



Decision and Reasons for Decision

Citation:	X90 and Department of Justice (Office of Fair Trading) [2026] QICmr 2 (13 January 2026)
Application Number:	318551
Applicant:	X90
Respondent:	Department of Justice (Office of Fair Trading)
Decision Date:	13 January 2026
Catchwords:	<p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS CONTRARY TO PUBLIC INTEREST - personal information and privacy of individuals - unsubstantiated allegations - prejudice to free flow of information to an agency - prejudice to future supply of confidential information - whether disclosure would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld)</p> <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - IRRELEVANT INFORMATION - whether documents refused on basis of irrelevance - section 73 of the <i>Right to Information Act 2009</i> (Qld)</p>

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Department of Justice (the **Department**) under the *Right to Information Act 2009* (Qld) (**RTI Act**)² for access to a copy of:
 - all communication, including evidence, relating to a finalised investigation conducted by the Office of Fair Trading (**OFT**),³ between 18 December 2023 and 11 November 2024; and
 - all internal communication related to a complaint [reference number provided] between 12 December 2023 and 18 December 2024.

¹ On 10 November 2024 with the application properly made on 11 November 2024.

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 RTI Act and *Information Privacy Act 2009* (Qld) (**IP Act**). As the applicant's application was made before this change, the RTI Act and IP Act **as in force prior to 1 July 2025** remain applicable to it. This is in accordance with transitional provisions in 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 RTI Act and IP 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-2009-013> and <https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-014> respectively.

³ Under Administrative Arrangements Order (No.3) 2024, the Department of Justice is responsible for 'Fair trading and consumer protection'. The Office of Fair Trading is an administrative unit with the Department of Justice.

2. The applicant expressly excluded correspondence and evidence provided to, or from themselves. In consultation with the Department, the applicant then narrowed the scope of the access application to exclude information they already held, publicly available information and duplicates.
3. The Department issued a decision to the applicant⁴ and the applicant sought an internal review of the Department's decision.⁵
4. The Department's internal review decision⁶ considered 189 documents to be responsive to the applicant's narrowed scope. While relying on the same grounds for refusals as the original decision, the Department disclosed more information to the applicant on internal review. The Department:
 - provided full access to 45 pages
 - provided partial access to 70 pages
 - refused access to 72 pages
 - refused access to a further two pages, containing information irrelevant to the application.⁷
5. The Department's original and internal review decisions both held that the grounds on which access was refused was that disclosure would, on balance, be contrary to public interest. For the avoidance of doubt, this included both redactions and fully refused pages.
6. The applicant applied⁸ to the Office of the Information Commissioner (**OIC**) for external review of the Department's internal review decision.
7. For the reasons set out below, I affirm the Department's decision that access may be refused to the documents under sections 47(3)(b) and 49 of the RTI Act on the basis that the documents comprise contrary to public interest information.
8. For the reasons set out below, I also affirm the Department's decision to refuse access to one whole page and one part page of information on the basis that they are irrelevant to the application, under section 73(2) of the RTI Act.
9. I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.⁹ 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 and the RTI Act.¹⁰ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act. I also note the observations made by Bell J on the interaction between equivalent pieces of Victorian legislation:¹¹ '*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.*'¹²

⁴ On 5 March 2025,

⁵ On 11 March 2025.

⁶ Dated 8 April 2025.

⁷ Section 73(2) of the RTI Act.

⁸ On 8 April 2025.

⁹ Section 21(2) of the HR Act.

¹⁰ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573], endorsed in Queensland by *Deemal-Hall v Office of the Director of Prosecutions* [2024] QCATA 131.

¹¹ *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

¹² *XYZ* at [573].

Reviewable decision

10. The decision under review is the Department's internal review decision dated 8 April 2025.

Evidence considered

11. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes). I have taken account of the applicant's submissions to the extent they are relevant to the issues for determination in this review.

Information in issue

12. Section 108(3) of the RTI Act prevents me from providing information in this decision that is claimed to be contrary to the public interest information. As such, I describe the bulk of the information in issue, being the information subject to external review which was refused on the grounds that its disclosure would on balance be contrary to the public interest, in general terms, as falling into two categories:
- personal information, such as names, contact details and opinions; and
 - financial information, which includes invoices and details of payment, including for legal services relating to a civil litigation matter.

Issues for determination

13. The issues for determination in this external review are:
- whether access to the information in issue may be refused on the basis that disclosure would, on balance, be contrary to the public interest; and
 - whether the information for which disclosure was refused on the basis of relevance, is actually irrelevant under s73 of the RTI Act.

Issue one: Contrary to the public interest information

Relevant Law

14. The RTI Act is administered with a pro-disclosure bias¹³, meaning that an agency should decide to give access to information, unless giving access would, on balance, be contrary to the public interest.
15. Section 23 of the RTI Act gives effect to the Act's primary object, by conferring a right to be given access to documents. However, this right is subject to provisions of the IP Act and RTI Act including the grounds on which an agency may refuse access to documents.¹⁴ One of the grounds upon which access may be refused is where disclosure would, on balance, be contrary to the public interest.¹⁵
16. The term 'public interest' is not defined within the RTI Act and therefore, the determination of the public interest is a balancing exercise undertaken by the decision-maker in each application. When looking at the documents, the decision-maker must

¹³ Section 44(1) of the RTI Act.

¹⁴ Section 47 of the RTI Act sets out the grounds of refusal.

¹⁵ Sections 47(3)(b) and 49 of the RTI Act.

consider all relevant factors for and against disclosure. After identifying the relevant public interest factors, the decision-maker decides how important each factor is and how much 'weight' to give to it.

17. 'Public interest' refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens.¹⁶ This means that, in general, a public interest consideration is one which is common to all members, 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.
18. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must (as a summary):¹⁷
 - identify factors irrelevant to the public interest and disregard them;
 - identify factors in favour of disclosure of information;
 - identify factors in favour of non-disclosure of information; and
 - decide whether, on balance, disclosure of the information would be contrary to the public interest.
19. Schedule 4 of the RTI Act contains non-exhaustive lists of factors relevant in determining where the balance of the public interest lies in a particular case. I have considered these¹⁸ together with all other relevant information, in reaching my decision. I have kept in mind the RTI Act's pro-disclosure bias and Parliament's requirement that grounds for refusing access to information be interpreted narrowly.¹⁹ In deciding whether disclosure of the information in issue would, on balance, be contrary to the public interest, no irrelevant factors arise, and I have taken not taken them into account in making my decision.

Factors favouring disclosure

20. I have identified the following public interest factors that I consider apply in favour of disclosure and discussed them in turn, below:
 - a) disclosure could reasonably be expected to enhance the government's accountability and transparency;²⁰
 - b) disclosure could reasonably be expected to inform the community of the government's operations;²¹
 - c) disclosure of the information could reasonably be expected to contribute to the administration of justice for a person;²²
 - d) disclosure could reasonably be expected to reveal the reason for a government decision and any background or contextual information that informed the decision;²³ and
 - e) The information is the applicant's personal information.²⁴

¹⁶ Office of the Information Commissioner, 'How to balance the public interest' <https://www.oic.qld.gov.au/guidelines/for-government/access-and-amendment/decision-making/public-interest-balancing-test>

¹⁷ Section 49(3) of the RTI Act.

¹⁸ I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed throughout (in relation to each category of documents).

¹⁹ Section 47(2) of the RTI Act.

²⁰ Schedule 4, Part 2, item 1 of the RTI Act.

²¹ Schedule 4, Part 2, item 3 of the RTI Act.

²² Schedule 4, Part 2, item 17 of the RTI Act.

²³ Schedule 4, Part 2, item 11 of the RTI Act.

²⁴ Schedule 4, Part 2, item 7 of the RTI Act.

21. With respect to factors a), b) and d); I acknowledge the RTI Act's pro-disclosure bias²⁵ and the public interest in furthering access to government-held information and having a government that is accountable for its decisions. Disclosing some of the refused information could reasonably be expected to promote the accountability and transparency of the Department regarding the way in which it undertakes investigations, and the information that it relies upon in reaching decisions about matters of investigation. I afford these disclosure factors moderate weight, while noting the applicant was provided with advice about the outcome of the investigation.
22. The applicant made a complaint to the OFT and there was a subsequent investigation. The results of that investigation may assist the applicant's position regarding any legal processes or remedies arising. There is a clear public interest in making information available to the community for these types of matters. As such, I have assigned moderate weight to factor c).
23. The information located contains the applicant's personal information, including name, details of their complaint (which contains their opinions) and other identifying information.²⁶ Such information is clearly sensitive information as it may identify the applicant as the source of the complaint and the complaint was made with the expectation that the information provided was done so on a confidential basis. I have decided that factor e) should be afforded moderate weight.

Factors favouring non-disclosure

24. I have identified the following factors in favour of non-disclosure relevant to this matter and discuss these in turn below:
 - a) disclosure could reasonably be expected to prejudice the protection of an individual's right to privacy;²⁷
 - b) disclosure could reasonably be expected to cause a public interest harm through the disclosure of personal information of a person;²⁸
 - c) disclosure of the information could reasonably be expected to prejudice the fair treatment of individuals, and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct;²⁹
 - d) disclosure could reasonably be expected to prejudice an agency's ability to obtain confidential information;³⁰ and
 - e) disclosure of the information could reasonably be expected to prejudice the flow of information to the police or another law enforcement or regulatory agency.³¹
25. Personal information is defined in Section 12 of the *Information Privacy Act 2009* (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.
26. Factors a) and b) concern the impact of disclosure of personal information of people other than the applicant. The documents contain the personal information of individuals other than the applicant, such as their names, mobile numbers, and other personal

²⁵ Section 44, RTI Act.

²⁶ Schedule 4, Part 2, item 7 of the RTI Act.

²⁷ Schedule 4, Part 3, item 3 of the RTI Act.

²⁸ Schedule 4, Part 4, item 6 of the RTI Act.

²⁹ Schedule 4, Part 3, Item 6 of the RTI Act.

³⁰ Schedule 4, Part 3, item 16 of the RTI Act.

³¹ Schedule 4, Part 3, item 13 of the RTI Act.

identifiers. Some of these pages contain the applicant's personal information intertwined with the personal information of others, and this cannot be separated. As the information cannot be separated, the applicant's personal information cannot be released without also releasing the personal information of other individuals. I consider this a factor favouring non-disclosure. The information also concerns opinions provided, activities undertaken, and life events of other individuals which are personal information. I consider the disclosure of some of this information would reasonably be expected to prejudice³² the protection of these individuals' right to privacy.

27. Further, I consider that disclosure of the personal information of people other than the applicant could reasonably be expected to cause a public interest harm. The documents contain allegations to which the OFT determined there was insufficient evidence of a contravention under legislation. I consider disclosure of this information could cause a public interest harm in the form of reputational harm given the information refers to a defamation case arising from the allegations.
28. While the disclosure of the information in issue may to some extent enhance the Department's accountability and transparency, in my view, it will also impact the right to privacy of other individuals and cause a public interest harm by disclosing the personal information of other individuals in the context of an investigation. Accordingly, I have assigned significant weight to factors a) and b).
29. With respect to factor c), I must consider the substance of the information in issue and whether its disclosure could reasonably be expected to prejudice the fair treatment of the individuals concerned.
30. The documents in the information in issue refer to a complaint submitted to the OFT and subsequent investigation. The complaint and investigation information relates to allegations against an entity, and other individuals, including individuals who are deceased. The Investigation Summary states that the outcome of the OFT investigation was '*insufficient evidence of breach*'.³³ As stated earlier, information within the documents also refer to a civil litigation matter. There is information within the documents and personal information of individuals the subject of the allegations and individuals assisting or involved with the investigation.
31. The word 'prejudice' is not defined in the RTI Act or the *Acts Interpretation Act 1954* (Qld). Therefore, it is appropriate to consider the ordinary meaning of the word. The Macquarie Dictionary contains a number of definitions for the word 'prejudice', including:
 - 'resulting injury or detriment' and
 - 'to affect disadvantageously or detrimentally'.
32. I consider that disclosure of the information described above could reasonably be expected to affect disadvantageously, these individuals. This is because as the relevant allegations were unsubstantiated, disclosure of this information would have a detrimental impact on the professional reputation of the individuals the subject of the unsubstantiated allegations. I have assigned significant weight to this factor.
33. The information in issue includes information I consider could reasonably be expected to prejudice an agency's ability to obtain confidential information (factor d)). The refused information was provided by individuals or legal representatives on behalf of a party

³² Adopting the ordinary meaning of the term 'prejudice': see *Daw and Queensland Rail* (Unreported, Queensland Information Commissioner, 24 November 2010) at [16] for a succinct exposition of the meaning of 'prejudice' as used throughout the RTI Act.

³³ Page 2 of the Information in Issue.

being investigated by the OFT. Disclosure of these documents could reasonably be expected to prejudice an agency's ability to obtain confidential information and are contrary to the public interest to disclose.

34. Information provided to the OFT for the purposes of an investigation, whether provided voluntarily or compelled under legislation, is information provided for the limited purpose of assisting the OFT in conducting its investigation and is information provided on the understanding OFT will maintain the confidentiality of the information it receives. An individual or entity providing information to OFT (or any government agency) would reasonably expect information provided for a particular purpose and in confidence to the OFT would not be released in an unconditional way. Disclosure of the information could reasonably be expected to prejudice OFT's ability to obtain confidential information voluntarily in future from individuals and entities, particularly as the information disclosed relates to unsubstantiated allegations. I have assigned significant weight to factor d).
35. The OFT is an agency responsible for regulating a range of industries in Queensland and the legal authority to investigate alleged breaches of fair-trading laws by businesses and licensees.³⁴ Any fetter on its ability to obtain confidential information would affect its ability to conduct investigations and make determinations for the benefit of the State and consumers. With respect to factor e), citizens would be naturally concerned if it were a widespread practice to disclose unsubstantiated allegations about them could be easily disclosed and cause them reputational damage. Organisations such as the OFT rely on individuals and entities providing information voluntarily to assist its investigations as this information can provide context or supporting evidence for OFT to consider and reveal further consultations or enquiries OFT may need to undertake.
36. If it were to become known by the public that the OFT releases personal information of individuals, or documents communicated in confidence for investigation purposes, it is likely the wider community would be less forthcoming to the OFT with information, both in response to queries and in volunteering information of their own volition to the OFT. As this could impact upon OFT's ability to obtain confidential information, here is a strong public interest in preserving voluntary information flows to agencies like the OFT in the future. I have assigned significant weight to this factor.

Balancing the public interest

37. A person who is required to weigh the public interest in disclosure of information in accordance with the process set out in section 49 of the RTI Act is not limited to considering the factors set out in Schedule 4 of the RTI Act.³⁵ I have considered whether there may be other factors that affect the balancing exercise and have not identified any of substance.
38. I consider the weight of the above factors for non-disclosure, taken together in context, is determinative.
39. On balance, having assessed the information in issue, and taking into account the relevant public interest factors under the RTI Act, my view is that the factors favouring non-disclosure, and the weight afforded to these, outweigh the factors favouring disclosure of the refused information. Accordingly, access may be refused on that basis.

³⁴ Administrative Arrangements Order (No.3) 2024.

³⁵ *Stella v Griffith University* [2025] QCA 203 at [49] – the text of sections 49(3)(b) and (c) of the RTI Act uses the word 'including' thereby not limiting consideration to only those factors in Schedule 4.

Issue two: Irrelevant information

Relevant law

40. Section 73 of the RTI Act permits an agency to delete information from a document when it is not relevant to the terms of an access application. In deciding whether to apply this section, it is relevant to consider whether the information in question has any bearing upon, or is pertinent to, the terms of the access application.³⁶

Findings

41. Parts of one page and the entirety of another page of information were redacted by the Department for relevance. The pages form part of an email chain, and the emails run over multiple pages.
42. The information can be described as emails between the applicant and the Department, for part of one page and the whole of another. As noted above, the applicant had deliberately excluded any correspondence to or from her, in the scope of the access application.
43. I am satisfied that the redacted part of one of those pages is out of scope to the application and therefore irrelevant. The second page is entirely out of scope to the application and therefore irrelevant.³⁷

Submissions of the Applicant

44. During the review, the applicant was provided with a preliminary view by a delegate of the OIC.³⁸ The preliminary view was that on balance, having independently assessed the refused information and taking into account the relevant public interest factors, the factors favouring non-disclosure outweigh the factors favouring disclosure of the refused information. Accordingly, the preliminary view was that OFT correctly decided that the refused information would, on balance, be contrary to the public interest to disclose.
45. The applicant made two submissions in response to the preliminary view.³⁹
46. One of their key submissions was in relation to the value placed on the non-disclosure factor of whether disclosure of this information could reasonably be expected to prejudice the OFT's ability to obtain confidential information, as well as prejudicing the flow of information to the OFT.⁴⁰
47. To paraphrase the applicant, they submit that releasing information under the RTI Act does not prejudice an agency's ability to obtain confidential information, because an agency can simply use its compulsive powers (e.g. investigative powers, statutory notices, warrants) to obtain that information. As an example, the applicant notes⁴¹ that on a particular date during OFT's investigation, an investigator was appointed under the *Collections Act 1966* (Qld) and could therefore exercise the compulsive powers under

³⁶ *O80PCE and Department of Education and Training (Unreported, Queensland Information Commissioner, 15 February 2010)* at [52]. This decision was made in the context of the equivalent of section 73 of the RTI Act, section 27(3) of the repealed *Freedom of Information Act 1992* (Qld). See *Kiepe and The University of Queensland (Unreported, Queensland Information Commissioner, 1 August 2012)* at [11], and *2CDLO3 and Department of Education and Training [2016] QICmr 20* (10 June 2016) at [54].

³⁷ As the email is part of a chain, the relevant parts of the chain have been produced.

³⁸ Email dated 26 September 2025.

³⁹ On 29 and 30 September 2025.

⁴⁰ Schedule 4, Part 3, Items 13 and 16 of the RTI Act.

⁴¹ In an email submission sent on 30 September 2025.

this Act to obtain information. The applicant argues that disclosure does not actually reduce the agency's ability to carry out its functions.

48. Even though the above argument sounds appealing, it fails in practice for several reasons. First, the RTI Act is concerned with the effect of public disclosure, not private access. While RTI disclosure is not taken to be disclosure to the world at large, once information is disclosed, its dissemination cannot be controlled.⁴² The question to ask is not whether the agency can still obtain the information but rather, whether disclosure could reasonably be expected to prejudice the agencies functions, including the public at large having this information may harm the agency's ability to gather confidential information and discharge its investigative functions. The mere existence of compulsive powers is irrelevant to that question.
49. Secondly, even if an agency can obtain information compulsorily, releasing information under RTI might reveal investigative methods, show what the agency knows and doesn't know, warn people of an impending action, harm cooperation from witnesses and undermine regulatory strategies.
50. Being able to use compulsory powers does not remove these risks. Compulsory powers are not a substitute for voluntary cooperation. Law enforcement and regulatory agencies rely on voluntary disclosures, informal communication, whistleblowers, tip-offs and industry cooperation. These are all highly sensitive to perceptions of confidentiality. If the public sees that information provided to the agency might later be released to the world under RTI, people may stop coming forward, provide less detail and refuse to cooperate without formal compulsion. Compulsory processes are time-consuming, often require higher legal thresholds and may not be suitable in early intelligence-gathering. A person's knowledge that the agency could compel them does not eliminate the harm anticipated by this public interest factor.
51. This case is similar to the facts of *Setschnjak and the Department of Justice and Attorney General (Setschnjak)*.⁴³ In that case, the applicant sought the substance of a complaint made about him or his wife to the OFT. The agency refused access to the information on the basis that it comprised exempt information and its disclosure would, on balance, be contrary to the public interest. The applicant and the complainant in that matter were concurrently involved in litigation.
52. Relevantly, the Information Commissioner in *Setschnjak* recognised there was strong public interest in protecting the free flow of information to regulatory agencies like OFT.⁴⁴ This is because agencies such as the OFT often rely on information from the public to be alerted to and to pursue breaches of the law or regulatory schemes. Disclosing complaint information provided by members of the public would tend to discourage individuals from coming forward with such information.⁴⁵ This in turn would significantly prejudice the OFT's ability to effectively discharge its functions.⁴⁶
53. The Information Commissioner has explicitly rejected⁴⁷ the notion that the existence of statutory coercive powers negates the prejudice to an agency's ability to receive information voluntarily.

⁴² *Troiani and Queensland Police Service* (Unreported, Queensland Information Commissioner, 21 August 2012) at [25] and *OKP and Department of Communities* (210604, 9 July 2009) at [129].

⁴³ *Setschnjak and DJAG (OFT)* (310604, 25 May 2012).

⁴⁴ Which was also recognised in *P6Y4SX and Queensland Police Service* [2015] QICmr 25 (11 September 2015) at [29].

⁴⁵ *Setschnjak and DJAG (OFT)* (310604, 25 May 2012) at [24].

⁴⁶ *O'Connor and Legal Services Commission* [2015] QICmr 10 at [29].

⁴⁷ *3FG6LI and QPS* [2014] QICmr 32, at [93]-[95]).

54. Accordingly, the argument that OFT's compulsive powers negate any prejudice to the flow of information to OFT as a regulator, is legally misconceived. The prejudice lies in discouraging voluntary disclosures and such prejudice would be substantial and reasonably expected where confidential complaint information is routinely released. An agency's reliance on compulsory powers does not remove or reduce the public interest factor/s in factors b), d) and e).

Further submissions of the applicant

55. The applicant submitted that there is a strong public interest in ensuring resources are not misapplied and in seeing that OFT exercised its statutory powers appropriately, and that regulatory processes are transparent and accountable⁴⁸. They suggested that allowing the relevant party to submit information to the regulator in confidence, circumvents public transparency and sets a 'dangerous precedent'⁴⁹ in cases where there are allegations about the misuse of resources. There are numerous organisations who investigate the misapplication of resources, and in turn, other organisations who have an oversight role. Parliament has enacted a system of checks and balances⁵⁰ to ensure regulatory processes remain transparent and accountable. It is open to the applicant to raise their concerns to the relevant body, but this does not entitle the applicant to obtain information under the Right to Information regime.
56. The applicant also submitted that much of the redacted material concerned individuals acting in their professional capacity and therefore privacy expectations are diminished.⁵¹ The applicant relied on *OZH6SQ and Department of Health*⁵² (**OZH6SQ**), as authority for the proposition that 'privacy interests are significantly diminished when the information is already public or relates to routine professional duties'.⁵³
57. That decision is not authority for those propositions. The most apposite passage provides, at [18]:
- Where information is already known to an applicant, the privacy interests of those individuals identified are somewhat diminished but are not negated entirely.*
58. 'Somewhat diminished' is not the same as 'significantly diminished'. The information in issue in **OZH6SQ** did not relate to routine professional duties or individuals acting in a professional capacity either, but was rather, identities of victims of sexual offences to which the applicant was the alleged perpetrator. Significant weight was afforded to protection of the privacy interests of those individuals. 'Routine professional duties' was not considered.⁵⁴
59. The applicant submitted that the refusal to disclose material supplied by the party being investigated⁵⁵ is anathema to the RTI Act's pro-disclosure bias and likewise, is a denial of 'basic principles of procedural fairness, where the affected party is denied access to the very documents that informed a public regulator's findings'.⁵⁶
60. By submitting this, the applicant seeks to 'go behind' the investigation and put themselves into the shoes of the investigator.

⁴⁸ Submission by email dated 29 September 2025.

⁴⁹ Submissions accompanying application for external review dated 8 April 2025.

⁵⁰ Such as the Crime and Corruption Commission and the Queensland Ombudsman.

⁵¹ Point 2 of the applicant's submissions dated 29 September 2025, and ground 2 of the submissions accompanying the applicant's external review application dated 8 April 2025.

⁵² *OZH6SQ and Department of Health* (310805, 21 May 2012).

⁵³ Ground 2 of applicant's submissions dated 8 April 2025.

⁵⁴ *OZH6SQ and Department of Health* (310805, 21 May 2012).

⁵⁵ Ground 3 of the submissions accompanying the Applicant's application dated 8 April 2025.

⁵⁶ Submissions accompanying the applicant's external review application dated 8 April 2025

61. Procedural fairness is afforded to all parties by treating documentation supplied voluntarily to the OFT as confidential, especially documentation provided by a company and its legal advisors in response to serious allegations,⁵⁷ disclosure of which would cause a public interest harm. The applicant is not the subject of the investigation nor of any allegations, therefore is not in the position where allegations need to be put to them. With this submission, the applicant is wearing the wrong shoes.
62. The applicant submitted⁵⁸ their right to seek and receive information under s 21 of the *Human Rights Act 2019* (Qld) had not 'been properly balanced' in arriving at the decision of OFT. This is not an issue I can consider on external review, and it is open to the applicant to utilise the complaint pathway established by the *Human Rights Act 2019* (Qld).⁵⁹
63. The applicant submitted that, because concerns about RTI access were expressed within the documents themselves, the RTI process within the OFT was misdirected in some way. This submission is baseless. In fact, I note the mention of the potential for RTI access and/or media scrutiny within the documents was aimed at ensuring the agency performed optimally in conducting its investigation.
64. Finally, the applicant submitted that information supplied to OFT up until the date the investigator was formally appointed under the *Collections Act 1966* (Qld), became information that was compelled and somehow this changes the character of the information. This is not an accurate submission. It assumes that all information was compelled after the appointment date. On the face of the record of the information in issue, this is not made out clearly, in fact it is unclear whether any information was compelled. Even if it were, this would not change my findings.

DECISION

65. For the reasons set out above, I affirm the reviewable decision⁶⁰ of the Department by finding that:
- disclosure of the information in issue would, on balance, be contrary to public interest and may therefore be refused under sections 47(3)(b) and 49 of the RTI Act; and
 - the information deleted for irrelevance under section 73(2) of the RTI Act was justifiably deleted on those grounds as the information was out of scope and therefore, not relevant to the access application.
66. I have made this decision under section 110 of the RTI Act as a delegate of the Information Commissioner, under section 145 of the RTI Act.



Stephanie Davis
Assistant Information Commissioner

Date: 13 January 2026

⁵⁷ Which were also unsubstantiated allegations.

⁵⁸ Ground 4 of the submissions accompanying the applicant's external review application dated 8 April 2025.

⁵⁹ Part 4, Division 2 of the *Human Rights Act 2019* (Qld).

⁶⁰ Under section 110(1)(a) of the RTI Act.