



Decision and Reasons for Decision

Citation:	<i>F80BBD and Queensland Police Service</i> [2019] QICmr 23 (21 June 2019)
Application Number:	314057
Applicant:	F80BBD
Respondent:	Queensland Police Service
Decision Date:	21 June 2019
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - CONTRARY TO PUBLIC INTEREST INFORMATION - third party statement provided to police - personal information of the applicant - personal information and privacy of the third party - prejudice flow of information to the police - 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)

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Queensland Police Service (**QPS**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) for access to a range of information about his arrest in 2007, including communications between QPS officers and witnesses.
2. QPS located 19 pages of information and decided² to refuse access to parts of seven pages on the basis that its disclosure would, on balance, be contrary to the public interest.³ QPS also decided that certain documents were non-existent or unlocatable.⁴
3. The applicant applied⁵ to the Office of the Information Commissioner (**OIC**) for external review of QPS' decision to refuse access to certain information and contended that QPS failed to locate all relevant documents.
4. On external review, QPS located nine additional pages identified as missing documents by the applicant.

¹ Access application received 4 June 2018.

² Decision dated 24 July 2018.

³ Under section 47(3)(b) and 49 of the RTI Act.

⁴ Under section 47(3)(e) and 52 of the RTI Act.

⁵ Received 26 July 2018.

5. For the reasons set out below, I vary QPS' decision and find that access may be refused to the information in issue, being the nine pages identified by QPS on external review, on the basis that disclosure would, on balance, be contrary to the public interest.⁶

Background

6. Significant procedural steps relating to the external review are set out in the Appendix.
7. The evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including the footnotes and Appendix).

Reviewable decision

8. The decision under review is QPS' decision dated 24 July 2018.

Issue for determination

9. During the review, the applicant raised concerns about the conduct of QPS officers in relation to locating documents. In making this decision under section 110 of the RTI Act, I must either affirm, vary or set aside QPS' decision on access to information. I am unable to make findings about QPS officer misconduct. I note that a person must not give information to the Information Commissioner that the person knows is false or misleading,⁷ or, without reasonable excuse, fail to produce information or documents requested under section 103 of the RTI Act.⁸ I note, however, there is no objective evidence, other than the applicant's assertions⁹ to suggest that these provisions may be enlivened.
10. In his access application, the applicant identified ten categories of information. In relation to the information that is the subject of this review, the applicant requested '*evidence and information obtained by (two named officers) from ALL witnesses during their investigation... into the allegations at the (location), including any correspondence with witnesses, and refusal to give evidence, provide information, witness statements etc...*'
11. On external review, the applicant submitted that email correspondence between a third party and particular QPS officer/s, named in his access application, existed and had not been located. The applicant initially chose not to produce evidence of this correspondence to OIC.¹⁰ In QPS' initial search records and submissions to OIC, it did not identify the particular correspondence that the applicant indicated was missing.¹¹
12. The applicant provided OIC with a copy of one email sent between the third party and QPS. The email provided by the applicant did not contain his name in the subject line or content of the email. OIC provided the email to QPS and requested that QPS conduct further searches. QPS subsequently located correspondence comprising a series of emails and an attached statement between a third party and QPS officer, named in the access application (**Information in Issue**). In order to locate the Information in Issue,

⁶ Under section 47(3)(b) and 49 of the RTI Act.

⁷ Under section 177 of the RTI Act.

⁸ Under section 178 of the RTI Act.

⁹ Telephone conversations with OIC on 20 August 2018, 20 September 2018, 7 February 2019, 1 March 2019, 4 March 2019 and 14 May 2019 and written submissions received on 19 February 2019.

¹⁰ The RTI Act stipulates that an application for information under the RTI Act must '*give sufficient information concerning the documents to enable a responsible officer of the agency... to identify the document.*'¹⁰ An applicant holds responsibility to provide an agency, or OIC on external review, with as much relevant detail as possible to assist in locating relevant documents.

¹¹ QPS search records and submissions provided to OIC on 26 January 2019.

QPS conducted a broad email search using the search terms that were now available to it, including the name of the third party.¹²

13. Following confirmation that the Information in Issue had been located by QPS,¹³ the applicant did not identify any other missing documents. The applicant expressed his frustration at the time taken for QPS to identify the Information in Issue. He contended that QPS' inability to identify the Information in Issue earlier was evidence of its continued provision of false and misleading information to OIC.¹⁴
14. The applicant requested I make a decision in finalisation of this external review; however, he did not identify any further missing documents or outstanding sufficiency of search issues.¹⁵ Accordingly, the only issue remaining for determination¹⁶ is whether access to the Information in Issue may be refused.¹⁷
15. The Information in Issue comprises nine pages of emails between a QPS officer and a third party (**Emails**), including a statement provided by the third party setting out the third party's recollections of the circumstances surrounding his arrest (**Affidavit**).¹⁸

Relevant law

16. The RTI Act confers on an individual a right to access documents of an agency.¹⁹ This right of access is subject to certain limitations, including grounds for refusal of access.²⁰ Access to information may be refused where its disclosure would, on balance, be contrary to the public interest.²¹ The RTI Act identifies many factors that may be relevant to deciding the balance of the public interest and explains that a decision maker must take the following steps in deciding the public interest:
 - identify any irrelevant factors and disregard them
 - identify any relevant public interest factors favouring disclosure and nondisclosure
 - balance the relevant factors favouring disclosure and nondisclosure; and
 - decide whether disclosure of the Information in Issue would, on balance, be contrary to the public interest.²²

Findings

17. Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant to determining where the balance of the public interest lies in a particular case. I have carefully considered these lists in reaching my decision. Additionally, I note the RTI Act's

¹² QPS search records and submissions provided to OIC on 10 May 2019.

¹³ Letter to the applicant dated 15 May 2019 and email to the applicant dated 17 May 2019.

¹⁴ Applicant email dated 14 May 2019.

¹⁵ Telephone discussion with the applicant on 14 May 2019.

¹⁶ This is the result of the informal resolution of a number of issues during the external review. The applicant advised OIC in a telephone conversation on 22 August 2018 that he was not seeking review of the part pages QPS decided to refuse access to on the basis that its disclosure would, on balance, be contrary to the public interest. Also, while the applicant initially raised ten issues regarding the sufficiency of QPS searches, in his email submissions to OIC on 19 February 2019, he indicated that his only remaining sufficiency of search concern related to correspondence or statements received by his arresting officers from a particular third party, i.e., the Information in Issue in this decision.

¹⁷ This was confirmed by letter to the applicant dated 15 May 2019 and email to the applicant dated 17 May 2019.

¹⁸ This statement was provided voluntarily by the third party and does not comprise a formal QPS witness statement.

¹⁹ Section 23 of the RTI Act.

²⁰ Grounds for refusal of access are set out in section 47 of the RTI Act.

²¹ Section 47(3)(b) and 49 of the RTI Act. 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. However, there are some recognised public interest considerations that may apply for the benefit of an individual.

²² As set out in section 49 of the RTI Act.

pro-disclosure bias²³ and Parliament's requirement that grounds for refusing access to information be interpreted narrowly.²⁴

18. I have not taken into account any irrelevant factors.²⁵
19. Despite OIC's invitation on external review,²⁶ the applicant did not provide any specific submissions in support of his entitlement to access the Information in Issue. Throughout the majority of this external review, the applicant's submissions focused on QPS' inability to locate the Information in Issue.²⁷ Once OIC confirmed to the applicant that the Information in Issue had been identified by QPS and there may be grounds to refuse access to it, the applicant indicated that he is already aware of the information and did not consent to OIC consulting the third party with a view to achieving an informal resolution.
20. While the applicant did not provide specific submissions in relation to accessing the Information in Issue, I have had regard to the general submissions made by the applicant on external review and the content of the Information in Issue²⁸ itself in my findings below.

Factors favouring disclosure

21. The Information in Issue comprises correspondence between an investigating QPS officer and third party. The applicant is aware of the identity of the third party and that the third party likely provided a statement to QPS.²⁹ The applicant has already obtained access to a significant volume of information relating to his arrest following the relevant incident and the subsequent actions taken by QPS.³⁰
22. I acknowledge the public interest in furthering access to government-held information,³¹ and disclosing information which may enhance the transparency of QPS operations, reveal the reasons for a QPS decision and any background or contextual information that informed the decision, as well as the accountability of QPS officers for the manner in which they discharge their duties.³² However, the substantial volume of information that has been released to the applicant in relation to his arrest satisfies these considerations to a considerable extent, reducing the weight to be accorded to each in balancing the public interest. I have therefore attributed moderate weight to these factors.
23. Public interest factors favouring disclosure arise where disclosure of the Information in Issue could reasonably be expected to assist inquiry into possible deficiencies in the conduct or administration of an agency,³³ reveal that an agency has engaged in misconduct or negligent, improper or unlawful conduct³⁴ or contribute to the enforcement

²³ Section 44 of the RTI Act.

²⁴ Section 47(2) of the RTI Act.

²⁵ Set out in schedule 4, part 1 of the RTI Act.

²⁶ By letter to the applicant dated 15 May 2019.

²⁷ The applicant has previously applied to QPS for information relating to his arrest. The applicant has also applied to OIC for external review of a QPS decision on the basis that particular documents had not been located by QPS. An earlier external review was informally resolved when QPS agreed to process a further access application for the information the applicant contended was missing. This external review arises out of that further access application.

²⁸ While I have had regard to the content of the Information in Issue, I am limited to the extent to which I can describe that content due to section 108(3) of the RTI Act which states that I must not, in a decision on external review, include information that is claimed to be contrary to the public interest.

²⁹ This is evidenced by the applicant's submission to OIC dated 7 March 2019 which included a copy of one of the emails sent between the third party and QPS.

³⁰ In this review, the applicant received access to the incident log, the QP report and street check summary, relevant parts of an officer's notebook and a custody report, with minimal redactions.

³¹ Implicit, for example, in the preamble to the RTI Act.

³² Schedule 4, part 2, items 1, 2, 3 and 11 of the RTI Act.

³³ Schedule 4, part 2, item 5 of the RTI Act.

³⁴ Schedule 4, part 2, item 6 of the RTI Act.

of the criminal law.³⁵ The applicant submits that '*information was not properly stored on QPS IT systems, was deleted, lost or not provided because of some mistaken belief that it had been previously disclosed.*'³⁶

24. I acknowledge the applicant's concern that the Information in Issue was not identified by QPS until some months into the external review process. However, I am not satisfied that this in itself is evidence that the information was not properly stored. The Emails do not contain the applicant's name, and only the attached Affidavit refers to the applicant. QPS located the Emails and Affidavit following receipt of the applicant's submissions where he provided a copy of one of the Emails, identifying the relevant third party, QPS officer and relevant date.
25. Regardless of the weight of any argument advanced by the applicant about QPS' failure to identify the Information in Issue earlier, I do not consider that the disclosure of the Information in Issue, in itself, could reasonably be expected to demonstrate QPS improperly handled public records, or reveal other deficiencies or unlawful conduct. Accordingly, on the evidence before me, I do not consider that any weight can be attributed to the factors in favour of disclosure where disclosure could reasonably be expected to assist inquiry into possible deficiency in agency or official conduct, reveal that an agency or official has engaged in unlawful conduct or contribute to enforcement of the criminal law.
26. I also find that the public interest in disclosing to an individual their own personal information³⁷ has some application in this case. While the emails do not identify or discuss the applicant, there is information in the Affidavit that identifies and is about the applicant in relation to the incidents which led to his arrest. This information is, however, intertwined with the third party's personal information. It is not possible to disclose to the applicant his personal information alone, without disclosing that of the third party, which would thus occasion the adverse public interest outcomes discussed further below. For these reasons, I have only attributed moderate weight to this factor in favour of disclosure.
27. Factors favouring disclosure also arise when disclosure of the Information in Issue could reasonably be expected to advance the fair treatment of individuals in accordance with the law in their dealings with agencies,³⁸ contribute to procedural fairness³⁹ or the administration of justice generally or for the applicant specifically.⁴⁰ It appears that the criminal matters involving the applicant have been finalised.⁴¹ I also understand that the applicant is involved in a current civil matter regarding events following his arrest. Disclosure of this information, provided by a third party and unrelated to the events the subject of his civil matter, could not reasonably be expected to contribute to the administration of justice in that matter.
28. The applicant has indicated that he may pursue other action against QPS or the individual officer, so I have also considered whether disclosure could reasonably be expected to contribute to the administration of justice, generally or advance the fair treatment of the applicant in his dealings with agencies, including QPS. I note that the

³⁵ Schedule 4, part 2, item 18 of the RTI Act.

³⁶ Applicant's submissions dated 19 February 2019.

³⁷ Schedule 4, part 2, item 7 of the RTI Act. Section 12 of the *Information Privacy Act 2009* (Qld) (**IP Act**) defines '*personal information*' as '*information or 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.*'

³⁸ Schedule 4, part 2, item 10 of the RTI Act.

³⁹ Schedule 4, part 2, item 16 of the RTI Act.

⁴⁰ Schedule 4, part 2, item 17 of the RTI Act.

⁴¹ QPS withdrew the charges against the applicant.

applicant provided OIC a copy of an email from the third party to QPS referring to the existence of a statement. If the applicant asks another government body to conduct an investigation, I am satisfied that he has sufficient detail to enable the identification of these documents for the purposes of the investigation. Similarly, if the applicant requires these documents for a particular court process, he has sufficient detail to seek a Court order for these documents should they be relevant to the proceedings. Finally, should the applicant wish to further raise concerns about QPS' conduct in this external review and the limits of its record keeping practices, I do not consider that the disclosure of the Information in Issue would be necessary to enable this to occur.

29. Overall, while I consider that obtaining access to additional information about the circumstances that led to the applicant's arrest may assist the applicant in relation to future legal proceedings relating to the same circumstances, I consider the weight to be attributed to the relevant public interest factors is low. This is because there is no clear evidence before me to suggest any relevant legal proceedings are on foot and, should the applicant require the Information in Issue for anticipated future complaint processes or legal proceedings he has the information required to refer to it or request it as part of those proceedings.
30. A further factor favouring disclosure will arise if disclosure of the Information in Issue could reasonably be expected to reveal the information was incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant.⁴² While I have also considered this factor, there is insufficient evidence before me to establish that it applies in this case.

Factors favouring nondisclosure

Disclosure of personal information

31. The RTI Act recognises that *disclosure* of another individual's '*personal information*' is a factor favouring nondisclosure which could reasonably be expected to lead to a public interest harm (**Harm Factor**).⁴³ The concept of '*disclosure*' as used in the Harm Factor apprehends the giving of information to a person or entity not otherwise possessed of knowledge of that information.⁴⁴ Where releasing personal information would involve conveying to any person or entity information that they already know, it cannot be said such release would '*disclose*' personal information within the meaning of the Harm Factor, and therefore, the factor will not apply.
32. The applicant has provided a copy of one of the emails within the Information in Issue to OIC. He has also asserted that he is aware of the remaining content. However, the applicant has not provided evidence to demonstrate that he is aware of the full content of the Information in Issue. Further, there is no evidence that the third party consents to the applicant having access to the third party's personal information, and, on external review, the applicant did not agree to OIC informing the third party that the applicant was seeking the Information in Issue for the purposes of consultation.⁴⁵
33. On that basis, I am satisfied that the Harm Factor continues to attract significant weight in favour of nondisclosure of the majority of the information and a somewhat reduced weight with respect to the specific email that the Applicant provided to OIC.

⁴² Schedule 4, part 2, item 12 of the RTI Act.

⁴³ Schedule 4, part 4, section 6 of the RTI Act.

⁴⁴ While '*disclose*' as used in the Harm Factor is not defined in the RTI Act, the word is defined in section 23 of the IP Act as it relates to the application of the Information Privacy Principles – to '*disclose personal information*' relevantly means to give that information to an entity who does not otherwise know the information and is not in a position to find it out. This accords with the ordinary dictionary definition of '*disclose*': relevantly, to '*make known; reveal*': Macquarie Dictionary Online: www.macquariedictionary.com.au/ (accessed 11 May 2018).

⁴⁵ The applicant advised OIC of this in a telephone discussion on 14 May 2019 and by email dated 15 May 2019.

Protection of the right to privacy

34. The RTI Act recognises that where disclosure of information could reasonably be expected to prejudice the protection of an individual's right to privacy, the public interest will favour nondisclosure.⁴⁶ The concept of '*privacy*' is not defined in the RTI Act, but can essentially be viewed as the right of an individual to preserve their personal sphere free from interference from others.⁴⁷
35. The Information in Issue comprises the personal recollections of a third party and details the circumstances in which the third party has provided information to an investigating QPS officer. Due to the detailed nature of the information and the sensitive circumstances that it recounts, I consider that its disclosure could reasonably be expected to prejudice the protection of that individual's right to privacy. Given the nature of the information provided and the context that it appears in, i.e. police records, I am satisfied that this factor carries significant weight.
36. Aside from the specific nondisclosure factor discussed above,⁴⁸ I consider there is, more generally, a strong public interest in ensuring that government agencies safeguard privacy, and treat with respect the personal information they collect from members of the community and limit use and dissemination of that information to the purpose for which it was collected.⁴⁹ I am satisfied that these considerations attract significant weight.

Prejudice flow of information to police

37. If disclosure of information could reasonably be expected to prejudice the flow of information to the police, this will give rise to a factor favouring nondisclosure of that information.⁵⁰ Members of the public regularly provide information to QPS to assist in the investigation of criminal matters and in the prosecution of related offences. The Information Commissioner has previously found that disclosing information obtained by police from members of the public would be likely to discourage the public from approaching QPS to provide such information.⁵¹
38. I acknowledge that, when conducting investigations, police may obtain information from individuals using certain coercive powers. However, I consider that the efficient conduct of police investigations and use of public resources is facilitated when members of the public elect to approach police and provide relevant information voluntarily.
39. The Affidavit appears to have been provided by the third party to assist QPS in its investigations. Given the language used by the third party, there appears to be a clear intention by the third party to assist QPS voluntarily. I consider that disclosure of this type of information could reasonably be expected to discourage individuals from providing similar information in the future. In turn, this could reasonably be expected to prejudice the flow of information to QPS. I therefore afford significant weight to this factor in favour of nondisclosure.

⁴⁶ Schedule 4, part 3, item 3 of the RTI Act.

⁴⁷ Paraphrasing the Australian Law Reform Commission's definition of the concept in *For your information: Australian Privacy Law and Practice* (Report No. 108, August 2008) vol 1, 148 [1.56].

⁴⁸ Remembering that the lists of public interest balancing factors in schedule 4 to the RTI Act are not exhaustive.

⁴⁹ As reflected in Parliament's enacting the IP Act, particularly Information Privacy Principles 10 and 11 scheduled to that Act – the purpose in this case being to aid QPS officers in discharge of official duties.

⁵⁰ Schedule 4 part 3 item 13 of the RTI Act.

⁵¹ For example, see *P6Y4SX and Department of Police* (Unreported, Queensland Information Commissioner, 31 January 2012) at [35]-[40]; *SW5Z7D and Queensland Police Service* [2016] QICmr 1 (15 January 2016) at [28] and *XX5WZ9 and Queensland Police Service* [2019] QICmr 3 (14 February 2019) at [48].

Conclusion

40. In weighing the public interest, I have identified a number of factors in favour of disclosure of the Information in Issue.⁵² Firstly, I have afforded moderate weight to the factors in relation to enhancing QPS' accountability and transparency, providing background information for decisions made by QPS and disclosing the applicant's own personal information. I have also afforded low weight to the factors relating to advancing the fair treatment of individuals and the pursuit of legal remedies or procedural fairness. I have also found that the factors relating to possible deficiencies, misconduct or negligent, improper or unlawful conduct, or revealing incorrect information carry no weight in this case.⁵³
41. On the other hand, given the nature of the Information in Issue, I have afforded significant weight to the nondisclosure factors relating to the protection of a third party's personal information⁵⁴ and privacy as well as prejudice to the flow of information to police.
42. While I have identified a number of factors weighing in favour of disclosure of the Information in Issue, I am satisfied that the factors favouring nondisclosure carry greater weight. This is largely because the Information in Issue mainly comprises the observations and opinions of a third party, in their own words and volunteered to QPS. It does not disclose how QPS used this information in its investigations, nor does it provide any information about any deficiencies in QPS' investigative processes. Accordingly, I consider that disclosure of the Information in Issue would, on balance, be contrary to the public interest.⁵⁵

DECISION

43. I vary the decision under review and find that access to the Information in Issue may be refused under section 47(3)(b) of the RTI Act.
44. 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.

Shiv Martin
Assistant Information Commissioner

Date: 21 June 2019

⁵² Noting, for the sake of completeness, that having carefully considered both the list of factors favouring disclosure in schedule 4, part 2 of the RTI Act and the applicant's submissions, I can identify no other public interest factors or considerations that might arise to favour disclosure of the Information in Issue.

⁵³ Additionally, and in any event, even if I were wrong in the findings expressed – and one or more of the factors which I have not attributed any weight to could be said to apply and carry low weight in this case – I am nevertheless of the view that factors favouring nondisclosure are of sufficient gravity to tip the balance of the public interest in favour of nondisclosure.

⁵⁴ The weight given to this factor is slightly reduced with respect to the Email, a copy of which the applicant provided to OIC.

⁵⁵ Section 47(3)(b) and 49 of the RTI Act.

APPENDIX

Significant procedural steps

Date	Event
26 July 2018	OIC received the application for external review. OIC notified the applicant and QPS that the external review application had been received. OIC requested procedural documents from QPS.
7 August 2018	OIC received the requested documents from QPS.
20 August 2018	OIC notified the applicant and QPS that the application for external review had been accepted. OIC requested that QPS provide particular documents and search records.
20 August 2018	The applicant provided submissions by telephone.
21 August 2018	QPS provided the requested documents.
22 August 2018	QPS provided the requested search records.
22 August 2018	OIC clarified the scope of the external review with the applicant.
25 October 2018	OIC requested that QPS undertake further searches and provide search records.
26 November 2018	QPS provided an update on the progress of further searches.
11 December 2018	OIC followed up on request for further searches.
7 January 2019	OIC followed up on request for further searches.
26 January 2019	OIC received the requested search records from QPS.
7 February 2019	OIC discussed a proposal for informal resolution with the applicant and confirmed the review was limited to considering whether QPS had taken reasonable steps to locate correspondence between a named officer and third party and the third party's statement.
12 February 2019	OIC discussed a proposal for informal resolution with QPS. QPS advised it was agreeable to the informal resolution proposal.
13 February 2019	OIC conveyed a preliminary view to the applicant. OIC provided search records to the applicant.
19 February 2019	OIC received the applicant's written submissions.
1 March 2019	OIC spoke to the applicant to confirm the preliminary view.
4 March 2019	The applicant provided submissions by telephone.
6 March 2019	The applicant provided submissions by telephone.
7 March 2019	OIC received the applicant's written submissions.
8 March 2019	OIC requested that QPS undertake further searches and provide search records. OIC wrote to the applicant, confirming the issue under consideration.
26 March 2019	OIC followed up on request for further searches.
4 April 2019	OIC followed up on request for further searches.

Date	Event
3 May 2019	OIC followed up on request for further searches.
10 May 2019	OIC received the requested information from QPS.
14 May 2019	OIC called the applicant to convey a preliminary view and discuss the next steps in the review.
15 May 2019	OIC conveyed a preliminary view to the applicant that QPS had taken all reasonable steps to locate relevant information and access to that information may be refused on the basis that disclosure would, on balance, be contrary to the public interest. OIC asked the applicant to respond by 29 May 2019 if he contested the preliminary view that QPS had taken all reasonable steps to locate relevant documents.
15 May 2019	OIC received advice from the applicant that he did not agree to OIC consulting with the third party and identifying the applicant.
17 May 2019	OIC wrote to the applicant and confirmed that as the applicant had not contested OIC's preliminary view regarding the sufficiency of QPS' searches, the external review decision would be limited to considering his entitlement to access the additional documents located on external review.