



Decision and Reasons for Decision

Citation:	<i>X37 and Queensland Police Service [2025] QICmr 64 (8 October 2025)</i>
Application Number:	318882
Applicant:	X37
Respondent:	Queensland Police Service
Decision Date:	8 October 2025
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - INFORMATION PRIVACY ACT - REFUSAL TO DEAL - APPLICATION REQUIREMENTS - whether the application gives sufficient information concerning the documents sought - whether the agency is entitled to refuse to deal with the application under sections 43(2)(b) and 53(6) of the <i>Information Privacy Act 2009 (Qld)</i>

REASONS FOR DECISION

Summary

1. On 10 June 2025, the applicant applied to the Queensland Police Service (**QPS**) under the *Information Privacy Act 2009 (Qld)* (**IP Act**)¹ for:²

I request under the Information privacy act.

Documents related to the traffic stop , and matters thereafter as to oversight of the action/s.

Body cams , in car camera/s

Notes , diary entries , workbook.

Radio communication.

Transcripts of body cam.

O.I.C ethical standards, Privacy complaint consideration/s of all matters fairly related to events.

Traffic stop Miriamvale 2025.

End.

The reticence as to release documents is held to be in line with the obvious failings of Q.P.

The threat of arrest for declining to provide a email address is nazi like dross ,which I can get in court.

I have no computer terminal access

I have no device that permits forms

¹ 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 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.

² On the same day, the applicant sent a second email to QPS which duplicated much of this request. However, the later email includes further requests of how the applicant would like QPS to communicate with them.

Hence the email.

Should email be again refused efforts as to ensure inclusion (and prevent discrimination inherent in refusing emails are options for clearly Q.P seek advantage, and Inherently detriment).

[sic]

2. QPS refused to deal³ with the access application on the basis it did not provide sufficient information to enable a responsible officer to identify relevant documents, and therefore did not meet all relevant application requirements.⁴ The applicant sought internal review of QPS's decision. By decision dated 28 August 2025, QPS affirmed the original decision.
3. The applicant then applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's decision.⁵
4. The decision under external review is QPS's internal review decision dated 28 August 2025, refusing to deal with the access application.
5. The issue for determination is whether the access application gives sufficient information to enable a responsible office to identify relevant documents and whether QPS is entitled to refuse to deal with the application.
6. For the reasons below, I affirm the decision under review.

Evidence considered

7. The evidence, submissions, legislation and other material I have considered in reaching my decision are as disclosed in these reasons (including in footnotes). I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**) particularly the right to seek, receive and impart information.⁶ I consider 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.⁷ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Relevant law

8. In making an access application for documents under section 43(1) of the IP Act, an applicant must comply with the application requirements set out in sections 43(2) and 43(3) of the IP Act.
9. Section 43(2)(b) of the IP Act provides that the access application must give sufficient information concerning the documents sought to enable a responsible officer of the agency to identify the documents.
10. The Information Commissioner has previously recognised that where there is ambiguity in the terms of an application, it is rarely appropriate to apply legal construction techniques in preference to consulting with the applicant for clarification.⁸ The scope of an access application should not be interpreted legalistically or narrowly⁹ – however,

³ Decision dated 12 August 2025.

⁴ Section 43(2)(b) of the IP Act.

⁵ Application dated 2 September 2025.

⁶ Section 21 of the HR Act.

⁷ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (XYZ) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111].

⁸ *Robbins and Brisbane North Regional Health Authority* (1994) QAR 30 at [17].

⁹ *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) at [21].

there are sound practical reasons for the documents sought to be clearly and unambiguously identified, given the terms of an application set the direction and parameters of an agency's search efforts.¹⁰

11. Where a person purports to make an access application that does not comply with all relevant application requirements,¹¹ the agency must:¹²
 - make reasonable efforts to contact the person within 15 business days after the purported application is received
 - inform the person how the application does not comply with the relevant application requirement; and
 - give the applicant a reasonable opportunity to consult with a view to making the application in a form complying with all relevant application requirements.
12. If, after giving the applicant a reasonable opportunity to consult with a view to making the application in a form complying with all relevant application requirements, the agency then decides that the application does not comply with all such requirements, the agency must give the applicant prescribed written notice of the decision.¹³

Findings

13. In line with the obligation under section 53(2) of the IP Act, QPS wrote to the applicant¹⁴ explaining how the application did not meet all relevant application requirements.¹⁵ Relevantly, QPS stated:

An applicant must make their application in a way that allows the agency to identify the documents the applicant is seeking. The onus is on the applicant to identify the documents they want to access, not the agency.

Your application appears to seek documents relating to a traffic interception involving yourself in Miriam Vale in 2025. However, your application also refers to Ethical Standards Command and privacy related matters, without further information to assist in identify the matters to which you refer.

14. Between 15 July 2025 to 29 July 2025, the applicant sent QPS multiple emails.¹⁶ After considering the terms of the access application, the additional information provided by the applicant to QPS, and the external review application,¹⁷ I expressed my preliminary view to the applicant that:¹⁸

¹⁰ In *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 at [8], when addressing similar considerations under the predecessor to the IP Act, the repealed *Freedom of Information Act 1992* (Qld) (**FOI Act**) the Information Commissioner noted that: '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 [104], *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].

¹¹ See section 53(7) of the IP Act.

¹² Sections 53(2) and (3) of the IP Act.

¹³ Section 53(6) of the IP Act.

¹⁴ Letter dated 15 July 2025.

¹⁵ QPS advised the applicant that the evidence of identity provided with the access application was not suitable and provided an opportunity for the applicant to provide fresh evidence of identity. On 21 July 2025, the applicant provided evidence of their identity, which was accepted by QPS, resolving this issue.

¹⁶ Emails dated 15 July 2025 at 15:35, 15:36 and 17:52; 16 July 2025 at 09:55, 10:07, 10:14 and 11:49; 17 July 2025 at 08:40, 13:01 and 14:00; 21 July 2025 at 11:17; 23 July 2025 at 07:11; 24 July 2025 at 10:13 and 11:33; and 29 July 2025 at 11:45.

¹⁷ Dated 2 September 2025.

¹⁸ The extract below has been edited slightly for privacy reasons.

While it is clear that you are seeking documents relating to a traffic stop at Miriamvale on [date], your correspondence with QPS has not clarified your request for 'O.I.C ethical standards, Privacy complaint consideration/s of all matters fairly related to events'.

As QPS advised you on 15 July 2025, the phrasing of this request makes it difficult to identify what Privacy complaints or matters before the Ethical Standards Command you are referring to. Your responses to QPS have not clarified this issue, especially when you have referred to different privacy complaints about multiple staff of QPS.

If you have made a privacy complaint about the Miriamvale traffic stop on [date], or consider that Ethical Standards Command were involved in a complaint stemming from the traffic stop, it is my view that it is necessary for you to clearly state this. Otherwise, as it is currently phrased, the application lacks sufficient information for a reasonable agency officer to identify the documents you are seeking.

15. By email dated 22 September 2025, the applicant responded:

NO, Luhrs and do not ask ever again as to informal.

Q.P are free to seek to engage as to matters.

The fact that some 10 requests have been made over 5 months with not a single document being made available , speaks to Q.P bad faith, discrimination, vindictive and malice.

I require a formal position from the O.I.C.

Q.P have a history of non compliance, as O.I.C is aware of such allegations .

Where s14A acts interpretation act , s48A1 acts interpretation act, where violated by Q.P.

Where Q.P disregarded the Qld human rights act as to the equal access to the Public service.

Q.P have interfered with discovery in refusing "ID", and the contents of the request.

Where O.I.C are aware of I.P request issues,. I am contesting the preliminary view , where Q.P did not respect the processes in place

Where the "ID" is valid, and the sought document/s are or should have been understood.

Do not use Sincerely with me , Luhrs.

confirms that you are contesting the preliminary view and explains why you disagree with the preliminary view – and which addresses the reviewable matters discussed in this correspondence and no other issues (this means you must not make allegations or complaints about staff of this Office)

[sic]

16. Having considered the terms of the applicant's access application, including the additional information provided to QPS,¹⁹ the external review application²⁰ and the applicant's submission in response to my preliminary view,²¹ I am not satisfied that the applicant has provided sufficient information to clarify the request for 'O.I.C ethical standards, Privacy complaint consideration/s of all matters fairly related to events'. The applicant has not, for example, clarified if they seek documents about a privacy complaint or Ethical Standards Investigation, relating to complaints they made about the Miriamvale traffic stop. Rather, the applicant has referred to other processes, including a privacy complaint about QPS's use of the applicant's name in email correspondence. I do not consider it can be concluded with any certainty that the request for 'O.I.C ethical standards, Privacy complaint consideration/s of all matters fairly related to events' is for documents relating to a complaint the applicant may have made about the Miriamvale traffic stop.
17. Accordingly, I am not satisfied that the access application complies with the application requirement contained in section 43(2)(b) of the IP Act.

¹⁹ Dated between 15 July 2025 to 29 July 2025.

²⁰ Dated 2 September 2025.

²¹ Dated 22 September 2025.

DECISION

18. For the reasons set out above, I affirm the reviewable decision.²²
19. I have made this decision under section 123 of the IP Act as a delegate of the Information Commissioner, under section 139 of the IP Act.



Brianna Luhrs
Manager, Right to Information

Date: 8 October 2025

²² Under section 123(1)(a) of the IP Act.