

4 August 2025

Mr Peter Hastie KC
Reviewer
Independent Review of Parole Board Queensland

By email: pbqreview@pbqreview.qld.gov.au

Dear Mr Hastie KC

Independent Review of the Parole Board Queensland

Thank you for the opportunity to participate in the Independent Review of Parole Board Queensland (**Review**).

We note the scope of the Review includes assessment of whether the operations of the Parole Board of Queensland (**Parole Board**) effectively support community safety and uphold the rights of victims, and will focus on the practices, procedures and decision-making structures of the Parole Board. As the Review is tasked to deliver targeted recommendations for legislative and operational reform, this submission seeks to respond to relevant issues in the context of my functions under the *Right to Information Act 2009* (**RTI Act**) and *Information Privacy Act 2009* (**IP Act**), in particular, the public's right to access government-held information and the obligations on agencies subject to the IP Act to protect their personal information.

About the OIC

The Office of the Information Commissioner (**OIC**) is an independent statutory body that reports to the Queensland Parliament. The Information Commissioner is an Officer of Parliament and is charged with functions under the *Right to Information Act 2009* (**RTI Act**) and *Information Privacy Act 2009* (**IP Act**).

The RTI Act promotes openness, accountability and transparency by facilitating greater access to government-held information. It supports the administrative release of government-held information as a matter of course, for example, through an agency's website, publication scheme, disclosure log, open data portal or administrative access scheme. Formal applications for government-held information under the RTI Act should be made as a last resort only.

The IP Act provides for the fair collection and handling of personal information by Queensland public sector agencies and sets out the Queensland Privacy Principles (**QPPs**) which govern the collection, management, use and disclosure of personal information. The Act also provides for the Mandatory Notification of Data Breach scheme. The IP Act operates subject to the provisions of other Acts.

The RTI Act and IP Act apply to agencies including, departments, local governments and public authorities.¹ However, both Acts² do not apply to quasi-judicial entities in relation to their quasi-judicial functions.³

¹ Section 14(1) of RTI Act and section 18(1) of IP Act.

² Sections 14(2) and 17 of RTI Act (entity to which the Act does not apply) and sections 18(2) and 18(4)(b) of IP Act (excluded entity).

³ See Schedule 2, part 2, item 6 of RTI Act (Entities to which this Act does not apply in relation to a particular function) and Schedule 2, part 2, item 6 (Entities that are excluded entities in relation to a particular function).

Parole Board

The Parole Board is established under the *Corrective Services Act 2006*⁴ (**CS Act**) and, as stated on its website, operates as 'an independent statutory authority to make objective, evidence-based and transparent parole decisions'. We are aware that recent amendments to the CS Act have clarified the status and nature of the Parole Board⁵ following a review in 2021 by KPMG International Limited.

Having considered the functions and status of the Parole Board, it is not entirely without doubt whether in fact the Board is subject to the RTI or IP Act. Accordingly, we recommend this threshold question be examined by the Parole Board, namely whether it performs quasi-judicial functions.

The following information in this submission is predicated on the basis that the Parole Board is subject to the RTI Act and IP Act.

Access to information

The RTI Act promotes proactive release of government-held information and requires agencies that are subject to the Act to promote a pro-disclosure bias⁶ in dealing with information. In summary, we recommend that Queensland public sector agencies adopt a 'transparency by design' approach to service delivery, decision-making and disclosure of information. This ensures that agencies consider their obligations to disclose information when designing their information management practices, procedures and governance.

Parole Board and transparency

The Parole Board holds a range of information including parole applications, submissions and decisions. In terms of transparency, OIC notes the following:

- The [Parole Board Queensland website](#) provides a range of information and resources including the [Parole Board Queensland Decision Making Manual](#) and [Ministerial Guidelines to the Parole Board Queensland](#).
- The Parole Board Queensland website does not appear to include any published decisions.⁷
- The Parole Board does not appear to have a publication scheme or disclosure log.
- There is little information available on the Open Data Portal regarding parole-related matters.

The CS Act provides that the Parole Board must publish the information prescribed by regulation on the Parole Board's website. A regulation may prescribe a decision or class of decision made by the Parole Board president or the Board about a class of prisoner and specified details of the decision.⁸ There does not appear to be any such regulation in effect.

The *Parole Board Queensland Decision Making Manual* provides that all decisions made by the Parole Board regarding the application of the 'No Body No Parole' legislation are publicly available and published on the Queensland Corrective Services website. The decision will only

⁴ Section 216

⁵ Section 217A of CS Act

⁶ Sections 39 and 44 RTI Act.

⁷ Note: there is one [Consideration of Restricted Prisoner Declaration - Robert Paul Long](#).

⁸ Section 235A of CS Act.

relate to the threshold question of whether the prisoner has cooperated satisfactorily and will not refer to the merits of a prisoner's parole application.⁹ There do not appear to be any such decisions published on the Queensland Corrective Services website.

Based on the data in the [Right Information Act 2009 and Information Privacy Act 2009 Annual Report 2022-23](#) (latest published Annual report), there were 23 compliant access applications (Information Privacy) received by the Parole Board in 2022-23.¹⁰ OIC has historically received low numbers of external review applications in relation to decisions made by the Parole Board under the RTI or IP Act, which we consider is consistent with the nature of its functions and decisions.¹¹

Privacy obligations

The QPPs set out public sector agency obligations in relation to the collection, use, disclosure, quality and security of personal information. Any information about an identified (or reasonably identifiable) individual will be 'personal information'¹² with 'sensitive information'¹³ (including information about an individual's racial or ethnic origin, criminal record and health) attracting additional obligations.¹⁴

Parole Board and confidential information

The Parole Board considers information provided to it by a range of people and organisations, including prisoners, Queensland Corrective Services, Queensland Police Service, victims of crime and community organisations.¹⁵ We note that the Board has a formalised Agreement and Operating Guidelines with Queensland Health to facilitate the disclosure of confidential information held by Queensland Health to the Board where it is in the public interest to do so.¹⁶

The CS Act contains a number of provisions to protect information from unauthorised disclosure, including the following:

- An informed person must not disclose confidential information to anyone else unless permitted to do so, with a maximum penalty of 100 penalty units or two years imprisonment.¹⁷
- An informed person must not disclose sensitive law enforcement information to another person or make a record of the information other than as authorised, with a maximum penalty of 100 penalty units or two years imprisonment.¹⁸
- A decision-maker (including the Parole Board) need not, in giving reasons for a decision or proposed decision, disclose sensitive information that could reasonably be expected to, *inter alia*, enable the existence or identity of a confidential source of information to be ascertained. The decision-maker must weigh the need to avoid the reasonably expected consequences of disclosure against the need to avoid unfairness to an individual.¹⁹

⁹ At p44 and 48.

¹⁰ At p27.

¹¹ OIC Annual report data: 2023-24 (2 applications); 2022-23 (1 application); 2021-22 (4 applications).

¹² Section 12 of IP Act sets out the definition of 'personal information'.

¹³ Defined in Schedule 5 of the IP Act.

¹⁴ QPP 3.3 sets out additional obligations in relation to the collection of sensitive information. QPP 6.2 sets out additional obligations in relation to the use or disclosure of sensitive information.

¹⁵ Parole Board Queensland Decision Making Manual at p10.

¹⁶ [Confidential Information Disclosure between Queensland Health and Parole Board Queensland](#).

¹⁷ Section 341 of CS Act.

¹⁸ Section 340A of CS Act.

¹⁹ Section 340AA of CS Act.

In addition, a person must not give information to an official (including the Parole Board) in a document that the person knows is false or misleading in a material particular, with a maximum penalty of 100 penalty units (not applicable to prisoners) or two years imprisonment.²⁰

The CS Act defines 'confidential information' as including information about a person's private details (including the person's identity, private residential address or contact details), information that could pose a risk to the safety of a corrective services facility, information that could endanger someone's life or health, and information that could disclose the identity of an informant or a confidential source of information.²¹

We note that victims can register with the Queensland Corrective Services Victims Register to receive information, provide submissions and access support services. A Fact Sheet has been published for victims in relation to confidentiality obligations associated with the information received.²² All submissions provided to the Victims Register are provided to the Parole Board for consideration in relation to its decisions.

The *Ministerial Guidelines to the Parole Board Queensland* refer to restrictions on the disclosure of certain types of information to prisoners, including sensitive third-party information, correspondence from eligible persons or victims, raw psychological assessment data, sensitive intelligence documents and legally privileged documents.²³

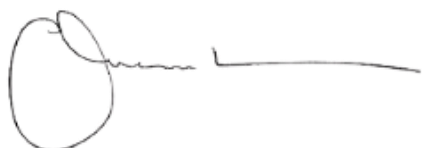
Proposed Privacy Impact Assessment

Due to the sensitive nature of the information handled by the Parole Board, we recommend it would be best practice for the Board to undertake a [Privacy Impact Assessment](#)²⁴ (PIA) to ensure it identifies and addresses all privacy impacts, especially those that may lead to unauthorised access or misuse of personal information of prisoners and other persons, such as victims. A PIA should include the risks associated with information sharing with other agencies, and should also be published to the greatest extent possible for transparency.

As stated above, we consider there is a threshold question to be answered as to whether the Parole Board is subject to the RTI or IP Act. Depending on the outcome of this question, we consider it is a matter for the Board, and ultimately government, whether the CS Act and/or the RTI and IP Acts should be amended to clarify what we consider to be uncertainty around its status.

Should you require further information regarding the above matters, please contact my office at policy@oic.qld.gov.au or on 07 3234 7373.

Yours sincerely



Joanne Kummrow
Information Commissioner

²⁰ Section 134 of CS Act.

²¹ Section 341(5) of CS Act.

²² [Factsheet - Legal information for eligible persons](#)

²³ Para 3.3 of Ministerial Guidelines to the Parole Board Queensland.

²⁴ OIC is available to provide guidance during the development of the PIA, if required.