



Decision and Reasons for Decision

Citation:	<i>W64 and Queensland Police Service</i> [2025] QICmr 32 (11 June 2025)
Application Number:	318015
Applicant:	W64
Respondent:	Queensland Police Service
Decision Date:	11 June 2025
Catchwords:	<p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL TO DEAL - applicant seeking access to information within the QPRIME system - whether application is expressed to relate to all documents containing information of a stated kind - whether all of the documents to which the application relates would comprise exempt information - whether section 59 of the Information Privacy Act 2009 (Qld) applies</p> <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - EXEMPT INFORMATION - LAW ENFORCEMENT AND PUBLIC SAFETY INFORMATION - whether disclosure of information about access to applicant's information within the QPRIME system could reasonably be expected to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law - whether information consists of matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law - whether information is exempt under schedule 3, section 10(1)(f) of the <i>Right to Information Act 2009</i> (Qld)</p>

REASONS FOR DECISION

Summary

1. The applicant applied to Queensland Police Service (**QPS**)¹ under the *Information Privacy Act 2009* (Qld) (**IP Act**) for access to:²

*QPRIME*³ activity report for my ABN registered business from date of registration to current.⁴

¹ On 19 March 2024.

² The applicant provided QPS with details about his business, including the registration date.

³ QPRIME is the abbreviation used by QPS for the Queensland Police Records and Information Management Exchange.

⁴ For the date range 14 June 2021 to 19 March 2024. The applicant stated 'Please also include the "Systems Access Records" to the "computerized" records that QPS have stated they are not required to find for RTI these days.'

2. QPS located a one-page document showing no entries and decided to release the document in full.⁵
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's decision.⁶
4. For the reasons set out below, I set aside QPS's decision and find that QPS may refuse to deal with the application under section 59 of the IP Act.

Background

5. From the information provided by the applicant, I understand that the applicant initially contacted QPS as he was suffering anomalies with his NBN connection while working from home. Following this, the applicant made complaints to QPS and the Crime and Corruption Commission (**CCC**) about his dealings with QPS.⁷ I understand that the applicant is concerned that certain QPS Officers may have been accessing the QPRIME record for the registered address of his business. I also understand that he considers viewing the QPRIME Activity Report and cross-referencing this with information already in the applicant's possession is necessary, so that he can report concerns about *'improper access'*.⁸
6. In his application for external review, the applicant submitted that QPS had *'produced a different document than was requested'* by him.⁹ He stated that he was seeking the QPRIME Activity Report for the *registered address* of his business, whereas QPS had disclosed a report in which the search terms used by QPS were only the business' *name* and *ABN*, and not that address.
7. During the review, QPS stated that it had erred in its original decision in releasing the QPRIME Activity Report relating to the applicant's business *name* and *ABN number* as this Report comprises exempt information.¹⁰ The document considered in this review is the QPRIME Activity Report for the applicant's business' *registered address*.

Reviewable decision

8. The decision under review is QPS's decision dated 18 April 2024.

Evidence considered

9. Significant procedural steps relating to the external review are set out in the Appendix.
10. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes and the Appendix). I have taken into account the applicant's submissions to the extent they are relevant to the issue for determination in this review.

⁵ Decision dated 18 April 2024.

⁶ On 17 May 2024.

⁷ I understand that the applicant's complaint to the CCC also related to the outcome of a previous access application the applicant made to QPS.

⁸ Submissions received on 3 March 2025 and 27 May 2025.

⁹ Email dated 17 May 2024.

¹⁰ Under section 48 and schedule 3, section 10(1)(f) of the *Right to Information Act 2009* (Qld) (**RTI Act**). In a letter to OIC dated 28 November 2024.

11. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.¹¹ 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 RTI Act.¹² 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 of Bell J on the interaction between equivalent pieces of Victorian legislation:¹³ *‘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’*.¹⁴

Issue for determination

12. OIC requested that QPS provide a QPRIME Activity Report for the specified date range regarding the address provided by the applicant – that is, the registered address of his business. OIC also requested that QPS address OIC’s understanding that:
- there is no such thing as ‘business address’ in QPRIME
 - while an address may not be recorded as a ‘business address’ or a ‘residential address’ in QPRIME, a search can simply be undertaken for that address; and
 - the records would not note that the particular address relates to a business.
13. In response, QPS confirmed OIC’s understanding and provided OIC with the QPRIME Activity Report relating to the address in question.¹⁵ QPS also submitted that one of the grounds for refusing to deal with an application applied – namely the ground that the applicant’s application was expressed to relate to all documents of a stated class, and all such documents were comprised of exempt information.¹⁶
14. Having considered QPS’s submissions and the QPRIME Activity Report relating to the address, OIC conveyed a preliminary view¹⁷ to the applicant that it was appropriate for QPS to refuse to deal with the application. The applicant does not accept OIC’s preliminary view.¹⁸ Accordingly, the issue for determination in this review is whether section 59 of the IP Act applies in the circumstances, and therefore whether QPS may refuse to deal with the access application.

Relevant law

15. If an access application is made to an agency under the IP Act, the agency should deal with the application unless this would not be in the public interest.¹⁹ This is known as the pro-disclosure bias in deciding to deal with applications. One of the few circumstances where it is not in the public interest to deal with an access application is set out in section 59 of the IP Act as follows:

¹¹ Section 21(2) of the HR Act.

¹² *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. I further note that OIC’s approach to the HR Act set out in this paragraph was considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23] (where Justice Member McGill saw ‘no reason to differ’ from OIC’s position).

¹³ *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

¹⁴ *XYZ* at [573].

¹⁵ Letter to OIC dated 28 November 2024.

¹⁶ Section 59(1) and definition of ‘exempt information’ in schedule 5 of the IP Act and section 48(4) and schedule 3, section 10(1)(f) of the RTI Act.

¹⁷ It is the practice of OIC to convey a preliminary view, based on an assessment of the material before the Information Commissioner or her delegate at that time, to an adversely affected participant. This is to explain the issues under consideration to the participant and affords them the opportunity to put forward any further information they consider relevant to those issues. It also forms part of the Information Commissioner’s processes for early resolution of external reviews.

¹⁸ Submissions received on 20 December 2024, 3 March 2025, 12 May 2025 and 27 May 2025.

¹⁹ Section 58(1) of the IP Act. Section 58(2) of the IP Act identifies the only circumstances in which Parliament considers it would not be in the public interest to deal with an access application.

59 Exempt Information

(1) This section applies if—

- (a) an access application is expressed to relate to all documents, or to all documents of a stated class, that contain information of a stated kind or relate to a stated subject matter; and
- (b) it appears to the agency or Minister that all of the documents to which the application relates are comprised of exempt information.

(2) The agency or Minister may refuse to deal with the application without having identified any or all of the documents.

16. Schedule 3 to the RTI Act identifies the types of information which will comprise exempt information for the purposes of the IP Act.²⁰ Relevantly, under schedule 3, section 10(1)(f) of the RTI Act, information will be exempt information if its disclosure could reasonably be expected to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law (**Method or Procedure Exemption**). However, schedule 3, section 10(2) sets out certain circumstances where the exemption will not apply. Relevantly, information will not be exempt if it consists of matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law.²¹

Findings

17. To enliven section 59 of the IP Act, the following criteria must be met:

- the access application must be expressed to relate to all documents, or to all documents of a stated class, that contain information of a stated kind or relate to a stated subject matter; and
- all of the documents to which the access application relates comprise exempt information.

Documents containing information of a stated kind or subject matter

18. To determine whether the first criteria of section 59 of the IP Act is met, it is necessary to examine the terms of the access application.
19. As noted at paragraph 1 above, the access application requested a '*QPRIME activity report for my ABN registered business from date of registration to current*'.²²
20. On an objective reading of the access application, I am satisfied that it is framed as a request which relates to all documents that contain information of a stated kind, that is, information about access to the applicant's address²³ within the QPRIME database. Accordingly, I find that this limb of section 59 of the IP Act is satisfied.

²⁰ Refer to the definition of 'exempt information' in schedule 5 to the IP Act and section 48(4) of the RTI Act.

²¹ Schedule 3, section 10(2)(a) of the RTI Act.

²² He also stated '[p]lease also include the "Systems Access Records" to the "computerized" records that QPS have stated they are not required to find for RTI these days'. In his submission received on 20 December 2024, the applicant states that QPS's website provides that access is available to 'System Access Records' through the RTI process. In relation to System Access Records – the website states that QPS 'maintains records of staff's use of selected operational policing system' (see <<https://www.police.qld.gov.au/rights-information/information-asset-register>> accessed on 2 June 2025). In this respect, I note that a QPRIME Activity Report notes when individual officers have accessed QPRIME.

²³ In a letter to OIC dated 28 November 2024, QPS submitted that the access application should have been made under the RTI Act and not the IP Act and given this the application was invalid. In an email to QPS dated 16 December 2024, OIC advised QPS that the address referred to by the applicant was also his home address, and accordingly any information collected or saved against the address would relate to the activities of the persons at the applicant's home address, and therefore include personal information of the applicant, enabling consideration of the application to proceed under the IP Act.

Exempt information

21. In relation to the second criteria, I must be satisfied that all of the documents to which the access application relates comprise exempt information.
22. As noted above, the access application seeks access to a QPRIME Activity Report relating to the *registered address* of the applicant's business and it is QPS's position that it is comprised of exempt information under the Method or Procedure Exemption.
23. The QPRIME database has previously been described as:²⁴

...a database kept by [QPS] of the information obtained by the QPS in its law enforcement functions. It is a dynamic and constantly updated central record for the QPS. The QPS would describe it as an intelligence tool, which allows police to record information about criminal activity, the circumstances in which criminal activity is likely to occur or has occurred, the identity of those involved or suspected to be involved in criminal activities and the identities of their associates. But it also records information obtained by police officers in the course of their investigations and records criminal intelligence which has been obtained. The QPRIME system also maintains activity reports, whereby a record is kept of the access to particular QPRIME records by, amongst others, serving police officers.

24. I am constrained in describing the QPRIME Activity Report responding to the access application in any detail,²⁵ but as noted in the preceding paragraph, QPRIME Activity Reports generally reveal the amount of activity and the number of occasions on which QPS officers have accessed QPRIME in relation to an individual, or in this case an address, and the badge number of the inquiring officer.
25. I am satisfied that accessing, considering, reviewing and updating the QPRIME database is an integral part of QPS's lawful methods and procedures for preventing, detecting or investigating contraventions, or possible contraventions, of the law. QPS submitted:²⁶

When dealing with contraventions, or possible contraventions, of the law, QPS officers record information about individuals on QPRIME, and such information may relate to intelligence or surveillance operations, or other investigations. Further, QPS officers also access information recorded in QPRIME both during and after such activities, for example, to obtain background information and inform decisions.

26. The applicant submitted that the circumstances of his application are different from previous OIC decisions,²⁷ where it has been found that disclosure of a QPRIME Activity Report could reasonably be expected to prejudice QPS's methods and procedures because it would enable an individual to deduce the level of surveillance or investigation that they may or may not be under, because his application is for his registered business address, rather than 'from the *'individual' basis test*'.²⁸ In this respect, the applicant submitted that:²⁹

Deducing the level, or not, of surveillance or investigation operations in relation to small Queensland businesses carries drastically different implications than to individuals.

27. I wrote to the applicant informing him that it was unclear to me why there would be a distinction between an individual and small businesses as suggested by the applicant

²⁴ *SJN v Office of the Information Commissioner & Anor* [2019] QCATA 115 at [1].

²⁵ Section 121(3) of the IP Act.

²⁶ Letter to OIC dated 28 November 2024.

²⁷ In this respect the applicant referred to *Commissioner of Police v Shelton & Anor* [2020] QCA 96 (**Shelton**).

²⁸ Submission received on 12 May 2025.

²⁹ Submission received on 3 March 2025.

above.³⁰ I noted that it would seem reasonable to expect that generally, the prejudice to QPS's method and procedure would be the same, given that small businesses are invariably run by individuals; and expressed the view that the prejudice to QPS's method and procedure by disclosure of the QPRIME Activity Report would be the same, especially considering that the applicant's registered business address appears to be the same as his residential address. I invited the applicant to provide further submissions in support of his view.

28. In response, the applicant acknowledged that he understood that QPS does not differentiate between business and residential addresses in its QPRIME system.³¹ In relation to the different implications relating to small Queensland businesses, the applicant submitted:³²

*The activity, including the “**computerised records**”, in relation to small Queensland businesses links directly to “property” (CRIMINAL CODE 1899 – SECT 1) which is the major differentiation from an individual’s “computerised records”. This is not to say activity to an individuals’ records does not link to “property” in instances where they are employees, researchers, co-founders or others.*

If there’s still confusion about the individual/business differentiation then it may help to think of it as a practical example, it’s equivalent to the difference of gaining the ability to deduce whether there is observation of a person on the ‘digital’ street or whether it is the modern equivalent of ram-raiding businesses.

*Some specific examples include the difference between ‘**computerised records**’ for an individual’s residential address and their business address for a small Queensland business owner that is an accountant (financial information), scientific and technical services supplier (confidential information) or a therapist (medical information).*

29. I understand that the applicant’s reference to ‘*computerised records*’ is made following a conversation that he had with a QPS Officer in relation to his complaints. The applicant provided OIC with a copy of what he states is a transcript, which appears to have been prepared by him following a conversation between himself and the QPS Officer. This document includes record of the following statement by the QPS Officer to the applicant regarding how QPS locates documents responsive to access applications generally:³³

... they get farmed out to the station to find the records the only records we’re not required to find for RTI these days are the computerized [sic] ones

30. Having carefully considered the applicant’s document, it is my understanding that the QPS Officer’s abovementioned comment about computerised records was a reference to information stored on QPRIME. However, to the best of my understanding of the submissions set out at paragraph 28 above, it appears that the applicant may have interpreted this comment to mean that QPS’s computerised records include, or somehow enable access to, a business’ own records (for example, using the applicant’s own examples, the financial information of an accountancy business, the confidential information of a scientific and technical services supplier, or the medical information of a therapist). Based on this assumption, the applicant considers that unauthorised access to QPS’s ‘computerised records’ is the virtual equivalent of ram-raiding the business to gain access to its physical property.

³⁰ Email to the applicant dated 14 May 2025.

³¹ As noted at paragraphs 12 and 13 above. Submission received on 27 May 2025.

³² Submission received on 27 May 2025. Bold is my emphasis

³³ Submission received on 27 May 2025.

31. In this respect, the applicant misunderstands the nature of the information that can be accessed via QPRIME. While it would be reasonable to expect that QPS may be able to access the types of business information referred to by the applicant by obtaining a warrant, such information is not information either stored on QPRIME, or somehow accessible via QPRIME. In terms of the types of information that *is* stored on QPRIME, I reiterate the comments set out at paragraph 23 above.
32. I am satisfied that disclosing a QPRIME Activity Report (including the document responsive to the access application), which shows when and how often QPS officers have accessed the QPRIME database in relation to an individual's address, could reasonably be expected to prejudice QPS's methods and procedures. Whether the address is the individual's residential or business address, disclosure would enable the individual (in this case, the applicant) to deduce the level of surveillance or investigation that particular address may, or may not, be under.
33. Turning then to the circumstances where the Method or Procedure Exemption will not apply, as listed in schedule 3, section 10(2) of the RTI Act. I confirm that I have considered a copy of the QPRIME Activity Report in issue in this review. This is necessary in the circumstances, as was observed by the Court of Appeal in *Shelton*:³⁴

... although s 59(2) extends the discretion to refuse to deal with the application by enabling its exercise without any requirement to identify the relevant documents, the latter dispensation will have no practical content where a provision such as sch 3 s 10(2) makes the actual consideration of those documents a necessary earlier step, in deciding the exemption issue. However, that will not necessarily be the case for other categories of exempt information under sch 3, which may permit the forming of an opinion in relation to the documents subject to a particular application by reference to the kind of information sought, without more.

34. The applicant has submitted that he considers the exception to the exemption applies.³⁵ In summary, the applicant considers that QPS Officers may have had '*improper access*' to his QPRIME records.³⁶ In addition, the applicant submitted:

To accurately determine whether a given access constitutes "Computer Hacking" there is a large amount of information that needs to be cross referenced including Cybercrime reports, CCC evidence, specific key dates, a large amount of communications and specific recorded and stated accesses to QPRIME.

35. In this respect, the applicant provided OIC with the officer numbers of the QPS Officers that he made complaints about and stated that, if these officers had accessed his QPRIME records after various specified dates, this would be instances of '*Computer Hacking*' and by extension these would exceed '*lawful limits*'.³⁷ I understand that the applicant is seeking access to the QPRIME Activity Report to enable him to make an informed decision as to whether there has been '*improper access*' by these officers, as he considers that there is a lack of proactive, reactive or retroactive audits of the QPRIME system.³⁸

³⁴ At [48].

³⁵ Submission received on 20 December 2024.

³⁶ Submission received on 3 March 2025.

³⁷ Submission received on 20 December 2024.

³⁸ Submission received on 3 March 2025. In this respect the applicant referred to the *Operation Impala Report* by the CCC, at page 59 which discusses audits of user access. In addition, the applicant stated that he would be happy to sign a standard nondisclosure agreement to cover any access that did not fall under section 408E of the *Criminal Code 1899* (Qld). However, while QPS has a discretion to disclose exempt information, the Information Commissioner does not – sections 64(4) and 118(2) of the IP Act.

36. On the other hand, QPS submitted that the responsive document does not consist of information that would reveal that the scope of a law enforcement investigation has exceeded the limits imposed by law and therefore the exception does not apply in this instance.³⁹

37. The Court of Appeal considered schedule 3, section 10(2) of the RTI Act in *Shelton* and observed:⁴⁰

... it may well be apparent to [QPS] on the face of an activity report, from the identities of those who have been obtaining access or the frequency of access, that legitimate investigatory bounds have been exceeded. (I would note, however, that it does not follow that every instance of unauthorised access will be evidence that a law enforcement investigation has gone beyond legal limits, as opposed to being the improper conduct of an individual).

38. In addition, as noted in *Shelton*,⁴¹ it is the actual content of the document in issue that I must consider— that is, whether the QPRIME Activity Report itself discloses that any law enforcement investigation has exceeded proper bounds.

39. I have carefully reviewed the content of the QPRIME Activity Report in issue, and it does not reveal that the scope of any law enforcement investigation has exceeded the limits imposed by law. Accordingly, while I have considered the applicant's submissions, I am satisfied that the document responding to the access application does not consist of matter which reveals that the scope of a law enforcement investigation has exceeded the limits imposed by law, and therefore schedule 3, section 10(2) of the RTI Act does not operate in the circumstances of this matter to render this document non-exempt under the Method or Procedure Exemption.

Conclusion

40. In view of the above, I find that section 59 of the IP Act applies to the access application, as it is expressed to relate to all documents that contain information of a stated kind and all of the documents to which the access application relates are comprised of exempt information under the Method or Procedure Exemption.

DECISION

41. I set aside the decision of QPS and find that QPS may refuse to deal with the access application under section 59 of the IP Act.

42. I have made this decision as a delegate of the Information Commissioner, under section 139 of the IP Act.

A Rickard
Assistant Information Commissioner

Date: 11 June 2025

APPENDIX

³⁹ Letter to OIC dated 28 November 2024.

⁴⁰ *Shelton* at [46].

⁴¹ At [45] and [51].

Significant procedural steps

Date	Event
17 May 2024	OIC received the application for external review from the applicant and requested the preliminary documents from QPS.
23 May 2024	OIC received the preliminary documents from QPS.
14 June 2024	OIC contacted QPS proposing an informal resolution option. OIC received a response from QPS, declining the informal resolution option.
1 July 2024	OIC advised the applicant and QPS that the application for external review had been accepted. OIC received a submission from QPS.
19 September 2024	OIC contacted the applicant and also received a submission from the applicant.
17 October 2024	OIC requested further information from QPS.
28 November 2024	OIC received a submission from QPS.
29 November 2024	OIC received a copy of the QPRIME Activity Report from QPS.
16 December 2024	OIC conveyed a preliminary view to the applicant and provided an update to QPS.
20 December 2024	OIC received a submission from the applicant.
18 February 2025	OIC conveyed a preliminary view to the applicant.
3 March 2025	OIC received a submission from the applicant.
29 April 2025	OIC conveyed a preliminary view to the applicant and requested further information from QPS.
12 May 2025	OIC received a submission from the applicant.
14 May 2025	OIC requested the applicant provide further submissions.
27 May 2025	OIC received a submission from the applicant.