



Decision and Reasons for Decision

Citation: *Van Veenendaal and Queensland Police Service* [2018] QICmr 44 (30 October 2018)

Application Number: 313581

Applicant: Van Veenendaal

Respondent: Queensland Police Service

Decision Date: 30 October 2018

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL TO DEAL WITH APPLICATION - PREVIOUS APPLICATION FOR SAME DOCUMENTS - request for the same documents previously sought from the same agency - previous application had been the subject of a completed external review - whether the later application discloses any reasonable basis for again seeking access to the documents - whether section 43 of the *Right to Information Act 2009* (Qld) applies

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - request for information concerning interactions with police - personal information and privacy of third parties - whether disclosure would, on balance, be contrary to the public interest - whether access to information may be refused under section 47(3)(b) of the *Right to Information Act 2009* (Qld)

ADMINISTRATION LAW - RIGHT TO INFORMATION - NONEXISTENT AND UNLOCATABLE DOCUMENTS - applicant believes further documents should exist in relation to interactions with police - whether agency has taken all reasonable steps to locate relevant documents - whether access to any further documents may be refused on the basis they do not exist - sections 47(3)(e) and 52(1)(a) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - IRRELEVANT INFORMATION - information pertaining to matters unrelated to the terms of the access application - whether information may be deleted under section 73 of the *Right to Information Act 2009* (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied to Queensland Police Service (**QPS**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) for a range of documents, including recordings and officer notes, in connection with interactions and complaints involving himself, his wife and a privately operated medical centre.¹ The applicant and his family members have a history of grievances with the medical centre, and some of its practitioners.
2. QPS located relevant recordings, officer notebooks and documents in QPRIME.² QPS decided to refuse access to some of the located information on the basis that its disclosure would, on balance, be contrary to the public interest, primarily because it comprised the personal information of other individuals.³ QPS also decided to neither confirm nor deny the existence of some requested documents, and removed some information on the basis that it was irrelevant to the terms of the access application.
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review, contesting all aspects of QPS' decision, and questioning the sufficiency of QPS' searches, particularly for the requested recordings. During the review, QPS agreed to release some further information to the applicant. However, the applicant did not accept that further information in resolution of the review, and maintains his position that QPS has failed to locate all relevant documents.
4. For the reasons set out below, I vary QPS' decision, and in summary, find that:
 - section 43 of the RTI Act applies to items 4 and 5 of the application on the basis that there has been a previous application for the same documents
 - access to information about other individuals may be refused under section 47(3)(b) of the RTI Act as its disclosure would, on balance, be contrary to the public interest
 - access to any further documents responding to the application may be refused under section 47(3)(e) of the RTI Act on the basis that they do not exist; and
 - information pertaining to subject matter that is unrelated to the terms of the access application may be deleted under section 73 of the RTI Act on the basis of irrelevance.

Background

5. Significant procedural steps taken by OIC in conducting the external review are set out in the Appendix.
6. The decision under review is the QPS decision dated 9 October 2017.

Evidence considered

7. Evidence, submissions, legislation and other material considered in reaching this decision are referred to in these reasons (including footnotes and Appendix).
8. The applicant provided extensive written submissions to OIC.⁴ I have reviewed all of the applicant's submissions and to the extent they are relevant to the issues in this review, I have taken them into account in reaching my decision. Parts of the applicant's

¹ Access application dated 7 August 2017. The application sets out the various requested documents as items 1-6.

² QPRIME, the Queensland Police Records and Information Management Exchange, is the database used by QPS to capture and maintain records for all police incidents, intelligence and activities in Queensland.

³ Decision dated 9 October 2017.

⁴ Including his external review application 30 October 2017 and submissions dated 14 March, 21 August, 9 September, 4 and 16 October 2018.

submissions concern issues on which the Information Commissioner has no jurisdiction, e.g. complaints about actions (or alleged omissions) of QPS officers, concerns about QPS' officers compliance with record-keeping policies and allegations about misconduct of private sector medical practitioners. It is apparent from the applicant's submissions that ventilating these issues is extremely important to him. However, where the submissions concern issues beyond the Information Commissioner's external review jurisdiction, I cannot, and have not, taken them into account in making this decision.

Information in issue

9. Certain information that concerns other individuals has been redacted from the following documents and remains in issue (**Third Party Information**):
 - intelligence log summary dated 18 January 2017 (**Intelligence Summary**)
 - list of items seized by QPS (**Seized Items List**)
 - list of items seized by QPS, with handwritten notations (**Notated Items List**)
 - signed search warrant dated 10 April 2015 (**Search Warrant**)
 - unsigned/draft application for search warrant dated 10 April 2015 (**Warrant Application**); and
 - QPRIME Report (QP1500419888) (**QPRIME Report**).
10. Also, information concerning subject matter that is unrelated to the terms of the access application has been removed from the following pages (**Irrelevant Information**):
 - activity log dated 18 January 2017 (**Activity Log**)
 - QPS notebook entries from 2015 (**Notebooks**)
 - occurrence enquiry log report regarding an occurrence on 10 September 2015 (**Occurrence Report**)
 - occurrence sheet regarding Noosa Station on 5 September 2016 (**Occurrence Sheet**); and
 - the QPRIME Report.

Issues for determination

11. The following issues remain for determination:
 - (i) whether items 4 and 5 of the access application are subject to section 43 of the RTI Act on the basis that they constitute a previous application for the same documents
 - (ii) whether access to the Third Party Information may be refused under section 47(3)(b) of the RTI Act on the basis that disclosure would, on balance, be contrary to the public interest
 - (iii) whether access to any further information may be refused under section 47(3)(e) of the RTI Act on the basis that it does not exist; and
 - (iv) whether section 73 of the RTI Act applies to the Irrelevant Information.
12. In the later stages of the review process, the applicant sought to request metadata *'for each and all document'*.⁵ As the request for metadata was not included in the access application, and taking into account the operation of section 28 of the RTI Act,⁶ I consider metadata falls outside the scope of the external review and therefore, the issue of access to metadata does not arise for determination.

⁵ Submissions dated 9 September 2018, and 4 and 16 October 2018.

⁶ Section 28(1) of the RTI Act provides that an access application for a document is not taken to include an application for access to metadata about the document, unless the access application expressly states that it does. See *Gapsa and Department of Transport and Main Roads* (Unreported, Queensland Information Commissioner, 12 April 2013) at [31].

Findings

(i) *Previous application for same documents*

13. Under the RTI Act, an individual has a right to be given access to documents of an agency.⁷ This right of access is however, subject to some exclusions and limitations.
14. Where an applicant applies for access to information under the RTI Act and then later applies to the same agency seeking access to one or more of the same documents under the RTI Act, section 43 of the RTI Act enables the agency to refuse to deal with the later application if:
 - the agency's decision on the first application has been the subject of a completed review;⁸ and
 - the later application does not on its face disclose a reasonable basis for seeking access to those same documents.⁹
15. In a previous access application to QPS dated 22 May 2017, the applicant sought documents regarding complaints involving a particular named individual. That application became the subject of an external review by the Information Commissioner, which was finalised by a formal decision earlier this year.¹⁰ In the access application which is the subject of this decision, the applicant requested access to the same complaint information about the same named individual, within the same date range.¹¹
16. I am satisfied that the later application does not on its face disclose any reasonable basis for the applicant again seeking access to the requested documents. The Information Commissioner's finding on the earlier application was to neither confirm nor deny the existence of the requested documents. Given the intent of the neither confirm nor deny provision¹², it is unlikely to be set aside with the passage of time or a change in circumstances, so as to establish a reasonable basis for reapplying.
17. While QPS decided to apply section 55 of the RTI Act to items 4 and 5 of the later access application, I consider that the preferable decision¹³ is to apply section 43 of the RTI Act because the applicant has previously applied to access the same documents, the earlier application has been the subject of a completed review by the Information Commissioner, and there appears to be no reasonable basis to reapply.
18. On the basis of the above, I find that section 43 of the RTI Act applies to items 4 and 5 of the access application and I refuse to deal with those parts of the application.

(ii) *Contrary to public interest*

19. The RTI Act operates with a 'pro-disclosure bias'¹⁴ meaning that it is Parliament's intention for access to be granted to information, unless the public interest, on balance, favours nondisclosure.¹⁵ Various factors may be relevant to deciding where the balance

⁷ Section 23 of the RTI Act.

⁸ Section 43(3)(d)(ii) of the RTI Act.

⁹ Section 43(1)(b) of the RTI Act.

¹⁰ See *Van Veenendaal and Queensland Police Service* [2018] QICmr 28 (12 June 2018) at [37] - [42].

¹¹ Items 4 and 5 of the access application.

¹² See *EST and Department of Family Services and Aboriginal Affairs* (1995) 2 QAR 645 at [11] (citing the *1979 Report by the Senate Standing Committee on Constitutional and Legal Affairs on the Freedom of Information Bill 1978* at p.121, point 9.27), cited in *Tolone v Department of Police* (Unreported Queensland Information Commissioner, 9 October 2009) at [25].

¹³ An external review by the Information Commissioner is merits review. As such, the Information Commissioner has the power to decide any matter in relation to an application that could have been decided by the agency under the RTI Act.

¹⁴ Section 44 of the RTI Act.

¹⁵ Under section 47(3)(b) of the RTI Act, access to information may be refused where disclosure would, on balance, be contrary to the public interest.

of the public interest lies¹⁶ and a decision-maker is required to take specific steps in reaching a decision on disclosure.¹⁷

20. No irrelevant factors arise in the circumstances of this case and I have not taken any into account in making my decision.
21. Broadly, the applicant submits that the public interest would be served by full disclosure of all documents¹⁸ and refusing him access to the Third Party Information on the basis that it is contrary to the public interest '*is absurd when the opposite provides justice by the disclosure of the illegal conduct by certain police*'.¹⁹ The applicant further alleges that various QPS officers have acted with bias towards the applicant and his family, and have engaged in dishonest or illegal acts. The applicant also raises allegations about acts of violence and threats made by other individuals involved in the matrix of complaints and incidents in connection with the applicant and his family.²⁰

Factors favouring disclosure

22. I am satisfied that disclosure of the Third Party Information would provide the applicant with a more comprehensive record of the property search, seizure and warrant process²¹ and information that was prepared by QPS in connection with the applicant's wife's complaint to Coolumbul Police Station.²² I find that disclosure could reasonably be expected to enhance QPS' accountability for its actions surrounding the search warrant process and recording of the applicant's wife's complaint²³ and reveal background or contextual information that informed decisions made by QPS in relation to these matters.²⁴
23. The Third Party Information however, is solely limited to the personal information of other individuals and therefore, I do not consider disclosure would provide the applicant with any further understanding of the procedures followed by QPS, or the reasons for QPS' actions in relation to the search warrant process or the complaint. I also consider QPS' actions and processes have already been made apparent to the applicant by virtue of the information that has already been disclosed to him. As noted above, *all* documents located by QPS have been either fully or partially disclosed to the applicant, subject only to minimal redactions of the personal information of other individuals. For these reasons, I consider the weight of these disclosure factors is low.²⁵
24. The applicant alleges QPS officers have engaged in '*illegal, unethical conduct*',²⁶ thereby raising the following public interest disclosure factors for consideration:
 - allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official;²⁷ and/or

¹⁶ See schedule 4 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.

¹⁷ Section 49 of the RTI Act. The steps include: disregarding any irrelevant factors, identifying relevant factors favouring disclosure and nondisclosure and balancing the relevant factors.

¹⁸ Submissions dated 16 October 2018, p. 2.

¹⁹ Submissions attached to external review application dated 30 October 2017, p. 5.

²⁰ Including his external review application 30 October 2017 and submissions dated 21 August 2018, 4 and 16 October 2018.

²¹ Appearing in the Warrant Application, Search Warrant, Seized Items List, Notated Items List and QPRIME Report.

²² For example Intelligence Summary.

²³ Schedule 4, part 2, item 1 of the RTI Act.

²⁴ Schedule 4, part 2, item 11 of the RTI Act.

²⁵ See *CSX and Department of Child Safety* (Unreported, Queensland Information Commissioner, 21 December 2007) at [44] where the Information Commissioner explained that the public interest in disclosure will be reduced where information pertains to a private individual rather than being information held by government about government.

²⁶ Submissions attached to external review application, eg. p. 4.

²⁷ Schedule 4, part 2, item 5 of the RTI Act.

- reveal or substantiate that an agency has engaged in misconduct or negligent, improper or unlawful conduct.²⁸
25. Again, the Third Party Information is limited to the personal details of other individuals and does not record anything about QPS' actions, processes, deliberations or decisions, in relation to matters involving the applicant. For these reasons, I find that disclosure could not reasonably be expected to allow or assist inquiry into possible deficiencies in the conduct or administration of QPS. In the circumstances, I consider there is even less likelihood that disclosure would reveal evidence of misconduct. Accordingly, I find that the factors at paragraph 24 do not apply.²⁹

Factors favouring nondisclosure

26. The RTI Act recognises that disclosure of another individual's '*personal information*'³⁰ is a factor favouring nondisclosure which could reasonably be expected to lead to a public interest harm (**Harm Factor**).³¹ I am satisfied that the Third Party Information comprises the personal information of other individuals as it contains their names and personal details from which their identity is apparent.
27. The applicant submits that '*there are no relevant harm factors*' as he is already aware of the identity of certain individuals and their personal information.³² Whilst the applicant may be aware of *some* information given his involvement in the complaints and dealings with QPS, there is no evidence to indicate that the applicant is aware of the full extent of the Third Party Information, nor the particular context in which it appears. Accordingly, I consider releasing the information would constitute a '*disclosure*'³³ and therefore, the Harm Factor applies. The context in which the Third Party Information appears is sensitive in that it connects other individuals to QPS inquiries, complaints and/or investigations. In some instances, the individuals have no direct involvement with the QPS investigation, but their personal details appear incidentally. For example, names of third parties appear on the Seized Items List. I consider that the level of harm which would result from disclosure of such information is high and therefore, I afford the Harm Factor significant weight.
28. I also find that the sensitive context in which the Third Party Information appears raises a further factor favouring nondisclosure regarding the protection of the other individuals' right to privacy.³⁴ The concept of 'privacy' is not defined in either the IP Act or the RTI Act. It can, however, essentially be viewed as the right of an individual to preserve their 'personal sphere' free from interference from others.³⁵ Given the nature of the Third Party Information and its connection with QPS inquiries, complaints and/or investigations, I am satisfied that disclosure would intrude into other individuals' personal spheres. I am however, cognisant to the fact that given the applicant's involvement, he is likely to be

²⁸ Schedule 4, part 2, item 6 of the RTI Act.

²⁹ I have had regard to all the factors listed in schedule 4, part 2 of the RTI Act, and in the circumstances of this review, I find that no other public interest factors apply to favour disclosure of the refused information.

³⁰ See schedule 5 of the RTI Act which adopts the following definition in section 12 of the *Information Privacy Act 2009* (Qld) (**IP Act**): '*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.*'

³¹ Schedule 4, part 4, section 6 of the RTI Act.

³² External review application submissions dated 30 October 2017 at pp. 6-7 and submissions dated 16 October 2018 at p.2.

³³ 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 out. This accords with the ordinary dictionary definition of 'disclose': relevantly, to '*make known; reveal*': Macquarie Dictionary Online www.macquariedictionary.com.au/ (accessed 22 October 2018).

³⁴ Schedule 4, part 3, item 3 of the RTI Act.

³⁵ Paraphrasing the Australian Law Reform Commission's definition of the concept in 'For your information: Australian Privacy Law and Practice' *Australian Law Reform Commission Report* No. 108 released 12 August 2008, at paragraph 1.56.

aware of the identities of at least some of the other individuals. I consider this slightly reduces the weight of this factor and afford it moderate weight in favour of nondisclosure.

Balancing the relevant factors

29. I am satisfied that the public interest in safeguarding the personal information of other individuals and protecting their right to privacy carries higher weight than the public interest in promoting access to government-held information and enhancing QPS' accountability and transparency. On balance, I find that disclosure would be contrary to the public interest and therefore, access to the Third Party Information may be refused under section 47(3)(b) of the RTI Act.

(iii) Nonexistent documents

30. The applicant believes that more documents should have been located by QPS and submits that, '*Some of the requested material, statutory declarations, complaints, items as described in the terms of the application are missing, not identified or disclosed*'.³⁶ The applicant asserts '*the failure by the QPS Unit to properly investigate the availability of documents as nominated by the Applicant, now mysteriously no longer in existence or available, should be determined as inadequate processing of the application...*'³⁷
31. Where an applicant contends that an agency has failed to locate documents, there is a practical onus on the applicant to provide reasonable grounds to believe that the document exists, and to warrant further searches within the agency.³⁸
32. Access may be refused to documents that are nonexistent or unlocatable.³⁹ A document is nonexistent if there are reasonable grounds to be satisfied it does not exist.⁴⁰ To be satisfied that a document does not exist, an agency must rely on its particular knowledge and experience, having regard to various key factors including the agency's information management approaches, practices and procedures.⁴¹
33. By considering the key factors relevant in the particular case, an agency may ascertain that a document was not created because, for example, the agency's processes do not involve creating that specific document.⁴² In such a case, it will be sufficient that the relevant circumstances to account for the nonexistent document are adequately explained by the agency.⁴³ An agency may also rely on searches to satisfy itself that a document does not exist and in such cases, all reasonable steps must be taken to locate the documents.⁴⁴ Such steps may include inquiries and searches of all relevant locations, taking into account the above-listed key factors.

Analysis

34. The applicant submits that the two recordings provided by QPS were incomplete and considers further recorded interactions exist between his wife and a Detective Senior Sergeant from 5 September 2016.⁴⁵

³⁶ Submissions attached to external review application, p. 2.

³⁷ Submissions attached to external review application, p. 5-6.

³⁸ *Mewburn and Department of Local Government, Community Recovery & Resilience* [2014] QICmr 43 (31 October 2014) at [13].

³⁹ Section 47(3)(e) of the RTI Act.

⁴⁰ Section 52(1)(a) of the RTI Act.

⁴¹ The administrative arrangements of government; agency structure, functions and responsibilities, and other factors such as the nature and age of the requested documents may also be relevant. See *PDE and University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) (*PDE*) at [37]-[38]. The decision in *PDE* concerned the application of section 28A of the repealed *Freedom of Information Act 1992* (Qld). Section 52 of the RTI Act is drafted in substantially the same terms as the provision considered in *PDE* and, therefore, the Information Commissioner's findings in *PDE* remain relevant.

⁴² See *Isles and Queensland Police Service* [2018] QICmr 27 (7 June 2018) (*Isles*).

⁴³ *Isles* at [16] - [24].

⁴⁴ As set out in *PDE* at [49].

⁴⁵ Submissions attached to external review application, pp. 2-3.

35. QPS submits that the recording released to the applicant is the entirety of the recording of the 5 September 2016 interaction. The Detective Senior Sergeant specifically recalls that when the applicant's wife attended the Noosa Police Station on 5 September 2016 he recorded her and *'thought that when he went away from her to look or check something he may have then terminated the recording and when he returned to her did not reactivate it as believed there was nothing further to discuss' or 'alternatively the recorders battery stopped'*.⁴⁶
36. The Detective Senior Sergeant who made the recording on 5 September 2016 also provided OIC with written certification that he has searched all areas where he considers it reasonable to expect any further recordings to be located and was unable to locate any further recordings. I am satisfied this corresponds with the above explanation.
37. The applicant submits that the Detective Senior Sergeant *'deliberately and unlawfully edited' the recordings 'to remove incriminating evidence against him and his unlawful conduct'*.⁴⁷ He has also provided OIC with an email authored by the Detective Senior Sergeant which he considers shows his bias towards the applicant and his family and *'also confirms his absolute refusal to provide all documents pursuant to RTI application'*.⁴⁸ I have considered the applicant's submissions, however, I am not satisfied that there is any evidence, other than the applicant's assertions, to establish a reasonable belief that any further recordings exist, nor to warrant additional searches.
38. QPS has also provided OIC with a record of the searches it conducted in response to the application. Having considered the terms of the application and the nature of the documents located, I am satisfied QPS conducted comprehensive searches in the appropriate locations, including tapes audio and video records and conducted targeted enquiries with relevant QPS officers at Sunshine Coast and Coolumbul Police Stations.

Conclusion

39. Taking into account the explanation provided by the Detective Senior Sergeant and the searches QPS has conducted, I am satisfied that QPS has taken all reasonable steps to locate any further parts of the recording. On the basis of the evidence available to OIC, I consider any further parts of the recording of the conversation between the applicant's wife and the Detective Senior Sergeant on 5 September 2016 do not exist.
40. I find that QPS has taken all reasonable steps to locate documents in response to the terms of the access application and that access to any further documents, including recordings, may be refused under section 47(3)(e) of the RTI Act, on the basis that they are non-existent, in accordance with section 52(1)(a) of the RTI Act.

(iv) Irrelevant Information

41. Section 73 of the RTI Act provides that an agency may give access to a document subject to the deletion of information it reasonably considers is not relevant to the access application. This is not a ground for refusal of access, but a mechanism to allow irrelevant information to be deleted from documents which are identified for release to an applicant. In deciding whether information is irrelevant, it is necessary to consider whether the information has any bearing upon, or is pertinent to, the terms of the access application.⁴⁹

⁴⁶ Submissions from QPS received by OIC on 14 August 2018.

⁴⁷ Submissions dated 21 August 2018, p. 2.

⁴⁸ Submissions dated 16 October 2018, p. 2.

⁴⁹ *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [52]. See also *James and Queensland Police Service* [2018] QICmr 8 (22 February 2018) at [28]-[29].

42. QPS removed some information from the Activity Log on the basis of irrelevance. While this document is connected to the counter complaint the applicant's wife made at the Coolum Police Station, I am satisfied the deleted information relates to separate QPS matters which have no apparent connection to the terms of the access application. Similarly, I am satisfied that the information removed from the Occurrence Report does not pertain to the terms of the access application.
43. Part of an entry in a QPS notebook dated 11 September 2015 was redacted on the basis of irrelevance. Having examined the information and the surrounding notebook entries on 10 and 12 September 2015,⁵⁰ I am satisfied that the removed information pertains to internal QPS processes, and other matters outside the parameters of the application. Similarly, I am satisfied the information removed on the Occurrence Sheet relates to internal QPS processes not connected to the terms of the application and other QPS investigations on unrelated QPS matters.
44. QPS also located a 43 page QPRIME Report, of which seven pages were identified as containing information relevant to the search warrant process. While the entire report is connected to the search warrant process, I am satisfied the deleted information, and remaining pages relate to the broader QPS investigation of offences, and concern complaints/investigations involving other individuals, not the search warrant process.
45. On the basis of the above, I am satisfied that the Irrelevant Information all pertains to subject matter unrelated to the terms of the access application and therefore, can be deleted under section 73 of the RTI Act.

DECISION

46. For the reasons above, I vary the decision under review, and find that:
 - (i) items 4 and 5 of the access application are subject section 43 of the RTI Act as they constitute a previous application for the same documents
 - (ii) access to the Third Party Information may be refused under section 47(3)(b) of the RTI Act on the basis that its disclosure would, on balance, be contrary to the public interest
 - (iii) QPS has taken all reasonable steps to locate documents responding to the application and access to any further documents, including recordings, may be refused under section 47(3)(e) of the RTI Act on the basis they do not exist; and
 - (iv) the Irrelevant Information may be deleted under section 73 of the RTI Act.
47. 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.

K Shepherd
Assistant Information Commissioner

Date: 30 October 2018

⁵⁰ Provided to OIC by QPS.

APPENDIX

Significant procedural steps

Date	Event
30 October 2017	OIC received the external review application and supporting submissions from the applicant.
31 October 2017	OIC asked QPS to provide the relevant procedural documents and notified the applicant and QPS that the application had been received.
14 November 2017	OIC received the requested procedural documents from QPS.
21 November 2017	OIC notified QPS and the applicant that the external review application had been accepted and confirmed the issues under review. OIC asked QPS to provide copies of the documents located in response to the application and records of searches conducted by QPS.
21 December 2017	OIC received part of the requested documents from QPS.
22 December 2017	OIC requested the remaining documents from QPS.
16 January 2018	OIC provided the applicant with an update on the status of the review.
23 January 2018	OIC spoke with QPS and requested the remaining documents.
2 March 2018	OIC requested the remaining documents from QPS. OIC provided the applicant with an update on the status of the review.
14 March 2018	OIC received written submissions from the applicant.
16 March 2018	OIC spoke with QPS and requested the remaining documents.
18 March 2018	QPS notified OIC that, due to staff deployment to the Commonwealth Games, it could not provide the remaining requested documents, at that stage.
21 March 2018	The Right to Information Commissioner placed the review on suspension until 30 April 2018, given that QPS was unavailable to progress the review.
11 May 2018	QPS provided the requested documents to OIC.
30 May 2018	OIC asked QPS to provide some additional information regarding the review.
4 July 2018	QPS provided some of the additional information to OIC.
7 August 2018	OIC conveyed a written preliminary view on some of the issues to the applicant and invited him to provide submissions supporting his case.
14 August 2018	QPS provided the remaining additional information to OIC.
17 August 2018	QPS agreed to the disclosure of a small amount of additional information.
21 August 2018	OIC received submissions from the applicant.
31 August 2018	OIC conveyed a written preliminary view on the remaining issues to the applicant and invited him to provide submissions supporting his case. OIC provided the additional information to the applicant, on behalf of QPS.
9 September 2018	OIC received submissions from the applicant and a request for an extension of time to provide additional submissions.
11 September 2018	OIC granted the applicant's extension of time request.
4 October 2018	OIC received submissions from the applicant.
15 October 2018	The applicant requested, and was granted by OIC, a further extension of time.
17 October 2018	OIC received final submissions from the applicant.