access may be refused to the remaining information in the located BWC recordings under section 47(3)(b) of the RTI Act on the basis that disclosure would, on balance, be contrary to the public interest; and
 - access may be refused to further BWC recordings under section 47(3)(e) of the RTI Act because they are nonexistent under section 52(1)(a) of the RTI Act.
49. I have made this decision as a delegate of the Information Commissioner.⁶⁹



K Shepherd
Assistant Information Commissioner

Date: 27 November 2025

⁶⁷ As contemplated by section 52(2) of the RTI Act.

⁶⁸ Under section 123(1)(b) of the IP Act.

⁶⁹ Section 139 of the IP Act.