



## Decision and Reasons for Decision

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**Citation:** *S52 and Children's Health Queensland Hospital and Health Service [2026] QICmr 42 (19 March 2026)*

**Application Number:** 318480

**Applicant:** S52

**Respondent:** Children's Health Queensland Hospital and Health Service

**Decision Date:** 19 March 2026

**Catchwords:**

**ADMINISTRATIVE LAW - RIGHT TO INFORMATION - IRRELEVANT INFORMATION** - application made by a parent for access to child's medical information - whether information is irrelevant to the terms of the access application - section 88 of the *Information Privacy Act 2009* (Qld)

**ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION** - whether disclosure of information is prohibited by an Act - whether information is about the applicant only - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(a) and 48 and schedule 3, section 12 of the *Right to Information Act 2009* (Qld)

**ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO CHILD'S BEST INTERESTS INFORMATION** - whether disclosure would not be in the child's best interests - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(c) and 50 of the *Right to Information Act 2009* (Qld)

**ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION** - accountability and transparency - personal information and privacy - child's best interests - confidential information - whether disclosure would, on balance, be contrary to the public interest - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

## REASONS FOR DECISION

### Summary

1. The applicant<sup>1</sup> applied to the respondent (**CHQ**) under the *Information Privacy Act 2009* (Qld) (**IP Act**)<sup>2</sup> for access to the following documents between September 2022 and 30 October 2024:
  - all specialist/doctors' letters including all internal referrals to other specialities
  - all Emergency department records; and
  - all notes and records relating to the applicant's '12 September' presentation.<sup>3</sup>
2. CHQ located 440 responsive pages and decided<sup>4</sup> to grant full access to 325 pages, partial access to 55 pages, and to refuse access in full to 60 pages. Access to information was refused on a number of grounds, including other access available, exempt information, contrary to child's best interests information, and contrary to the public interest information. CHQ also deleted some irrelevant information pursuant to section 88 of the IP Act.
3. By email on 23 February 2025, the applicant applied to the Office of the Information Commissioner (**OIC**) for review of CHQ's decision.<sup>5</sup>
4. Some additional documents were released to the applicant during the course of the review which removed some grounds of refusal. For the reasons explained below, I decide to affirm CHQ's decision refusing access to the remaining documents under the IP Act.

### Background and jurisdiction of OIC

5. The applicant seeks access to certain information contained in their medical records in connection with their medical treatment, concerns about that treatment, and the related actions of various health providers. It appears that the applicant has made complaints about their medical treatment to the Attorney-General as well as to various government agencies, including the Crime and Corruption Commission (**CCC**), the Office of the Health Ombudsman (**OHO**) and the Australian Health Practitioner Regulation Agency (**AHPRA**).
6. In the application for external review, and in various communications with OIC during the course of this review, it is apparent that the applicant is under a misapprehension about OIC's jurisdiction under the IP Act, as well as OIC's role when conducting an external review under Chapter 3, Part 9, of the IP Act. Despite efforts to clarify the Information

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<sup>1</sup> The access application was made by a parent of a child. Section 45 of the *Information Privacy Act 2009* (Qld) (**IP Act**) provides that an access application for personal information of an individual may be made for a child by the child's parent (a child being an individual who is under 18 years of age). Pursuant to schedule 5 of the IP Act, the child (and not the parent) is the 'applicant'. Submissions and other information provided to OIC throughout the review have been provided by the applicant's parent, on the applicant's behalf. In these reasons, references to the 'applicant' are to the child, as represented by their parent.

<sup>2</sup> 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. Accordingly, references to the IP Act and RTI 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-2009-014> and <https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013> respectively.

<sup>3</sup> Application made compliant on 15 October 2024.

<sup>4</sup> Decision dated 22 January 2025.

<sup>5</sup> The application was received outside the statutory timeframe but the discretion available under section 101(1)(d) of the IP Act to accept the application outside of time was exercised in the applicant's favour.

Commissioner's jurisdiction and role during the review,<sup>6</sup> it appears that applicant regards OIC as a complaint-handling body.<sup>7</sup> The submissions and annexures that the applicant has provided during the review are largely irrelevant to the issues that OIC has jurisdiction to determine under the IP Act. These submissions include, for example, complaints about CHQ failing to comply with *'Health Record Default Sharing Laws'*; allegations of medical negligence by CHQ; and allegations concerning the *'deliberate misrepresentation of [the applicant's] medical history by QCH'*.<sup>8</sup>

7. In connection with the last issue, the applicant provided pages of screenshots from the applicant's medical record and made submissions in connection with various allegations, including allegations about record manipulation; false recording, identification, labelling and archiving of medical information; *'growth data concealment'*; and clinical evidence of neglect.<sup>9</sup> OIC does not hold investigatory powers under the IP Act in connection with an agency's record-keeping practices. Nor does OIC have jurisdiction to investigate corrupt conduct allegations, or allegations of medical negligence or neglect. Issues of that nature should be referred to those agencies that hold the relevant investigatory or oversight powers, such as OHO, AHPRA, the CCC or the State Archivist.
8. OIC's jurisdiction in this review is limited to reviewing the access decision of CHQ dated 22 January 2025 and deciding whether to affirm, vary or set aside that decision under section 123 of the IP Act.
9. At an early stage of the review, it appeared that the applicant was also intending to raise a sufficiency of search issue in connection with a reference in the medical records to the existence of a *'parallel medical record'*. The applicant argued that *'the presence of such a record – undisclosed in FOI/RTI processes – cannot be dismissed as a clerical error. It represents:*
  - *A continuity of care failure; and*
  - *A direct obstruction of rights to complete and accurate access under the Hospital and Health Boards Act 2011 (Qld) and Information Privacy Act 2009 (Qld).*<sup>10</sup>
10. CHQ was asked to explain the meaning of the reference to a 'parallel medical record', and to confirm that no other documents existed in its possession or under its control that responded to the access application. In response, CHQ advised that the reference was to records held by Genetic Health Queensland (**GHQ**). CHQ further advised that it did not hold or have access to GHQ records. This was communicated to the applicant who was advised that GHQ forms part of Metro North Health and that if the applicant wished to pursue access to GHQ records, they would be required to make a separate access application. The applicant did not seek to pursue this issue further after receiving that advice. I am therefore proceeding on the basis that there is no sufficiency of search issue remaining for determination in this review.

## Reviewable decision

11. The decision under review is CHQ's decision dated 22 January 2025.

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<sup>6</sup> Including in OIC's opening letter dated 11 July 2025.

<sup>7</sup> See, for example, the applicant's email of 3 March 2026 where the applicant continued to refer to 'complaints' before OIC that the applicant contended were required to be dealt with 'within statutory timeframes', and threatened to refer these matters to 'the crime and corruption oversight bodies as further evidence of non-compliance with the legislation'.

<sup>8</sup> See the application for external review. See also the applicant's email of 15 July 2025 which was copied to OIC and which relates to complaints about delays in the payment of victim assist claims. Attached to that email are pages of medical invoices, receipts and Medicare claims.

<sup>9</sup> See, for example, the applicant's email of 20 August 2025 with attachments.

<sup>10</sup> Applicant's email of 20 August 2025.

## Evidence considered

12. 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 that they are relevant to the issues for determination in this review.<sup>11</sup>
13. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.<sup>12</sup> 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.<sup>13</sup> 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:<sup>14</sup> '*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.*'<sup>15</sup>

## Information in issue

14. As noted above, CHQ agreed to give the applicant access to additional information during the course of the review.<sup>16</sup> This included records of the Queensland Ambulance Service to which CHQ had initially refused access on the ground that other access was available.<sup>17</sup>
15. The information remaining in issue is contained in two files labelled 'CIMHA' and 'iEMR'.
16. For the sake of completeness, I note that CHQ exercised its discretion to give the applicant access to additional pathology tests under section 146 of the *Hospital and Health Boards Act 2011* (Qld) (that is, access outside the scope of the access provisions of the IP Act). This was done in response to a complaint by the applicant that there were pathology tests from November 2024 that were missing from the release of documents.<sup>18</sup>

## Issues for determination

17. The issues for determination are:
  - whether information may be deleted because it is irrelevant information (**Deleted Information**)<sup>19</sup>
  - whether access to information may be refused because it is exempt information (**Exempt Information**)<sup>20</sup>
  - whether access to information may be refused because it is the personal information of a child and its disclosure would not be in the child's best interests (**Section 50 Information**);<sup>21</sup> and

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<sup>11</sup> Including the external review application and emails received on 24 February 2025, 25 February 2025, 5 May 2025, 7 May 2025, 8 May 2025, 10 May 2025, 12 May 2025, 15 July 2025, 23 July 2025, 20 August 2025, 14 November 2025, 12 January 2026, 22 January 2026, 23 January 2026, and 3 March 2026.

<sup>12</sup> Section 21 of the HR Act.

<sup>13</sup> *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].

<sup>14</sup> *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

<sup>15</sup> *XYZ* at [573].

<sup>16</sup> Documents released on 17 February 2026.

<sup>17</sup> Section 53 of the RTI Act.

<sup>18</sup> The scope of the access application was stated to be September 2022 to 30 October 2024.

<sup>19</sup> iEMR file at pages 295-312.

<sup>20</sup> iEMR file at pages 282-289 and the CIMHA file at pages 20-26.

<sup>21</sup> CIMHA file at pages 12, 15 and 18 and iEMR file at pages 14, 68, 77, 92, 93, 101, 103, 104, 105, 107 and 117.

- whether access to information may be refused because its disclosure would, on balance, be contrary to the public interest (**CTPI Information**).<sup>22</sup>

## Deleted Information

### Relevant law

18. Section 88 of the IP Act permits an agency to delete information from a document which it considers is not relevant to an application. This provision does not set out a ground for refusal of access. Rather, it provides a mechanism to allow irrelevant information to be deleted from documents which are identified for release to an applicant. 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 application.<sup>23</sup>

### Findings

19. The applicant made no relevant submissions about the Deleted Information. Generally, the applicant submits that access to all information should be given.
20. I have considered the Deleted Information in conjunction with the terms of the access application. It is clear from the terms of the application that the applicant seeks access to information relating to the applicant's medical treatment by CHQ. I am satisfied that the Deleted Information is not pertinent to the terms of the access application. It comprises background documents of a legal nature concerning certain family relationships.
21. Based on the terms of the access application, and the nature of the Deleted Information, I am satisfied that it was appropriate for CHQ to delete the Deleted Information on the ground of irrelevance.<sup>24</sup>

## Exempt Information

### Relevant law

22. Under the IP Act, an individual has a right to be given access to documents of an agency, to the extent the documents contain the individual's personal information.<sup>25</sup> The IP Act is to be administered with a pro-disclosure bias;<sup>26</sup> however, the right of access is subject to a number of exclusions and limitations, including grounds of refusal of access.
23. Section 67(1) of the IP Act provides that access to a document may be refused on the same grounds upon which access to a document could be refused under section 47 of the RTI Act. Relevantly, section 47(3) of the RTI Act permits an agency to refuse access to documents to the extent they comprise exempt information.<sup>27</sup>

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<sup>22</sup> CIMHA file at pages 15, 18, and 37, and iEMR file pages 27, 41, 51, 73, 75, 92, 101, 107, 112, 142, 143, 144, 145-146, and 154.

<sup>23</sup> *FO80PCE 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 88 of the IP Act, section 27(3) of the repealed *Freedom of Information Act 1992* (Qld). Refer also to *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].

<sup>24</sup> In accordance with the requirements of section 88(2) of the IP Act.

<sup>25</sup> Section 40(1)(a) of the IP Act.

<sup>26</sup> Section 64(1) of the IP Act.

<sup>27</sup> Section 47(3)(a) of the RTI Act. Schedule 3 of the RTI Act sets out the types of information that comprise exempt information: section 48 of the RTI Act.

24. Schedule 3, section 12(1) of the RTI Act lists a number of Acts which contain provisions prohibiting the disclosure of information. Such information will be exempt information unless it is only the personal information of the access applicant: schedule 3, section 12(2).

### **Findings**

25. I am restricted in the level of detail I am able to provide about the Exempt Information as section 121(3) of the IP Act prohibits the Information Commissioner from including, in the reasons for decision, information that is claimed to be exempt information or contrary to the public interest information.
26. The applicant did not provide submissions that were directly relevant to the application of schedule 3, section 12 of the RTI Act. In response to the preliminary view letter sent to the applicant by OIC on 19 December 2025, the applicant simply queried whether acceptance of the preliminary view would result in a *'lack of finding'* against CHQ, and submitted that it was not possible to make a determination without access to the documents.<sup>28</sup> The applicant did not otherwise engage with the preliminary view, or address the grounds for refusal of access. In a later communication, the applicant contended that, *'In circumstances where I have not been provided access to the information in issue, and where the preliminary view necessarily describes the material only at a high level, I am not presently in a position to make an informed determination as to whether acceptance of an informal resolution would be appropriate or fair'*.<sup>29</sup> The applicant went on to discuss matters falling outside OIC's jurisdiction, as described at paragraphs 6 and 7 above.
27. Having reviewed the Exempt Information, I am satisfied that:
- it is information the disclosure of which is prohibited by an Act listed in schedule 3, section 12(1); and
  - it is not the personal information of the applicant only: rather, it is the shared personal information of the applicant and a number of individuals.
28. I am therefore satisfied that access to the Exempt Information may be refused because it falls within schedule 3, section 12(1) of the RTI Act and is not subject to the exception contained in schedule 3, section 12(2) of the RTI Act.

### **Section 50 Information**

#### **Relevant law**

29. As set out in paragraph 22 above, an applicant has a right to seek access to their personal information under the IP Act. However, another limitation on this right of access arises pursuant to sections 47(3)(c) and 50 of the RTI Act: an agency may refuse access to information where:
- information is sought under an application made by or for a child
  - the information sought comprises the child's personal information; and
  - disclosure of that information would not be in the child's best interests.

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<sup>28</sup> Email of 12 January 2026.

<sup>29</sup> Email of 23 January 2026. It was explained to the applicant in OIC's response, dated 10 February 2026, that section 121 of the IP Act prohibits the Information Commissioner from disclosing information that is claimed to be exempt information or contrary to the public interest information, and that it is OIC's role, on external review, to conduct an independent examination of the information in question and to scrutinise the agency's decision in order to decide whether the decision should be affirmed, varied or set aside.

30. 'Personal information' is defined 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'*.<sup>30</sup>
31. The principle *'best interests of the child'* is set out in the United Nations Convention on the Rights of the Child (1989) (**Convention**),<sup>31</sup> and has since been applied in Australia in a number of legal contexts, particularly in family law and administrative law.
32. The IP Act and RTI Act provide limited guidance as to what factors are to be considered in deciding whether disclosure of information would not be in the child's best interests.<sup>32</sup> In *FLK v Information Commissioner*,<sup>33</sup> Judicial Member McGill made the following general observations regarding this ground for refusing access:
- ... The question of whether disclosure of the information would or would not be in the best interests of the child is I consider under s 50(2) to be decided objectively, by reference to identifiable objective factors either advancing or damaging the interests of the child. Subsection (3), which applies where an access application has been made by a child personally, shows that the opinion of the child is not to be conclusive as to where the best interests of the child lie. That is consistent with the proposition that the test under subsection (2) is an objective one.*
33. Courts have also recognised that *'best interests'* is a multi-faceted test and incorporates the wellbeing of the child, all factors which will affect the future of the child, the happiness of the child, immediate welfare, as well as matters relevant to the child's healthy development. The concept includes not only material wealth or advantage but also emotional, spiritual and mental wellbeing.<sup>34</sup>
34. A child's right to privacy is also recognised in the Convention.<sup>35</sup> Australian courts accept that children reach varying levels of autonomy and independence prior to turning 18 and that a right to privacy, whilst generally low for a young child in relation to their parent, will strengthen as the child's understanding and maturity grows.<sup>36</sup>

## Findings

35. I am satisfied that the Section 50 Information is sought under an application made for a child and that the information comprises the child's personal information.
36. The applicant has not made any submissions that directly address the issue of whether or not disclosure of the information in question would be in the applicant's best interests. I acknowledge that the parent on behalf of the child applicant has raised concerns that the information may contain erroneous, inaccurate and fraudulent information detrimental to the child's best interests, and may reveal evidence of medical neglect. I accept that the parent seeks access to the information with a genuine concern for the child's health and wellbeing, and with a belief that the information may assist in

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<sup>30</sup> Section 12 of the IP Act.

<sup>31</sup> Ratified by Australia in December 1990. The Convention provides that the best interests of the child shall be a 'primary consideration' in all actions concerning children and 'a child means every human being below the age of eighteen years'.

<sup>32</sup> Noting that section 50(3) of the RTI Act sets out that an agency must have regard to whether the child has the capacity to understand the information and the context in which it was recorded and make a mature judgement as to what might be in his or her best interests, **unless** the access application was made for the child, as is the case in this review.

<sup>33</sup> [2021] QCATA 46 at [8].

<sup>34</sup> I also note that section 60CC of the *Family Law Act* sets out the matters to be considered by a court when determining what is in a child's best interests.

<sup>35</sup> See, for example, Article 16 of the Convention.

<sup>36</sup> *Marion's case (Secretary, Department of Health and Community Services v JWB and another)* (1992) 175 CLR 218 at [19] referring to *Gillick v West Norfolk and Wisbech Area Health Authority* [1986] 1 AC 112; see also *AZ4Z4W and the Department of Communities, Child Safety and Disability Services* [2014] QICmr 26 (5 June 2014) at [34].

addressing those matters of concern and helping the parent to advocate for the child in seeking to improve the child's health and wellbeing.

37. Again, I am limited in the detail that I can disclose about the information. However, given its nature, including the fact that:
- most of it does not relate directly to the applicant's medical treatment but, rather, to sensitive background family relationship information, including the applicant's interactions with family members and the impact of those interactions upon the applicant; and
  - some information refers to certain health issues that do not appear to have been discussed with the applicant at the specific request of the applicant's parent,<sup>37</sup>

I am satisfied that disclosure of the information would not be in the applicant's best interests at the present time. It is clear that there is a significant level of family conflict and disharmony between the applicant's parents. I consider that disclosure could reasonably be expected to impact the applicant's emotional health and wellbeing, their sense of security within the family unit, and their interactions with other family members. In addition, it could reasonably be expected to impact the applicant's willingness to engage actively with health workers in disclosing and discussing information pertinent to the applicant's emotional wellbeing, and the applicant's related health needs. This, in turn, could prejudice the ability of healthcare workers to devise appropriate treatment plans for the applicant, and to care for the applicant's needs in the most appropriate and effective way. The Information Commissioner has previously recognised that it would not be in a child's best interests to disclose information where that disclosure may impact the child's trust in an agency, or which may result in damage to the relationship between the child and the agency.<sup>38</sup>

38. While I accept that the applicant's parent is concerned to have access to all information that will enable them to better care for their child's health and wellbeing, I note that the vast bulk of the applicant's medical information has been released to the applicant. I also note the close involvement of the applicant's parent in the applicant's medical care, and their detailed knowledge of that care. I am not satisfied, given the nature of the Section 50 Information, that its disclosure could reasonably be expected to further enhance the parent's ability to care and advocate for the applicant to such an extent as to outweigh the prejudice that I consider disclosure could reasonably be expected to have on the applicant's emotional wellbeing.
39. I also acknowledge that the applicant's parent seeks access to information in order to pursue complaints about various aspects of CHQ's treatment of the applicant. However, I do not consider that disclosure of the Section 50 Information would assist in that regard, given its nature. I again note the volume of information that has been disclosed to the applicant and that I consider allows for scrutiny of CHQ's actions in caring for the applicant.
40. I am therefore satisfied that disclosure of the Section 50 Information would, on balance, be contrary to the public interest because it is the personal information of the child and its disclosure would not be in the child's best interests.

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<sup>37</sup> It is noted in the medical records that, in respect of some information regarding aspects of the applicant's health, the applicant's parent specifically requested that it not be disclosed to the applicant.

<sup>38</sup> See *2YSV6N and the Department of Communities, Child Safety and Disability Services* [2014] QICmr 25 (5 June 2014) at [45] in the context of child protection issues.

## CTPI Information

### Relevant law

41. Another limitation on the right of an individual to access their personal information under the IP Act is where disclosure of the information would, on balance, be contrary to the public interest.<sup>39</sup>
42. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must take certain steps as set out in section 49(3) of the RTI Act, including, identifying and disregarding irrelevant factors, identifying factors for and against disclosure, and deciding whether, on balance, disclosure of the information would be contrary to the public interest.
43. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of the public interest lies in a particular case. I have considered these,<sup>40</sup> together with all other relevant information, in reaching my decision. I have also applied the IP Act's pro-disclosure bias<sup>41</sup> and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.<sup>42</sup>

### Findings

44. The applicant did not address the application of the public interest balancing test in their communications with OIC during the course of the review, or specifically argue why disclosure of the relevant information would not, on balance, be contrary to the public interest. To the extent that the applicant's submissions raise identifiable public interest factors favouring disclosure, the relevant factors would appear to be as follows:
  - a) enhancement of CHQ's accountability and transparency<sup>43</sup>
  - b) reveal the reason for a government decision and any background or contextual information that informed the decision<sup>44</sup>
  - c) allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official<sup>45</sup>
  - d) reveal or substantiate that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct<sup>46</sup>
  - e) the information is the applicant's personal information<sup>47</sup>
  - f) disclosure is reasonably considered to be in the child's best interests;<sup>48</sup> and
  - g) disclosure could reasonably be expected to reveal that the information was incorrect.<sup>49</sup>

45. The nondisclosure/harm factors that I have identified as applicable are as follows:

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<sup>39</sup> Section 67(1) of the IP Act and section 47(3)(b) 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.

<sup>40</sup> I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed below. Some factors have no relevance. I note that the lists in Schedule 4 are non-exhaustive.

<sup>41</sup> Section 64 of the IP Act.

<sup>42</sup> Section 67(2) of the IP Act and section 47(2) of the RTI Act.

<sup>43</sup> Schedule 4, part 2, items 1 and 3 of the RTI Act.

<sup>44</sup> Schedule 4, part 2, item 11 of the RTI Act.

<sup>45</sup> Schedule 4, part 2, item 5 of the RTI Act.

<sup>46</sup> Schedule 4, part 2, item 6 of the RTI Act.

<sup>47</sup> Schedule 4, part 2, item 7 of the RTI Act.

<sup>48</sup> Schedule 4, part 2, item 8 of the RTI Act.

<sup>49</sup> Schedule 4, part 2, item 12 of the RTI Act.

- a) the information is the personal information of another individual<sup>50</sup>
  - b) disclosure could reasonably be expected to prejudice an individual's right to privacy<sup>51</sup>
  - c) disclosure is reasonably considered not to be in the child's best interests;<sup>52</sup> and
  - d) disclosure could reasonably be expected to prejudice an agency's ability to obtain confidential information.<sup>53</sup>
46. The CTPI Information may fairly be characterised as concerning the shared personal information of the applicant and other family members, or the personal information of other family members alone. It is sensitive in nature and, for the most part, concerns family dynamics, relationships and interactions. The information that is solely the personal information of other individuals generally concerns their relationships with others (separate from the applicant) and the health and family medical history of those individuals.
47. In terms of factors favouring disclosure listed in paragraph 44 above, I would afford low weight to factor a) concerning the accountability and transparency of CHQ. I am not satisfied, given its nature, and taking account of the volume of information already disclosed, that disclosure of the CTPI Information could reasonably be expected to further enhance the accountability and transparency of CHQ in any significant way regarding the medical treatment and care given to the applicant.
48. Again, given its nature, I am not satisfied that disclosure factors b), c), d) or g) apply to the CTPI Information. I acknowledge that the applicant's parent is not satisfied with aspects of the care provided to the applicant by CHQ, and has made allegations of medical neglect/negligence and false recording of information, etc. However, as I have noted, the applicant has been given access to the vast bulk of their medical records. I am not satisfied that disclosure of the remaining CTPI Information could reasonably be expected to have any of the effects provided for in disclosure factors b), c), d) or g).
49. Nor am I satisfied, given that some of the information records highly sensitive information about family relationships and conflict within the family unit, that its disclosure could reasonably be considered to be in the applicant's best interests (as per disclosure factor f)). To the contrary, I consider it is reasonable to expect that disclosure of information of that type may negatively impact the applicant's sense of security within the family, and ongoing relationships and interactions with other family members, as well as their emotional wellbeing. I refer to the discussion at paragraphs 37-39 above.
50. In terms of disclosure factor e), the IP Act recognises a strong public interest in an individual accessing their own personal information. I accept that some segments of the CTPI Information are the shared personal information of the applicant and others. However, this information is inextricably intertwined, meaning that the applicant's personal information cannot readily be separated from the personal information of others. Other segments are the personal information of individuals other than the applicant. While the IP Act may recognise a strong public interest in a person obtaining access to their own personal information, it recognises an equally strong public interest in protecting both the personal information, and right to privacy, of other individuals (as per nondisclosure factors a) and b) in paragraph 45 above). This is particularly so when account is taken of the fact that there are no restrictions upon what a person may do with information that is disclosed to them under the IP Act, including the possibility of further

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<sup>50</sup> Schedule 4, part 4, section 6 of the RTI Act.

<sup>51</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>52</sup> Schedule 4, part 3, item 4 of the RTI Act.

<sup>53</sup> Schedule 4, part 3, item 16 of the RTI Act.

dissemination.<sup>54</sup> Given the sensitive and highly personal nature of the CTPI Information, I would afford significant weight to nondisclosure factors a) and b). In addition, for the reasons explained in paragraph 49 above, I would also afford significant weight to nondisclosure factor c).

51. Lastly, I note that some of the CTPI Information is of a type that I consider could reasonably be considered to be confidential in nature, provided to CHQ in connection with its care of the applicant, and with a reasonable expectation of confidence. I am satisfied that its disclosure could reasonably be expected to prejudice the future willingness of individuals to provide CHQ with information of this type, thereby prejudicing the ability of CHQ to provide the optimal level of care for patients that takes account of all relevant information and circumstances that may impact that care. I therefore afford nondisclosure factor d) significant weight in the public interest balancing test.
52. For the reasons discussed above, and taking account of the weight that I have afforded to the various factors favouring disclosure and nondisclosure of the CTPI Information, I am satisfied that the factors favouring nondisclosure outweigh those favouring disclosure. As such, disclosure of the CTPI Information would, on balance, be contrary to the public interest and access may be refused on that basis.

## DECISION

53. For the reasons set out above, I affirm the reviewable decision by finding that:
- some information may be deleted under section 88 of the IP Act because it is irrelevant information
  - access to some information may be refused because it is exempt information under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, sections 12 of the RTI Act
  - access to some information may be refused because it is the personal information of a child and its disclosure would not be in the child's best interests under section 67(1) of the IP Act and sections 47(3)(c) and 50 of the RTI Act; and
  - access to some information may be refused because its disclosure would, on balance, be contrary to the public interest under section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.
54. I have made this decision under section 123 of the IP Act as a delegate of the Information Commissioner, under section 139 of the IP Act.



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R Moss  
Principal Review Officer

**Date: 19 March 2026**

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<sup>54</sup> As Judicial Member McGill SC of QCAT observed '*... the effect of the... [RTI Act] is that, once information has been disclosed, it comes under the control of the person to whom it has been disclosed. There is no provision of that Act which contemplates any restriction or limitation on the use which that person can make of that information, including by way of further dissemination.*': *FLK v Information Commissioner* [2021] QCATA 46 at [17].