



## Decision and Reasons for Decision

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Citation:	<b><i>S38 and Griffith University [2025] QICmr 101 (17 December 2025)</i></b>
Application Number:	<b>318219</b>
Applicant:	<b>S38</b>
Respondent:	<b>Griffith University</b>
Decision Date:	<b>17 December 2025</b>
Catchwords:	<b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - SCOPE OF APPLICATION - whether certain categories of documents fall within the scope of the application - whether terms of the application can be unilaterally expanded on external review - documents not identified by the terms of the application - section 43 of the <i>Information Privacy Act 2009</i> (Qld)</b> <b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - NONEXISTENT OR UNLOCATABLE DOCUMENTS - where agency has conducted searches - whether agency has taken all reasonable steps - where agency has described its processes to explain why documents do not exist - whether explanation is reasonable - whether access to documents may be refused on ground they are nonexistent or unlocatable - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(e) and 52(1) of the <i>Right to Information Act 2009</i> (Qld)</b>

## REASONS FOR DECISION

### Summary

1. The applicant applied to Griffith University (**University**)<sup>1</sup> under the *Information Privacy Act 2009* (Qld) (**IP Act**)<sup>2</sup> for access to:<sup>3</sup>

*1.a. All documents associated with student academic misconduct concerns, allegations and investigations, and outcomes pertaining to myself.*

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<sup>1</sup> On 15 June 2024. The University wrote to the applicant on 22 July 2024, requesting that the applicant consider reducing the scope of his application. The scope set out in this paragraph comprises the amended scope that the applicant provided to the University on 29 July 2024.

<sup>2</sup> On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) came into force, effecting changes to the IP Act and *Right to Information Act 2009* (Qld) (**RTI Act**). As the applicant's application was made before this change, the IP Act and RTI Act **as in force prior to 1 July 2025** remain applicable to it. This is in accordance with transitional provisions in Chapter 8, Part 3 of the IP Act and Chapter 7, Part 9 of the RTI Act, which require that applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted. Accordingly, references to the IP Act and RTI Act in this decision are to those Acts **as in force prior to 1 July 2025**. These may be accessed at <https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-014> and

<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013> respectively.

<sup>3</sup> For the timeframe 1 January 2016 to 15 June 2024.

1.b. *Meta-data associated with documents returned from request item 1(a).*

2.a. *All documents and communications collected, created, received, disclosed, or disseminated by the Vice Chancellor, Deputy Vice Chancellor (Education), Vice Chancellor (Corporate Services), Pro Vice Chancellor (Business), and Program Director (Bachelor of International Business) in relation to workplace health and Safety (WHS) legislation / policy issues pertaining to me.*

2.b. *Meta-data associated with documents returned from request item 2(a).*

3.a. *All documents and communications concerning myself collected, created, received, disclosed or disseminated by Campus Security.*

3.b. *Meta-data associated with documents returned from request item 3(a).*

4.a. *All documents and communications collected, created, received, disclosed or disseminated as a result of my interactions with [Name of individual] (Student Advisor) in early – mid [specific year].*

4.b. *Meta-data associated with documents returned from request item 4(a).*

2. The University did not make a decision within the required timeframe and the applicant applied to the Office of the Information Commissioner (**OIC**) for external review.<sup>4</sup> The University applied to OIC for further time to deal with the application.<sup>5</sup> OIC decided to provide the University with further time to deal with the application until 6 September 2024;<sup>6</sup> however the University did not make a decision by this date and accordingly is taken to have affirmed a deemed decision refusing access to the requested information.<sup>7</sup>
3. The applicant made a further application to OIC.<sup>8</sup> He sought external review of the University's deemed decision and raised specific documents about incomplete academic practice (**Specific Documents**) which he submitted were covered by the scope of his application and should be located and considered by OIC. Some documents responsive to item 4 were located and disclosed during the review.
4. For the reasons set out below, I vary the University's decision and find that:
  - the Specific Documents raised by the applicant fall outside the scope of the application; and
  - access to further documents responding to the application may be refused on the ground that they are nonexistent or unlocatable.<sup>9</sup>

### **Reviewable decision**

5. The decision under review is a decision deemed to have been made by the University on 6 September 2024, to refuse access to all information requested in the application.

### **Evidence considered**

6. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes and the Appendix). I have

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<sup>4</sup> External review 318177.

<sup>5</sup> Under section 106(1)(b) of the IP Act.

<sup>6</sup> See letter to the applicant dated 23 August 2024 on external review 318177.

<sup>7</sup> See section 106(3) of the IP Act.

<sup>8</sup> On 11 September 2024. The applicant initially made an external review application on 6 September 2024, which was before the further time to deal timeframe expired, accordingly the applicant made a new external review application on 11 September 2024.

<sup>9</sup> Under section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act. Section 67(1) of the IP Act sets out that an agency may refuse access to information in the same way and to the same extent that the agency could refuse access to the document under section 47 of the RTI Act were the document the subject of an access application under the RTI Act.

taken into account the applicant's submissions to the extent they are relevant to the issue for determination in this review.

7. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.<sup>10</sup> A decision-maker will be '*respecting, and acting compatibly with*' that right, and others prescribed in the HR Act, when applying the law prescribed in the IP Act and RTI Act.<sup>11</sup> I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

### Issues for determination

8. During the review, the University submitted as follows in relation to the first three items of the application:<sup>12</sup>
- item 1 – it was entitled to refuse to deal with this item on the ground the applicant had previously applied for the same documents.<sup>13</sup>
  - item 2 – while it had located documents held by the specified individuals, none of them contained information about workplace health and safety legislation or policy issues relating to the applicant,<sup>14</sup> and therefore access may be refused on the ground that the requested documents are nonexistent; and
  - item 3 – access may be refused on the ground that the requested documents are nonexistent.<sup>15</sup>
9. In relation to item 4, the University located 12 pages of information and disclosed these to the applicant in full.
10. Subsequently, the University accepted OIC's preliminary view that it was not entitled to refuse to deal with item 1 of the application and conducted searches to locate responsive documents.<sup>16</sup> No documents were located as a result of those searches.
11. The issues for determination in this review are whether:
- the Specific Documents referred to by the applicant fall within the scope of the application; and
  - access to further documents responsive to items 1 to 4 may be refused on the ground they do not exist or cannot be located.<sup>17</sup>

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<sup>10</sup> Section 21(2) of the HR Act.

<sup>11</sup> *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573], wherein Bell J observed that '*it is perfectly compatible with the scope of that positive right in the Charter for it to be observed by reference to the scheme of, and principles in, the Freedom of Information Act*' on the interaction between equivalent pieces of Victorian legislation; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. I further note that OIC's approach to the HR Act set out in this paragraph was considered and endorsed by the Queensland Civil and Administrative Tribunal (**QCAT**) in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23] (where Justice Member McGill saw '*no reason to differ*' from OIC's position).

<sup>12</sup> Letter to OIC dated 31 October 2024.

<sup>13</sup> Under section 62 of the IP Act.

<sup>14</sup> Letter to OIC dated 15 January 2025.

<sup>15</sup> Section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act.

<sup>16</sup> Email to the University dated 25 June 2025.

<sup>17</sup> The Information Commissioner (or their delegate) can decide any matter in relation to the access application that could, under the IP Act have been decided by the agency dealing with the application – see section 118(1)(b) of the IP Act.

## Do the Specific Documents fall within the scope of the application?

### Relevant law

12. The IP Act requires that an access application must '*give sufficient information concerning the document to enable a responsible officer of the agency or Minister to identify the document*'.<sup>18</sup>
13. The Information Commissioner has previously recognised that the scope of an access application should not be interpreted legalistically or narrowly<sup>19</sup> - however, balanced against this is the need for agencies to be able to restrict their searches for documents with reference to the terms used in the application. There are sound practical reasons for the documents sought being clearly and unambiguously identified. The terms of an access application set the direction and parameters of an agency's search efforts<sup>20</sup> and are therefore of primary importance where an applicant contends - as is the case in this review - that the agency has not located all relevant documents. For these reasons the scope of an access application may not be unilaterally widened on external review.<sup>21</sup>

### Findings

14. As stated at paragraph 1, item 1 of the application requests '[a]ll documents associated with **student academic misconduct** concerns, allegations and investigations, and outcomes pertaining to myself' (my emphasis).
15. During the review, the applicant submitted further searches for Specific Documents regarding incomplete academic practice by him were required. In this regard, he referred to information currently available on the University's website<sup>22</sup> and University's 2024 '*Student Breaches of Academic Integrity*' procedure<sup>23</sup> and submitted:<sup>24</sup>
  - when a tutor/convenor becomes aware of a situation involving a potential breach of student integrity, depending on the information available, the convenor may consider the breach as either:
    - incomplete academic practice; or
    - academic misconduct
  - he has been identified as a person with a disability.
  - given this, any allegations of student academic misconduct regarding him would have been dealt with as incomplete academic practice, rather than student academic misconduct.
  - incomplete academic practice is not recorded in the University's Student Academic Integrity Management System (**SAIMS**).

<sup>18</sup> Section 43(2)(b) of the IP Act.

<sup>19</sup> *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) (**Fennelly**) at [21].

<sup>20</sup> In this regard, I note the following observations of the Information Commissioner in *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 at [8], when addressing similar considerations under the predecessor to the RTI Act, the *Freedom of Information Act 1992* (Qld) (**FOI Act**): '*The terms in which an FOI access application is framed set the parameters for an agency's response under Part 3 of the FOI Act, and in particular set the direction of the agency's search efforts to locate all documents of the agency which fall within the terms of the FOI access request. The search for relevant documents is frequently difficult, and has to be conducted under tight time constraints. Applicants should assist the process by describing with precision the document or documents to which they seek access*'. These observations were cited with approval in *Rolfe and Banana Shire Council* (Unreported, Queensland Information Commissioner, 9 October 2009) at [109], *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [33] and *Ciric and Queensland Police Service* [2018] QICmr 30 (29 June 2018) at [20].

<sup>21</sup> *Robbins and Brisbane North Regional Health Authority* (1994) 2 QAR 30 at [17]; *Arnold and Redland City Council* (Unreported, Queensland Information Commissioner, 17 October 2013) at [21].

<sup>22</sup> Griffith University, Academic Integrity '*What is an Incomplete Academic Practice?*' at <<https://www.griffith.edu.au/academic-integrity/#academic-integrity-breach-process>> accessed on 5 December 2025.

<sup>23</sup> At <<https://sharepointpubstor.blob.core.windows.net/policylibrary-prod/Student%20Breaches%20of%20Academic%20Integrity%20Procedure.pdf>> accessed on 5 December 2025.

<sup>24</sup> Submission to OIC dated 18 August 2025.

- while he is not aware of having done anything that could be construed as academic misconduct, there is no obligation to notify a student about breaches or allegations of breaches determined to be incomplete academic practice; and
  - if there had been any concerns about the applicant regarding incomplete academic practice, he considers that the University would not have raised those issues with him directly, but rather with a representative for him.<sup>25</sup>
16. Given the above, the applicant submits that further searches for the Specific Documents should be conducted by his course convenors, the School Dean, the Student Academic Integrity Coordinator and the Manager of Student Equity Services.
17. While I have carefully considered the applicant's submissions about the scope of the application, I do not accept that a reasonable interpretation of the specific words used by the applicant - '*student academic misconduct concerns*' - could be interpreted to also encompass documents relating to incomplete academic practice. If the applicant had referred to documents relating to any concerns about '*academic integrity*', it could be reasonably argued that this would include documents relating to incomplete academic practice, as well as academic misconduct; however such concerns were not mentioned in the applicant's application.
18. As noted at paragraph 13, it is well settled that the scope of an application sets the parameters for an agency's searches. I have carefully considered the wording of part 1 of the application and I am satisfied that its terms are specific to documents relating to academic misconduct, and do not include documents relating to incomplete academic practice. Given this position, I find that that the Specific Documents raised by the applicant on external review do not fall within the scope of his application. As such, the University was not required to conduct searches for these documents.
19. Even if documents relating to incomplete academic practice were included within the scope of item 1, I do not consider that the applicant's submissions raise reasonable grounds to require the University to conduct searches for those documents. The applicant's submission is based firstly on speculation that incomplete academic practice concern/s were raised about him, and then on further speculation as to how the University might have treated such concern/s. In these circumstances, it would, in my opinion, be unreasonable to require the University to spend more time and resources on conducting the searches suggested by the applicant, based merely on the applicant's assertions that there is a possibility that such documents may have been created.

### **Does the nonexistent/unlocatable ground of refusal apply to the requested documents?**

#### ***Relevant law***

20. Under section 40 of the IP Act, an individual has a right to be given access to documents of an agency to the extent they contain the individual's personal information.<sup>26</sup> This right is subject to limitations, including grounds for refusal of access.
21. The Information Commissioner's external review functions include investigating whether agencies have taken reasonable steps to identify and locate documents applied for by

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<sup>25</sup> Pursuant to the *Disability Standards for Education 2005 (DSE)* at <<https://www.legislation.gov.au/F2005L00767/latest/text>> accessed on 5 December 2025.

<sup>26</sup> *Personal information* is defined in section 12 of the IP Act 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*'.

applicants.<sup>27</sup> However, access may be refused in circumstances where a document is nonexistent.<sup>28</sup>

22. A document will be *nonexistent* if there are reasonable grounds to be satisfied it does not exist.<sup>29</sup> To be satisfied that a document does not exist, the Information Commissioner has previously had regard to various key factors, including an agency's record keeping practices and procedures (including, but not limited to, its information management approaches).<sup>30</sup> By considering relevant factors, the decision maker may conclude that a particular document was not created because, for example, the agency's processes do not involve creating that specific document. In such instances, it is not necessary for the agency to search for the document. Rather, it is sufficient the relevant circumstances to account for the nonexistent document are adequately explained by the agency.
23. The Information Commissioner may also take into account the searches and inquiries conducted by an agency in determining whether a document is nonexistent. The key question then is whether those searches and inquiries amount to '*all reasonable steps*'.<sup>31</sup> What constitutes reasonable steps will vary from case to case, as the search and inquiry process an agency will be required to undertake will depend on which of the key factors are most relevant in the particular circumstances. Such steps may include inquiries and searches of all relevant locations identified after consideration of relevant key factors.<sup>32</sup>
24. A document is *unlocatable* if it has been or should be in the agency's possession and all reasonable steps have been taken to find it, but it cannot be found. In determining whether a document is unlocatable, it is necessary to consider the specific circumstances of each case,<sup>33</sup> and in particular, whether:<sup>34</sup>
  - there are reasonable grounds to be satisfied that the requested documents have been or should be in the agency's possession; and
  - the agency has taken all reasonable steps to find the document.
25. In assessing an agency's searches, the Information Commissioner has confirmed the relevant question is whether the agency has taken *all reasonable steps* to identify and locate documents, as opposed to *all possible steps*.<sup>35</sup>
26. The agency that made the decision under review has the onus of establishing that the decision was justified, or the Information Commissioner should give a decision adverse to the applicant.<sup>36</sup> However, where an external review involves the issue of missing documents, the applicant bears a practical onus to establish reasonable grounds which

<sup>27</sup> 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. QCAT confirmed in *Webb v Information Commissioner* [2021] QCATA 116 at [6] (**Webb**) 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.

<sup>28</sup> Sections 47(3)(e) and 52(1) of the RTI Act.

<sup>29</sup> Section 52(1)(a) of the RTI Act. For example, a document has never been created.

<sup>30</sup> *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 University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) (**PDE**) at [37]-[38]. *PDE* addresses the application of section 28A of the now repealed *Freedom of Information Act 1992* (Qld). Section 52 of the RTI Act is drafted in substantially the same terms as the provision considered in *PDE* and, therefore, the Information Commissioner's findings in *PDE* are relevant.

<sup>31</sup> As set out in *PDE* at [49].

<sup>32</sup> As set out in *PDE* at [38].

<sup>33</sup> *Pryor* at [21]. See also, *F60XCX and Office of the Queensland Parliamentary Counsel* [2016] QICmr 42 (13 October 2016) at [84] and [87], and *Underwood and Minister for Housing and Public Works* [2015] QICmr 27 (29 September 2015) at [33]-[34] and [49].

<sup>34</sup> Section 52(1)(b) of the RTI Act.

<sup>35</sup> *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].

<sup>36</sup> Section 100(1) of the IP Act.

demonstrate that the agency has not discharged its obligation to take all reasonable steps to locate the requested documents. Suspicion and mere assertion will not satisfy this onus.<sup>37</sup>

## Findings

### Item 1 of the access application

27. As mentioned above, item 1 of the application requests the following documents, and metadata associated with them:

*All documents associated with student academic misconduct concerns, allegations and investigations, and outcomes pertaining to myself.*

28. The University submitted that:<sup>38</sup>

- any responsive documents would be located in the University's SAIMS, which is its centralised system in which concerns about academic integrity are raised and recorded.
- any academic integrity concerns raised by a Course Convenor are recorded under a student's number; and
- it searched SAIMS using both the applicant's name and student number and did not locate any documents for the timeframe referred to in the application.

29. Further, the University submitted:<sup>39</sup>

- if a concern had been raised about the applicant, a concern letter (allegation) would have been issued to the applicant with supporting evidence of the alleged breach.
- the University would have provided the applicant with 14 days to respond to the concern letter, following which the decision maker would have notified the applicant of the outcome via a closure letter (decision notice); and
- no documents of this nature were located by the University in relation to the applicant.

30. While the applicant confirmed during the review that he is not aware of having done anything that would be considered to be academic misconduct, he submitted that the University should provide further information about SAIMS, in particular:<sup>40</sup>

- whether SAIMS has been upgraded or replaced since the applicant was a student
- whether datasets for 2016-2017 period (when the applicant attended the University) are accessible from the current SAIMS application, and if not, where the University conducted searches of the 2016-2017 SAIMS datasets
- whether all matters in SAIMS reference students via only their student numbers<sup>41</sup>
- whether any other relevant identifiers are needed to conduct searches within SAIMS (for example campus, course identifiers, names of staff members that referred the issue, email addresses etc); and

<sup>37</sup> *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].

<sup>38</sup> Letter to OIC dated 15 July 2025, received by OIC on 16 July 2025.

<sup>39</sup> Letter to OIC dated 15 July 2025, received by OIC on 16 July 2025.

<sup>40</sup> Letter to OIC dated 18 August 2025.

<sup>41</sup> In this respect, the applicant referred to the University's submission that concerns raised by a Course Convenor are recorded under the student number but stated that any person may raise a student integrity concern. The information provided by the applicant in relation to the University's current procedure (at 3.2.2.1.j of the *Student Breaches of Academic Integrity – Procedure* see link to document at footnote 23) provides that an individual with a concern should outline the concern and provide materials to the Course Convenor who is responsible for entering the concern and any supporting documentation into SAIMS.

- whether any other relevant identifiers or filters were used by the University in the conduct of their searches.
31. The applicant submitted that he considers it is necessary for the University to provide the further information above *'to demonstrate that it has satisfied the requirement of having taken all reasonable steps to locate the documents requested'* by him.
32. As noted by the applicant above, the issue that I must consider in relation to the documents referred to in item 1 is whether the University has conducted all *reasonable* searches to locate documents, as opposed to all *possible* searches. I do not accept that the applicant's submissions provide a reasonable basis to request that the University provides further information about SAIMS. I am satisfied from the explanation provided by the University that:
- any concern raised about the applicant that was classified as academic misconduct would have been recorded in SAIMS as part of the University's processes and procedures.
  - such concern would have been recorded in SAIMS under the applicant's student number.
  - it conducted searches of SAIMS using the applicant's student number and name.
  - no documents were located as a result of these searches.
  - there is no information before me to suggest that the University created any documents responsive to item 1; and
  - I therefore consider that it is reasonable to conclude that the University did not create any documents responsive to item 1.
33. In addition, the applicant submitted that he considers it likely that if any misconduct concerns had been raised about him, the University would have referred those concerns to the applicant's representative/s, rather than to himself.<sup>42</sup> In this respect, the applicant considers that the University would have *'effectively concluded that letting the applicant know people had made negative claims about him would have been prejudicial to his success as a student'*. Even if this were the case – and there is no information before me to suggest that it is – if such concerns were classified as academic misconduct, I am satisfied that they would have been recorded in SAIMS as per the University's procedure. As noted above, the University's searches of SAIMS did not locate any documents.
34. Having considered all of the information before me, I am satisfied that the University has conducted all reasonable searches of the location that it would expect to find documents relating to item 1 of the application, and access to such documents may be refused on the ground that they are nonexistent or unlocatable. Give this finding, I am also satisfied that metadata associated with such documents is also nonexistent or unlocatable.

## **Item 2 of the access application**

35. As mentioned above, item 2 of the application requests the following documents, and metadata associated with them:

*All documents and communications collected, created, received, disclosed, or disseminated by the Vice Chancellor, Deputy Vice Chancellor (Education), Vice Chancellor (Corporate Services), Pro Vice Chancellor (Business), and Program Director (Bachelor of International Business) in relation to workplace health and Safety (WHS) legislation / policy issues pertaining to me.*

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<sup>42</sup> In this respect the applicant submitted *'it should be noted that the DSE requires educators to consult students with disabilities and/or their associates about matters affecting their ability to participate'*.

36. During the processing of the application, the University advised the applicant that, due to the constraints of Microsoft architecture, searches could not be conducted based on the position titles referred to in item 2. Given this, the University stated that it would be necessary to identify the individuals that held the listed positions within the eight-year timeframe referred to by the applicant for its Cyber Security team to then be in a position to run searches.
37. During the review OIC requested that the University provide more detailed information about the search parameters used and the nature of the information located by the University which it stated did not respond to item 2 of the application.<sup>43</sup> In response the University submitted that it conducted searches of the records requested by the applicant on its e-discovery system. The University provided the following information about the data sets compiled and how many records related to the applicant:<sup>44</sup>

Position title	Records in data sets	Records relevant to the applicant	Records in scope
Vice Chancellor	4,935,048	Nil	Nil
Deputy Vice Chancellor (Education)	801,791	Nil	Nil
Vice Chancellor (Corporate Services)	3,050,779	20	Nil
Pro Vice Chancellor (Business)	4,554,537	18	Nil
Program Director (Bachelor of International Business)	684,453	2	Nil

38. In conducting the searches of the data sets, the University stated that it used the applicant's first and last name together as a search term, which located the documents referred to above. It noted that when it tried to search the documents using either the applicant's individual first name or his last name as the search term, *'due to the prevalence of these terms and the size of the data sets, this resulted in an overwhelming number of documents making the search unmanageable'*.<sup>45</sup>
39. The University advised that the records relevant to the applicant among the above data sets comprised 738 pages in total. After reviewing this information, however, the University concluded that none of the information related to workplace health and safety legislation/policy issues relating to the applicant – and therefore none of the information responded to item 2 of the application. The University described the located documents as follows:<sup>46</sup>

- *Decision letters on [the applicant's] access applications to the University, signed by the Chief Operating Officer (COO), RTI decision maker.*
- *Memos to the COO, RTI decision maker, regarding [the applicant's] access applications.*
- *Internal emails attaching excel spreadsheets containing current undergraduate student lists as at 26 March 2016 within the Griffith Business School (GBS). The applicant's name is one of the names in these spreadsheets, as a student in the School.*
- *Internal emails attaching lists of Brisbane and Gold Coast GBS students and graduates who have been invited to November graduation ceremonies. The applicant's name is one of the names in these spreadsheets, as a graduating student.*

<sup>43</sup> Letter to the University dated 25 February 2025.

<sup>44</sup> Letter to OIC dated 2 April 2025.

<sup>45</sup> Letter to OIC dated 2 April 2025.

<sup>46</sup> Letter to OIC dated 2 April 2025.

- *Internal emails attaching lists of GBS alumni, created to facilitate alumni communications from the University. The applicant's name is one of the names in these spreadsheets, as an alumni.*

40. Given the above, the University submitted that the 738 located pages fall outside the scope of the application and no documents exist in relation to item 2 of the applicant's request.
41. I conveyed a preliminary view to the applicant that, having carefully considered this information provided by the University, I was satisfied that the University had conducted all reasonable searches to locate documents responsive to item 2 of the application and that access may be refused to any documents on the ground that they do not exist.
42. The applicant did not accept my preliminary view and submitted that the University must take the following steps:<sup>47</sup>
  - explain the searches conducted in MS 365 in greater detail.
  - explain which business systems and electronic document management system (eDRMS) repositories MS 365 has been integrated with.
  - conduct further searches in systems and repositories located outside MS Purview's purview (for example GSAFE, the injury management system, the business systems maintained by Student Life and Student Integrity, SAIMS, security management systems, student administration systems, disability management systems, the PeopleSoft ERP, paper records etc – should these systems be out of Microsoft Purview's reach); and
  - conduct further searches for documents that have been transferred to Queensland States Archives (**QSA**).
43. The applicant also stated that, once the University had responded to the above, further steps may be necessary.
44. Item 2 of the application requests access to '[a]ll documents and communications collected, created, received, disclosed, or disseminated by' various positions within the University. In conducting searches for documents held by the individuals performing these roles, the University submitted that for, each of the five positions, it:<sup>48</sup>
  - identified –
    - the name of the individual that held the role while the applicant attended the University.
    - the names of any other individuals that held the role during the timeframe referred to in the application.
    - any generic email inboxes used by that job title; and
    - any support staff accounts linked to that job title, and
  - then, searched the Microsoft 365 accounts, Exchange Online (email and calendar) and Microsoft OneDrive for each of those accounts, as noted above using the applicant's full name as the search term.
45. Further, the University submitted that there were no other locations that could be searched to locate the documents requested by the applicant.

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<sup>47</sup> Letter to OIC dated 18 August 2025.

<sup>48</sup> Email to OIC dated 4 December 2025.

46. I consider that it is reasonable to conclude from the wording of Item 2 and the information provided by the University that, if any documents did exist, they would be located in the Microsoft accounts of those individuals referred to. I am satisfied that the University has taken all reasonable steps to identify and locate those documents. In addition, I do not consider that there is any information before me, to suggest that there is any reasonable basis to require the University to conduct the further searches of the systems and repositories referred to by the applicant in paragraph 42 in order for it to have taken all reasonable steps.
47. In relation to the final bullet point at paragraph 42 that searches are conducted for archived documents that have been transferred to QSA, there is nothing before me to indicate that the University located anything in its records to suggest that relevant documents ever existed. It follows that there can be no reasonable basis for expecting that relevant records were transferred to QSA. This is mere speculation by the applicant and does not demonstrate any need for searches of QSA in order for the University to have taken all reasonable steps. I also note that, even if it were accepted that such records existed, their likely status as documents that would not be designated for permanent retention count against QSA holding any relevant records.
48. For these reasons, on the information before me, I am satisfied that the University has conducted all reasonable searches of the locations that it would expect to find documents relating to item 2 of the application and access may be refused to such documents on the ground that they are nonexistent or unlocatable. It follows that I am also satisfied that metadata associated with such documents is also nonexistent or unlocatable.

### **Item 3 of the access application**

49. As mentioned above, item 3 of the application requests the following documents, and metadata associated with them:

*All documents and communications concerning myself collected, created, received, disclosed or disseminated by Campus Security.*

50. In relation to item 3, the University submitted that Security and Control within the University had searched its Security Operations Reporting Database (NOGGIN) (**SORD**), using combinations of the applicant's name<sup>49</sup> and no documents were located.<sup>50</sup>
51. During the review, OIC asked the University to confirm if the information referred to in item 3 would be located anywhere other than SORD.<sup>51</sup> The Service Centre Manager, Security, Parking, Fleet and Logistics stated that information responsive to item 3 would be located in SORD. However, the *'only other possible area would be Campus Support emails, which I have just searched and there is no mention of [the applicant] in any of these locations.'*<sup>52</sup>
52. In terms of Campus Support emails, the University submitted that it had searched five email addresses which it provided to OIC, being the campus support email addresses for each of its campuses, using different versions of the applicant's name as its search terms.<sup>53</sup>

<sup>49</sup> Including *'the applicant's name and an exact match, variations, single first name, single surname, both combinations, and incorrect spelling'* of the applicant's name.

<sup>50</sup> Letter to OIC dated 31 October 2024.

<sup>51</sup> Email to the University dated 15 May 2025.

<sup>52</sup> Email from the Service Centre Manager to the University RTI Officer dated 6 June 2025. Attached to email to OIC dated 16 June 2025.

<sup>53</sup> Email to OIC dated 18 September 2025.

53. The applicant does not accept that the University has conducted reasonable searches to locate documents and submitted the University must:<sup>54</sup>
- properly explain all of the security systems used by Campus Security for the timeframe of his application.
  - identify campus security contact details (i.e. campus security group and individual email addresses).
  - explain whether Campus Security uses any Campus Life systems in undertaking their duties.<sup>55</sup>
  - explain whether any records management changes have resulted in 2016-2017 campus related documents being held at other University locations.
  - reconduct the searches within SORD (and any other relevant systems) using the applicant's name and student number; and
  - provide what he considers to be an adequate explanation as to all searches undertaken.
54. Given the University has explained that the only locations that the information responsive to item 3 would be contained are SORD or Campus Support emails, and noting the nature of the searches of both locations, in my view the further searches that the applicant considers should be conducted go beyond what could be regarded as reasonable steps to require an agency to take in an effort to locate documents responding to item 3 of the application.
55. I am satisfied, having considered all of the information before me, that the University has conducted all reasonable searches of the locations that it would expect to find documents relating to item 3 of the application. Accordingly, I am satisfied that access to such documents may be refused on the ground that they are nonexistent or unlocatable, and access to metadata associated with such documents may be refused on the same basis.

#### **Item 4 of the access application**

56. As mentioned above, item 4 of the application requests the following documents, and metadata associated with them:
- All documents and communications collected, created, received, disclosed or disseminated as a result of my interactions with [Name of individual] (Student Advisor) in early – mid [specific year].*
57. In relation to item 4, as noted above at paragraph 9, the University located 12 pages of information and disclosed these to the applicant in full. The applicant does not consider that the University has located all of the information responsive to item 4; in particular the applicant submitted that he had completed a form which related to the provision of services by a Student Advisor.<sup>56</sup>
58. The information provided by the University in relation to the searches undertaken for documents responsive to item 4 shows that one of its IT Security Analysts conducted searches using Microsoft Purview eDiscovery using both the names of the applicant and the Student Advisor.

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<sup>54</sup> Letter to OIC dated 18 August 2025.

<sup>55</sup> In this respect, the applicant submitted that Campus Life oversees various security related matters.

<sup>56</sup> Email to OIC dated 12 November 2024. I note that although the applicant refers to the individual as a Student Advisor, her correct title was Program Service Officer.

59. The University also submitted that it ‘*regenerated/reverified and reprepared the located data sets and it has returned the same set of documents that have been released to the applicant*’.<sup>57</sup>
60. In my preliminary view to the applicant, I informed the applicant that, having considered the information provided by the University, it was my preliminary view that the University had conducted reasonable searches to locate documents responsive to item 4, of the application. In particular, the University had conducted searches as follows:<sup>58</sup>

Tool used	Further information provided by the University
Microsoft Purview	Microsoft Purview was used to: <ul style="list-style-type: none"> <li>• recover any residual data associated with the applicant’s account, even though the account was inactive</li> <li>• recover the mailbox data of both the applicant and the Student Advisor; and</li> <li>• verify whether any data associated with the applicant was located within any other Microsoft cloud services or data locations.</li> </ul>
Content Manager	Content manager was used to confirm if there were any records within the scope of the applicant’s request that had been maintained as a record under a retention schedule.

61. As noted at paragraph 57, the applicant considers that the University has failed to locate a form that he completed in relation to the provision of services from the named Student Advisor. In response to my preliminary view, the applicant submitted that the University should:<sup>59</sup>

- recover all of the named Student Advisor’s and the Program Director’s mailbox<sup>60</sup> and account information.
- conduct searches of those mailboxes and accounts using the applicant’s name, student number and email address identify relevant 2016-2017 student success advisor systems and datasets.
- identify relevant 2016-2017 systems and datasets for storing consent materials.
- conduct further searches in Content Manager on the appropriate datasets;<sup>61</sup> and
- properly explain all further considerations and searches that the University conducts.

62. I am satisfied from the information provided by the University that it did:

- undertake searches of the mailbox of the Program Director, in addition to the mailboxes of the applicant and the Student Advisor;<sup>62</sup> and
- use various search terms in undertaking its searches including, the applicant’s name, student number and student email address.

63. I do not consider that the applicant’s submissions raise sufficient grounds to require the University to conduct further searches. As previously noted, in this decision, the issue that I must consider is whether the University has conducted all *reasonable* searches for information, as opposed to all *possible* searches.

<sup>57</sup> Letter to OIC dated 2 April 2025.

<sup>58</sup> Letter to OIC dated 16 June 2025. The University also used the following additional tools to locate information in response to item 4 of the application – Microsoft Entra, Microsoft Defender and Splunk.

<sup>59</sup> Letter to OIC dated 18 August 2025.

<sup>60</sup> The 12 pages of information located by the University shows that the emails to and from the Student Advisor were from a generic email address of the Program Director.

<sup>61</sup> The applicant submitted the appropriate datasets would be Student Services, Student Success Advisor and Student Administration systems/datasets.

<sup>62</sup> Page 6 of the attachment to the University’s submission dated 2 April 2025.

64. The 12 pages of information that were located by the University in response to item 4 of the application show that the applicant met with the Student Advisor in March 2016. In relation to the applicant's submission that searches should be undertaken of the account information of himself, the Student Advisor and the Program Director, the University's IT Security Analyst had previously stated:<sup>63</sup>

*In the absence of more specific context from the applicant, there appears to be no additional data retained in the account of [the Student Advisor] or the shared mailbox identified as [the Program Director]. Interaction with "a form" cannot be verified unless more specific details are provided by the applicant.*

*Ephemeral records or emails older than 7 years that is not a declared record and captured in a system of records such as Content Manager is unlikely to be retained.*

65. In addition, I also note the University's submission that '[e]ven if the form was originally retained in line with standard retention periods, it is likely that it no longer exists'.<sup>64</sup>

66. Having considered the information provided by the University I am satisfied that:

- it is reasonable to conclude that, if the form did exist, given its age, it would likely be located in Content Manager, rather than any of the three mailboxes, however searches were undertaken of all of those locations.
- those searches were undertaken by an individual with the appropriate knowledge within the University using appropriate search terms; and
- even if the form was originally retained, given its age, it is likely that it no longer exists.

67. Taking into account the abovementioned steps, I am satisfied the University has conducted all reasonable searches to locate both the particular form raised by the applicant and other documents responsive to item 4 of the application. On that basis, I find that access may be refused to any further information on the ground that it is nonexistent or unlocatable. Give this finding, I am also satisfied that metadata associated with such documents is also nonexistent or unlocatable.

## **Conclusion**

68. As noted above, the distinction between what steps are *possible*, and what steps are *reasonable* is pertinent in this matter. The IP Act does not contemplate that OIC will in some way check an agency's records for relevant documents.<sup>65</sup> OIC is ultimately dependent on the agency's officers to do the actual searching for relevant documents.<sup>66</sup> OIC is also reliant on the University's own knowledge of its structure and its records management systems, practices and procedures to determine whether the searches by the agency have been reasonably targeted, and ought reasonably be expected to have located responsive documents if any were to exist. In this respect, I note that the searches were either conducted by officers working within the relevant unit or the University's IT Security Analyst.

69. I do not consider that the applicant has satisfied the practical onus on him to show that the University has failed to fulfil its search obligations. I cannot identify any cause to

<sup>63</sup> Page 6 of the attachment to the University's submission dated 2 April 2025.

<sup>64</sup> Letter to OIC dated 16 June 2025. I note that the *University Sector Retention and Disposal Schedule* (available at <[https://www.forgov.qld.gov.au/\\_data/assets/pdf\\_file/0027/189162/university-sector-retention-and-disposal-schedule-gdan601.pdf](https://www.forgov.qld.gov.au/_data/assets/pdf_file/0027/189162/university-sector-retention-and-disposal-schedule-gdan601.pdf)> accessed on 5 December 2025) states that client files in relation to personal, academic and general counselling services should be retained for a period of seven years after the appointment AND until the client is 25 years of age. More than seven years have passed since the applicant's appointment with the Student Advisor and the applicant is over the age of 25.

<sup>65</sup> *Webb* at [6].

<sup>66</sup> *Webb* at [6].

request the University to conduct further searches for the documents referred to in the applicant's application.

70. In summary, having regard to the searches that the University has conducted in an effort to locate documents responding to each of the four items in the application, I am satisfied that the University has discharged the onus upon it to take all reasonable steps to locate responsive documents. Accordingly, I find that the requested documents may be refused on the ground they are nonexistent or unlocatable.

## **DECISION**

71. For the reasons set out above, I vary the University's decision and find that:

- the Specific Documents raised by the applicant fall outside the scope of the application; and
- access to further documents responding to the application may be refused on the ground that they are nonexistent or unlocatable.<sup>67</sup>

72. I have made this decision as a delegate of the Information Commissioner, under section 139 of the IP Act.



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**A Rickard**  
**Assistant Information Commissioner**

**Date: 17 December 2025**

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<sup>67</sup> Under section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

**APPENDIX****Significant procedural steps**

<b>Date</b>	<b>Event</b>
11 September 2024	OIC received the application for external review from the applicant.
16 September 2024	OIC received the preliminary documents from the University.
15 October 2024	OIC advised the applicant and the University that the application for external review had been accepted.
31 October 2024	OIC received a submission from the University.
12 November 2024	OIC received a submission from the applicant.
15 January 2025	OIC received a submission from the University.
26 February 2025	OIC conveyed a preliminary view to the University.
2 April 2025	OIC received a submission from the University.
15 May 2025	OIC requested further information from the University.
16 June 2025	OIC received a submission from the University.
25 June 2025	OIC conveyed a preliminary view to the University.
16 July 2025	OIC received a submission from the University.
21 July 2025	OIC conveyed a preliminary view to the applicant.
18 August 2025	OIC received a submission from the applicant.
2 September 2025	OIC requested further information from the University.
18 September 2025	OIC received a response from the University.
4 December 2025	OIC received a further response from the University.