



Decision and Reasons for Decision

Citation:	C69 and Department of Justice [2026] QICmr 34 (4 March 2026)
Application Number:	318911
Applicant:	C69
Respondent:	Department of Justice
Decision Date:	4 March 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST - request to access documents produced by the Court Registry - accountability, transparency, personal information of applicant and other individuals, allow or assist inquiry into possible deficiencies in conduct, administration of justice - whether disclosure of information would on balance be contrary to the public interest - section 67(1) of the <i>Information Privacy Act 2009 (Qld)</i> and sections 47(3)(b) and 49 of the <i>Right to Information Act 2009 (Qld)</i>

REASONS FOR DECISION

Background

1. The applicant applied¹ to the Department of Justice (**Department**) under the *Information Privacy Act 2009 (IP Act)*² for access to documents held by a named Court Registry 'related to a purported order of the Registrar to expel me from the premises on [date]'.
2. The Department located one page responsive to the scope of the application and decided³ to refuse access to some information on that page on the ground that disclosure would, on balance, be contrary to the public interest.⁴
3. The applicant applied for internal review of the Department's decision.⁵ In response, the Department affirmed their original decision.⁶ The applicant applied to the Office of the

¹ Application dated 28 June 2025.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment 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.

³ Department decision dated 5 August 2025.

⁴ Under section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

⁵ Internal review application dated 5 August 2025.

⁶ Internal review decision dated 3 September 2025. This is the *reviewable decision* in this external review.

Information Commissioner (**OIC**) for external review of the Department's internal review decision⁷ requesting access to the redacted information ... *'because it is the proof and/or product of an agreement between a doj employee and a police prosecutor to defame me and create a false legal pretext for the unlawful move-on order executed against me'*.⁸

4. In the course of the external review, OIC conveyed a preliminary view to the applicant that the Department's decision would be affirmed on external review.⁹ In response, the applicant did not accept OIC's preliminary view¹⁰ and submitted that ... *'the public interest lies in disclosing the information, as it will amount to the executive's revealing and/or admitting criminal, corrupt, and/or tortiously wrongful conduct by one of its public servants'*.
5. For the reasons set out below, I affirm the reviewable decision¹¹ and find that access to the Information in Issue may be refused on the ground that disclosure would, on balance, be contrary to the public interest.¹²
6. In making this decision, I have considered evidence, submissions, legislation and other material as set out in these reasons.¹³ I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information,¹⁴ and in doing so, have acted in accordance with section 58(1) of the HR Act.¹⁵

Information in Issue

7. As part of the applicant's submissions made to the Department in their request for internal review, the applicant advised that *'I have no interest in seeing anyone's name or signature, so continue to redact that information'*. Therefore, the names and signatures of individual/s as they appear in the information refused by the Department are not an issue in this review. The remaining information refused by the Department constitutes the **Information in Issue** addressed in this decision.
8. While I am limited in the detail I am able to provide in this decision,¹⁶ the Information in Issue can generally be described as personal information of individuals other than the applicant, which includes third-party observations and opinions.
9. The issue for determination in this review is whether the Information in Issue may be refused on the ground that its disclosure would, on balance, be contrary to the public interest.

Relevant law

10. Under the IP Act, an individual has a right to be given access to documents in the possession or under the control of an agency to the extent that they contain their personal information.¹⁷ While the legislation is to be administered with a pro-disclosure bias,¹⁸ the right of access is subject to certain limitations, including grounds for refusing access, as

⁷ External review application dated 14 September 2025.

⁸ Email from applicant dated 15 September 2025.

⁹ Letter dated 5 January 2026.

¹⁰ Email from applicant dated 28 January 2026.

¹¹ Under section 123(1)(a) of the IP Act.

¹² Under section 67 of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

¹³ Including footnotes.

¹⁴ Section 21 of the HR Act.

¹⁵ OIC's approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

¹⁶ Section 121(3) of the IP Act.

¹⁷ Section 40 of the IP Act.

¹⁸ Section 64 of the IP Act.

set out in the IP Act and RTI Act.¹⁹ Relevantly, access to information may be refused where its disclosure would, on balance, be contrary to the public interest.²⁰

11. The term *public interest* refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. This means that in general, a public interest consideration is one which is common to all members of, or a substantial segment of, the community, as distinct from matters that concern purely private or personal interests.²¹
12. The RTI Act explains the steps that the decision-maker must take in deciding the public interest²² and identifies factors in Schedule 4 that may be relevant to deciding the balance of the public interest test. I have considered all these factors, together with other relevant information in reaching my decision, and discuss relevant factors below.

Submissions

13. In summary, the applicant submits that they have a right to see the redacted information because it may contain false or defamatory material unlawfully recorded about them. The applicant also submits:²³
 - the applicant has a right to see the redacted information and accessing the redacted information is necessary to ascertain the substantive facts and other relevant information in this matter
 - the Information in Issue ... *'is my personal information and so there is a public interest in its disclosure to me'*
 - disclosure of the Information in Issue would ... *'disclose documents that reveal criminal and/or corrupt and/or tortiously wrongful conduct by one of its public servants'*
 - the redacted content may provide context or correction to misleading court records
 - the redacted information may evidence an alleged improper agreement between a Department employee and a police prosecutor to justify an unlawful move-on order executed against the applicant and is being withheld to prevent the applicant from seeking justice; and
 - a related judicial review initiated by the applicant is currently before the Supreme Court.

Findings

Irrelevant factors

14. I confirm that I have not taken any irrelevant factors²⁴ into account in reaching the findings detailed below.

Factors favouring disclosure

15. The RTI Act recognises that public interest factors favouring disclosure will arise where the information is the applicant's personal information.²⁵

¹⁹ Section 67(1) of the IP Act and section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly: see section 67(2) of the IP Act.

²⁰ Sections 47(3)(b) and 49 of the RTI Act.

²¹ However, there are some recognised public interest considerations that may apply for the benefit of an individual.

²² Section 49(3) of the RTI Act.

²³ Emails dated 15 September 2025 and 28 January 2026.

²⁴ Schedule 4, part 1 of the RTI Act.

²⁵ Schedule 4, part 2, item 7 of the RTI Act.

16. The Information in Issue may be characterised as the applicant's personal information, and I therefore afford this factor significant weight. However, this needs to be balanced against the factors favouring nondisclosure, which are discussed below.
17. The public interest will favour disclosure of information, which could reasonably be expected to enhance Government accountability²⁶ and reveal the reason for a government decision to allow the public to understand the background, context and reasons behind government decisions.²⁷ I have carefully assessed the Information in Issue and consider that its release would advance these factors only to a limited extent given the applicant was present in Court on the day and the applicant's understanding of events.²⁸ I however acknowledge that disclosure of the Information in Issue would further enhance the Department's transparency and accountability by enabling access to all responsive government-held information. Therefore, I have assigned this factor moderate weight.
18. The public interest will also favour disclosure of information if it could reasonably be expected to allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official, or assist in revealing misconduct, negligent or improper or unlawful conduct.²⁹ The applicant claims the redacted information evidences *'the executive's exposing and/or revealing and/or admitting criminal, corrupt, and/or tortiously wrongful conduct by one of its public servants'*. I accept that the applicant's allegations are serious and recognise the importance of holding the Department accountable for the proper discharge of its functions and performance and accept that disclosure of the Information in Issue could assist the applicant to inquire into possible deficiencies of such conduct. For these reasons, I afford this factor favouring disclosure moderate weight.
19. The public interest also favours disclosure of information that could reasonably be expected to reveal or substantiate that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct.³⁰ While the factor mentioned in the preceding paragraph involves enabling inquiry into possible deficiencies, this factor involves revealing deficiencies in conduct. Given the content of the Information in Issue, I cannot see how its disclosure could do so. I therefore consider that this factor is not relevant - however, if I am wrong in this regard, I am satisfied it warrants low to no weight.
20. The applicant contested that some of the Information in Issue may be misleading, specifically that *'the redacted content may provide context or correction to misleading court records.'* Given the nature of the Information in Issue and the context in which it appears, it comprises, by its very nature, opinions and versions of events expressed by other individuals. This inherent subjectivity does not mean that the Information in Issue is necessarily incorrect or unfairly subjective.³¹ Whilst the applicant may be dissatisfied with the Court actions and outcome, having reviewed the Information in Issue *itself*, there is no evidence before me to establish that such information is incorrect or misleading in nature. For these reasons, I do not consider that disclosure of the Information in Issue could reasonably be expected to reveal that it is incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant. Accordingly, I consider that this factor is not relevant. If I am wrong in this regard, I consider it should be given low to no weight.
21. The RTI Act also recognises that public interest factors favouring disclosure will arise where disclosing information could reasonably be expected to advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies

²⁶ Schedule 4, part 2, item 1 of the RTI Act.

²⁷ Schedule 4, part 2, item 3 and 11 of the RTI Act.

²⁸ Internal review application dated 5 August 2025 and email dated 15 September 2025.

²⁹ Schedule 4, part 2, item 5 of the RTI Act.

³⁰ Schedule 4, part 2, item 6 of the RTI Act.

³¹ *Marshall and Department of Police* (Unreported, Queensland Information Commissioner, 25 February 2011) (*Marshall*) at [15]-[20].

and contribute to the administration of justice, including procedural fairness.³² I acknowledge that the applicant seeks disclosure to address alleged unfair or unlawful treatment. However, given the content of the Information in Issue, it is difficult to see how it could reasonably be expected to advance the applicant's fair treatment in dealings with the agency. While the contents of the Information in Issue cannot be disclosed, the assessed material does not contain any new or more detailed information regarding the Department's decision-making process, or actions beyond that already within the applicant's knowledge, given the applicant's presence at the time the relevant event occurred. Accordingly, I do not consider that disclosure of this information would assist the administration of justice in terms of procedural fairness or otherwise promote fairness for the applicant. However, if either of these factors were considered relevant, taking into account the nature of the Information in Issue, I would afford them only low weight.

22. Finally, in terms of the contribution to the administration of justice for the applicant, the applicant has submitted that *'a related judicial review that I initiated is before the supreme court'*. This submission largely negates the relevance of this factor noting that the applicant does not require the Information in Issue in order to commence legal proceedings. Any necessary access to the full document could, if relevant to proceedings, be sought through the court's discovery process. Therefore, I do not consider this a factor favouring disclosure in this instance.
23. I have carefully considered all the other factors listed in schedule 4, part 2 of the RTI Act. Having done so, and given the nature of the Information in Issue, I cannot identify any other public interest considerations favouring disclosure of the Information in Issue.

Factors favouring non-disclosure

24. The RTI Act recognises nondisclosure factors will arise where disclosing information could reasonably be expected to:
- prejudice the protection of an individual's right to privacy;³³ and
 - cause a public interest harm if it would disclose personal information of a person, whether living or dead.³⁴
25. While the RTI Act recognises an applicant's right to access their own personal information, it equally mandates the protection of personal information and privacy of individuals other than the applicant.
26. While names and signatures have been redacted, the remaining Information in Issue remains personal information as it reveals the thoughts, concerns, and emotions of individuals other than the applicant. I have carefully reviewed the Information in Issue and I am satisfied that the content reflects the subjective mental or emotional states of individuals other than the applicant.
27. Generally, information relating to the day-to-day work duties and responsibilities of a public service officer may be disclosed under the RTI Act, despite it falling within the definition of personal information. However, the Information in Issue in this case goes beyond routine work information and details the personal opinions and concerns of other individuals. I consider that disclosing this information could be reasonably considered to constitute a public interest harm, and result in a significant intrusion into the privacy of the other individuals concerned. Given the Information in Issue contains the personal information of

³² Schedule 4, part 2, items 10 and 16 of the RTI Act.

³³ Schedule 4, part 3, item 3 of the RTI Act.

³⁴ Schedule 4, part 4, section 7 of the RTI Act.

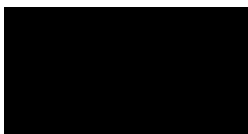
other individuals, I afford significant weight to both the harm factor regarding personal information and the public interest factor against disclosure to protect their privacy. I consider that these factors warrant significant weight, given the sensitive nature and context of the information.

Balancing the public interest

28. To the extent the Information in Issue is the applicant's personal information, this gives rise to a public interest factor favouring disclosure to which I afford significant weight. Disclosing the Information in Issue could reasonably be expected to enhance the Government's accountability and reveal the reasons for a government decision and I afford moderate weight to these factors. I am satisfied that disclosure of the Information in Issue may assist to some extent into inquiry into possible agency deficiencies, misconduct or negligence and therefore I afforded this factor moderate weight. In terms of the remaining factors favouring disclosure mentioned above, I consider that these should be given no to low weight.
29. Having regard to the nature of the Information in Issue, I am satisfied that its disclosure could reasonably be expected to prejudice the protection of other individual's rights to privacy and cause a public interest harm to a significant extent and therefore, in the circumstances of this review, the factors favouring nondisclosure carry significant and determinative weight and outweigh the factors favouring disclosure.
30. For these reasons, disclosing the Information in Issue would, on balance, be contrary to the public interest.

DECISION

31. For the reasons set out above, I affirm the reviewable decision³⁵ and find that access to the Information in Issue may be refused on the ground that disclosure would, on balance, be contrary to the public interest.
32. I have made this decision as a delegate of the Information Commissioner under section 139 of the IP Act.



K Zaidiza
Manager, Right to Information

Date: 4 March 2026

³⁵ Under section 123(1)(a) of the IP Act.