



Decision and Reasons for Decision

Citation:	<i>W26 and Queensland Police Service [2025] QICmr 73 (21 October 2025)</i>
Application Number:	318380
Applicant:	W26
Respondent:	Queensland Police Service
Decision Date:	21 October 2025
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST - accountability, transparency, fair treatment and administration of justice - personal information and privacy - whether disclosure of information would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld) ADMINISTRATIVE LAW - RIGHT TO INFORMATION - EXEMPT INFORMATION - LAW ENFORCEMENT - whether documents were obtained, used or prepared for an investigation by the prescribed crime body in the performance of the prescribed functions of the prescribed crime body - whether information is exempt under section 47(3)(a) and schedule 3, section 10(4) of the <i>Right to Information Act 2009</i> (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied to the Queensland Police Service (**QPS**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) to access information about himself and certain information about other individuals.¹
2. QPS located relevant information and decided² to partially disclose two pages and to refuse access to the remaining information on various grounds.

¹ Access application dated 17 October 2024. On 1 July 2025, key parts of the *Information Privacy and Other Legislation Act 2023* (Qld) (**IPOLA Act**) came into force, effecting changes to the RTI Act and *Information Privacy Act 2009* (Qld) (**IP Act**). As the applicant's access application was made before this change, the RTI Act and IP Act as in force prior to 1 July 2025 remain applicable to it. This is in accordance with transitional provisions in 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 RTI Act and IP Act in this decision are to those Acts as in force prior to 1 July 2025.

² Decision dated 10 December 2024.

3. The applicant then applied³ to the Office of the Information Commissioner (**OIC**) for external review.
4. For the reasons set out below, I vary the decision under review and find that, in respect of the information remaining in issue:
 - some of the information is exempt and access to it may be refused on that basis;⁴ and
 - access to the remaining information may be refused on the basis its disclosure would, on balance, be contrary to the public interest.⁵

Background

5. The access application sought four broad categories of documents, as summarised below:

Category	Types of documents requested
One	a QP466 concerning particular complaints made about the applicant
Two	the original list of complaints which were not included in the QP466
Three	all documents (including general correspondence, emails and diary entries) about certain transfer applications made by two individuals
Four	emails to/from three individuals regarding the applicant in the period January 2022 to 1 March 2023

6. In processing the access application, QPS located documents relevant to Categories One, Two and Three only. On external review, OIC asked QPS to conduct searches to locate documents relevant to Category Four. As a result, the Category Four documents were located by QPS.
7. During the review, I conveyed preliminary views to the applicant concerning the Category Three and Four documents.⁶ I invited the applicant to respond to those preliminary views. The applicant disagreed with the preliminary views and provided submissions in support of his position.⁷

Reviewable decision

8. The decision under review is QPS' decision dated 10 December 2024.

Evidence considered

9. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes).
10. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to freedom of expression⁸ (which includes the right to seek and receive information)

³ On 18 December 2024 (External Review Application).

⁴ Section 47(3)(a) and schedule 3, section 10(4) of the RTI Act.

⁵ Section 47(3)(b) of the RTI Act.

⁶ By letters dated 30 April 2024 and 11 September 2025. It is the practice of OIC to convey preliminary views, 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 review applications.

⁷ Applicant's email submissions dated 8 May 2025 and 12 September 2025.

⁸ Section 21 of the HR Act.

and the right to privacy and reputation.⁹ I consider a decision-maker will be ‘*respecting, and acting compatibly with*’ these rights, and others prescribed in the HR Act, when applying the law prescribed in the RTI Act.¹⁰ 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 Victorian legislation,¹¹ that ‘*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*’.¹²

Information in issue

11. During the external review:

- the Category Four documents were located by QPS (as noted in paragraph 6 above)
- the applicant confirmed that he only sought to access the Category Three and Four documents;¹³ and
- the applicant confirmed that he also did not seek to access two emails within the Category Four documents (**Excluded Emails**).¹⁴

12. The information remaining for consideration (**Information in Issue**) therefore comprises the Category Three and Four documents, other than the Excluded Emails. While the RTI Act prevents me from describing the Information in Issue any detail, I can confirm that:¹⁵

- the Category Three documents comprise information about internal QPS transfer applications made by two nominated individuals; and
- there are two broad types of the Category Four documents—namely:
 - (a) correspondence with QPS’ Ethical Standards Command (**ESC**) regarding the complaints referenced in the access application and information considered by ESC regarding those complaints;¹⁶ (**Type (a) documents**); and
 - (b) internal correspondence between QPS staff.¹⁷ (**Type (b) documents**).

Issues for determination

13. The issues for determination are whether:

- disclosure of the Category Three documents would, on balance, be contrary to the public interest and access may be refused on that basis;¹⁸ and

⁹ Section 25 of the HR Act.

¹⁰ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; and *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111].

¹¹ *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

¹² *XYZ* at [573]. This approach was endorsed by Judicial Member DJ McGill SC in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23], observing that the Information Commissioner ‘*was conscious [of the right to seek and receive information] and considered that the application of the Act gave effect to the requirements of the Human Rights Act. I see no reason to differ from that conclusion.*’

¹³ Accordingly, on 13 May 2025, I confirmed to the applicant that the Category One and Two documents would not be further considered on external review. As a result, the applicant’s entitlement under the RTI Act to access those documents is not addressed in this decision.

¹⁴ Applicant’s submission dated 12 September 2025.

¹⁵ Section 108 of the RTI Act requires the Information Commissioner (or delegate) to avoid disclosure of information which is claimed to be exempt information or contrary to the public interest information.

¹⁶ Information of this nature appears on 73 pages of the Category Four documents.

¹⁷ Which appears on 18 pages.

¹⁸ Sections 47(3)(b) and 49 of the RTI Act.

- access may be refused to the Category Four documents on the basis they comprise exempt information and/or their disclosure would, on balance, be contrary to the public interest.¹⁹
14. As mentioned above, the applicant provided a number of submissions to OIC.²⁰ I have summarised and addressed the applicant's submissions below, to the extent they are relevant to the issues for determination.
15. In respect of the submissions that are not relevant to the issue for determination, these primarily relate to the applicant's concerns about how QPS dealt with complaints he made about other individuals.²¹ I acknowledge the applicant is generally dissatisfied with QPS' complaint investigation processes. When identifying and having regard to relevant public interest factors in accordance with section 49 of the RTI Act, I have considered the applicant's submissions which concern the complaints referenced in the access application. However, OIC's jurisdiction under the RTI Act relates only to decisions made about access to documents²² held by government agencies and does not extend to making any findings concerning the specific investigation concerns the applicant has raised during the review.

Category Three documents

Relevant law

16. Under the RTI Act, an individual has a right to access documents of an agency.²³ Although the RTI Act is to be administered with a pro-disclosure bias,²⁴ the right of access is subject to certain limitations, including grounds upon which access may be refused.
17. One refusal ground is where disclosure of information would, on balance, be contrary to the public interest.²⁵ 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.²⁶
18. In deciding whether disclosure of information would, on balance, be contrary to the public interest, section 49 of the RTI Act sets out the process a decision-maker must take, namely:
- identify any irrelevant factors and disregard them
 - identify relevant public interest factors favouring disclosure and nondisclosure
 - balance the relevant factors favouring disclosure and nondisclosure; and
 - decide whether disclosure of the information in issue would, on balance, be contrary to the public interest.
19. Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of public interest lies in a particular case. I have

¹⁹ Sections 47(3)(a), 47(3)(b), 48 and 49 of the RTI Act.

²⁰ External Review Application and the applicant's submissions dated 8 May 2025 and 12 September 2025.

²¹ For example, in the External Review Application, the applicant stated that QPS had not conducted any investigation of the complaints he lodged. Further, the applicant stated that, while QPS had interviewed him regarding the complaints made against him, they did not interview him regarding his complaints about another individual.

²² And, where relevant, amendment of documents.

²³ Section 23 of the RTI Act.

²⁴ Section 44 of the RTI Act.

²⁵ Sections 47(3)(b) and 49 of the RTI Act.

²⁶ Although there are some recognised public interest considerations that may apply for the benefit of an individual.

carefully considered all of these listed factors. I have also kept in mind the pro-disclosure bias of the RTI Act and that the refusal grounds are to be interpreted narrowly.²⁷

Findings

Irrelevant factors

20. I have taken no irrelevant factors into account in reaching my decision concerning the Category Three documents.²⁸

Factors favouring disclosure

21. The RTI Act recognises that public interest factors favouring disclosure will arise where disclosing information could reasonably be expected to:²⁹
- promote open discussion of public affairs and enhance the Government's accountability³⁰
 - inform the community of the Government's operations, including, in particular, the policies, guidelines and codes of conduct followed by the Government in its dealings with members of the community;³¹ and
 - reveal the reason for a government decision and any background or contextual information that informed the decision.³²
22. As I have noted above, the Category Three documents comprise information related to the internal QPS transfer applications of two individuals. While disclosure of this type of information may, to a limited extent, inform the community about transfer processes within QPS, I do not consider disclosing this information under the RTI Act would promote government accountability and transparency in any meaningful way. On this basis, to the extent government accountability and transparency factors referenced in the preceding paragraph may apply, I afford them only low weight.
23. As mentioned above, the applicant's submissions outline his dissatisfaction with QPS' complaint investigations.³³ I have therefore considered the public interest factors which arise where disclosing information could reasonably be expected to:
- allow or assist enquiry into possible deficiencies in the conduct or administration of an agency or official;³⁴ and
 - reveal or substantiate that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct.³⁵
24. The applicant submitted that QPS '*refused to disclose or investigate the motivation of the complaint with respect to transfers*', and he believes this would '*undermine the*

²⁷ Section 47(2)(a) of the RTI Act.

²⁸ In this regard, I specifically confirm that I have taken none of the irrelevant factors identified in schedule 4, part 1 of the RTI Act into account.

²⁹ The term '*could reasonably be expected to*' requires that the expectation be reasonably based, that it is neither irrational, absurd or ridiculous, nor merely a possibility. The expectation must arise as a result of disclosure, rather than from other circumstances. Whether the expected consequence is reasonable requires an objective examination of the relevant evidence. It is not necessary for a decision-maker to be satisfied upon a balance of probabilities that disclosing the document will produce the anticipated prejudice. Refer, for example, to *Tol and The University of Queensland* [2015] QICmr 4 (18 February 2015) at footnote [8], citing with approval *Nine Network Australia Pty Ltd and Department of Justice and Attorney-General* (Unreported, Queensland Information Commissioner, 14 February 2012) at [31].

³⁰ Schedule 4, part 2, item 1 of the RTI Act.

³¹ Schedule 4, part 2, item 3 of the RTI Act.

³² Schedule 4, part 2, item 11 of the RTI Act.

³³ External Review Application.

³⁴ Schedule 4, part 2, item 5 of the RTI Act.

³⁵ Schedule 4, part 2, item 6 of the RTI Act.

credibility of their investigation and the complainant'.³⁶ While I am precluded from describing the content of the Category Three documents,³⁷ I have carefully reviewed them, together with the parties' submissions. Having done so, I can identify nothing within the Category Three documents which gives rise to any expectation that their disclosure could allow or assist enquiry into, reveal or substantiate, agency or official conduct deficiencies. Accordingly, and based on the information before me, I do not consider these factors apply to favour disclosure.

25. A factor favouring disclosure will also arise where disclosure would reveal that the information is incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant.³⁸ The applicant submitted that the allegations within the complaints made against him were '*not true or grossly misleading*' and he seeks the Category Three documents to support his position.³⁹ While the applicant has outlined his belief that there was an ulterior motive to the lodgement of the complaints,⁴⁰ this subjective belief, of itself, does not enliven the disclosure factor concerning incorrect or misleading information. Having carefully reviewed the Category Three documents and the parties' submissions, there is nothing before me which gives rise to any reasonable expectation that disclosing these documents would reveal that they are incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant. For this reason, I find that this factor does not apply to favour disclosure.
26. Under the RTI Act, considerations relating to fair treatment and the general administration of justice (including procedural fairness) give rise to public interest factors which favour disclosure.⁴¹ The public interest factor relating to advancing the fair treatment is about providing information to advance fair treatment of an individual in their future dealings with agencies.⁴² I also note that the fundamental requirements of procedural fairness—that is, an unbiased decision-maker and a fair hearing—should be afforded to a person who is the subject of an investigation or decision.⁴³
27. The applicant is the subject of the complaints referenced in the access application.⁴⁴ On external review, the applicant has confirmed that he was interviewed by QPS in respect of those complaints.⁴⁵ Both the applicant and QPS have confirmed that, although the investigation of those complaints has been completed, other processes (resulting from QPS' investigation decision) are ongoing.⁴⁶ While QPS submitted that, in those ongoing processes, the applicant has been provided with a copy of the material relied upon by QPS, I note that the access application stated: '*no evidence relating to the transfer was considered or contained in the brief of evidence*'.
28. It appears that, in QPS' investigation of the complaints referenced in the access application, the applicant was provided with information concerning the allegations against him and was afforded an opportunity to respond to those allegations (via interview). I consider these actions contributed to procedural fairness and the applicant's fair treatment. While the applicant has concerns about the adequacy of those actions

³⁶ Applicant's submission dated 8 May 2025.

³⁷ Section 108 of the RTI Act.

³⁸ Schedule 4, part 2, item 12 of the RTI Act.

³⁹ External Review Application.

⁴⁰ In the External Review Application, the applicant identified this as '*to force a transfer*'.

⁴¹ Schedule 4, part 2, items 10 and 16 of the RTI Act.

⁴² *F60XCX and Department of Natural Resources and Mines* [2017] QICmr 19 (9 June 2017) at [101].

⁴³ The fair hearing aspect of procedural fairness requires that, before a decision that will deprive a person of some right, interest or legitimate expectation is made, the person is entitled to know the case against them and to be given the opportunity of replying to it (*Kioa v West* (1985) 159 CLR 550 at 584 per Mason J).

⁴⁴ In respect of the other complaints referenced in the applicant's submissions, I note that the applicant is the complainant.

⁴⁵ External Review Application. I acknowledge that, in the applicant's 8 May 2025 submission, he further submitted that QPS did not put several matters to him at interview and failed to disclose or investigate any defence raised by, or on behalf of, the applicant.

⁴⁶ The applicant confirmed this in the External Review Application and submission dated 8 May 2025. QPS confirmed this in their submission dated 30 May 2025.

and submitted that QPS' decision '*is not fair treatment and does not amount to procedural fairness*',⁴⁷ I have no jurisdiction in this external review to make findings about the manner in which QPS conducted its investigation of those complaints, or the investigation decision that QPS made about those complaints. I understand that, in the context of the ongoing processes in which he is involved, the applicant is seeking the dates of the transfer applications, as he considers that information will then '*prove*' the false nature of the allegations against him and what he believes to be the '*real motivation*' for the complaints made about him.⁴⁸ Taking into account the circumstances outlined in the preceding paragraph and the particular nature of the Category Three documents, I consider disclosing these documents could only be expected to further advance the fair treatment and procedural fairness considerations to a limited extent. For this reason, I find that, to the extent these public interest factors may apply to favour disclosure, I afford them only low weight.

29. An additional public interest factor arises where disclosure of information could reasonably be expected contribute to the administration of justice for a person.⁴⁹ In determining whether this factor applies, I must consider whether:⁵⁰
- the applicant has suffered loss, or damage, or some kind of wrong, in respect of which a remedy is, or may be, available under the law
 - the applicant has a reasonable basis for seeking to pursue the remedy; and
 - disclosing the particular Category Three documents would assist the applicant to pursue the remedy, or evaluate whether a remedy is available or worth pursuing.
30. As mentioned above, the applicant submitted that disclosure of the Category Three documents will enable him to '*form a timeline of the transfer process*' for these individuals and thereby prove the false nature of the allegations against him.⁵¹ Although it appears that the applicant is seeking to submit the transfer timeline in order to contest the complaint findings in the ongoing processes in which he is involved, he has not identified any other remedy that disclosure of this information would allow or assist him to pursue. Noting again the restrictions placed upon me by section 108 of the RTI Act, I find that, to the extent this factor may apply to favour disclosure, I afford it only low weight, given the particular nature of the Category Three documents.
31. I have carefully considered all the other factors listed in schedule 4, part 2 of the RTI Act, and the applicant's submissions. Having done so, I cannot identify any other factors which would apply to favour disclosure of the Category Three documents.⁵²

⁴⁷ External Review Application.

⁴⁸ Applicant's submission dated 8 May 2025. Taking into account the restrictions placed upon me by section 108 of the RTI Act, I must be necessarily circumspect in how I reference, and address, the applicant's submissions in this decision.

⁴⁹ Schedule 4, part 2, item 17 of the RTI Act.

⁵⁰ *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17] and confirmed in *10S3KF and Department of Community Safety* (Unreported, Queensland Information Commissioner, 16 December 2011).

⁵¹ Applicant's submission dated 8 May 2025.

⁵² The Category Three documents do not contain any of the applicant's personal information (schedule 4, part 2, item 7 of the RTI Act). I also cannot see how disclosing the Category Three documents could, for example, contribute to positive and informed debate on important issues or matters of serious interest (schedule 4, part 2, item 2 of the RTI Act); ensure effective oversight of expenditure of public funds (schedule 4, part 2, item 4 of the RTI Act); contribute to the maintenance of peace and order or the enforcement of the criminal law (schedule 4, part 2, items 15 and 18 of the RTI Act); or reveal environmental or health risks or measures relating to public health and safety (schedule 4, part 2, item 14 of the RTI Act). In the event that further relevant factors exist in favour of disclosure, I am satisfied that there is no evidence before me to suggest that any would carry sufficient weight to outweigh the weight that I have afforded to the public interest factors that favour the nondisclosure of the Category Three documents.

Factors favouring nondisclosure

32. The applicant submitted that he did not seek *'any personal information such as addresses, transfer entitlements or any other personal information whatsoever'*.⁵³ However, the Category Three documents entirely comprise the personal information of the two named individuals. It is therefore not possible to disclose the Category Three documents to the applicant with such personal information removed.
33. The RTI Act recognises that disclosing personal information of a person to someone else causes a public interest harm.⁵⁴ While the applicant submitted that he *'failed to see how a timeline of two officer transfers causes harm'*,⁵⁵ the Queensland Civil and Administrative Tribunal has confirmed that a decision-maker is not required to *'reason how the disclosure of the personal information could amount to a public interest harm; that harm is caused by the very disclosure of the information itself'*.⁵⁶ I am therefore satisfied that this harm factor applies to favour nondisclosure of the Category Three documents. As to the weight to be afforded to this public interest factor, I consider that an application for transfer made by a public sector officer (which is required to nominate the reasons for seeking the transfer), and the agency's response to such an application, comprise highly personal information. Noting that the RTI Act places no restriction on the dissemination or publication of information disclosed in response to an access application, I afford this factor significant weight in favour of nondisclosure.
34. The RTI Act also recognises the public interest in protecting the right to privacy of other individuals.⁵⁷ Given the highly personal nature of the Category Three documents, I consider that their disclosure under the RTI Act could reasonably be expected to significantly intrude into the privacy of these individuals. On this basis, I also afford this nondisclosure factor significant weight.

Balancing the public interest factors

35. I have identified that the public interest factors relating to government accountability and transparency, fairness and the administration of justice apply to favour disclosure of Category Three documents.⁵⁸ However, given the nature of the Category Three documents, I afford only low weight to these factors.
36. On the other hand, I have identified that the public interest factors relating to personal information and privacy apply to favour nondisclosure of the Category Three documents. For the reasons addressed above, I afford significant weight to these factors.
37. On balance, I am satisfied that the public interest factors favouring nondisclosure of the Category Three documents outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Category Three documents would, on balance, be contrary to the public interest and access may be refused on that basis.⁵⁹

⁵³ External Review Application.

⁵⁴ Schedule 4, part 4, section 6(1) of the RTI Act provides that *'Disclosure of the information could reasonably be expected to cause a public interest harm if disclosure would disclose the personal information of a person, whether living or dead'*.

⁵⁵ External Review Application.

⁵⁶ *Kelson v Queensland Police Service* [2019] QCATA 67 at [94], per Justice Daubney.

⁵⁷ Schedule 4, part 3, item 3 of the RTI Act. The concept of *'privacy'* is not defined in 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 (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).

⁵⁸ Schedule 4, part 2, items 1, 3, 10, 11, 16 and 17 of the RTI Act.

⁵⁹ Under sections 47(3)(b) and 49 of the RTI Act.

Category Four documents

Type (a) documents

Relevant law

38. In addition to the refusal ground in section 47(3)(b) of the RTI Act, access may also be refused to exempt information. Information will qualify as exempt where it consists of information obtained, used or prepared for an investigation by a prescribed crime body, or another agency, in the performance of the prescribed functions of the prescribed crime body (**Exemption**).⁶⁰
39. In respect of the Exemption, the RTI Act:
 - recognises that the Crime and Corruption Commission (**Commission**) is a '*prescribed crime body*';⁶¹ and
 - defines '*prescribed functions*', as including the crime, intelligence and corruption functions of the Commission.⁶²
40. Schedule 3, section 10(6) of the RTI Act excludes the operation of the Exemption if the investigation has been finalised and the relevant information is about the applicant. This exception to the Exemption has consistently been found to apply to information 'about' the subject officer in the investigation, as distinguished from a complainant.⁶³

Applicant's submissions

41. The applicant has provided limited submissions concerning the Category Four documents. He generally submitted that he did not believe that QPS '*investigated anything*'; that QPS are '*claiming an investigation to prevent the release*'; and disclosure of the Category Four documents '*may assist with the larger picture of the misconduct by Ethical Standards and the officers involved which they are clearly hoping are never released*'.⁶⁴

Findings

42. As I have noted above, information will be subject to the Exemption if:
 - (i) the information was obtained, used or prepared for an investigation
 - (ii) the investigation was conducted by a prescribed crime body, or another agency, in the performance of a prescribed function of the prescribed crime body; and
 - (iii) the exception to the Exemption does not apply.
43. With respect to the first requirement, I note that the terms '*obtained, used and prepared*' are not defined in the RTI Act or *Acts Interpretation Act 1954* (Qld), so they must be given their ordinary meaning. While the applicant submitted there was no investigation by QPS, schedule 2 of the *Crime and Corruption Act 2001* (Qld) (**CC Act**) defines 'investigate' as including '*examine and consider*'. I also note that the concept of an '*investigation*', as used in the Exemption, has been interpreted relatively broadly in past

⁶⁰ Under schedule 3, section 10(4) of the RTI Act.

⁶¹ Schedule 3, section 10(9) of the RTI Act.

⁶² Schedule 3, section 10(9) of the RTI Act.

⁶³ *G8KPL2 and Department of Health* (Unreported, Queensland Information Commissioner, 31 January 2011) at [25]- [33]; and *W52 and Crime and Corruption Commission* [2021] QICmr 57 (28 October 2021) at [44]-[48]. See also *Darlington v Office of the Information Commissioner & Queensland Police Service* [2015] QCATA 167.

⁶⁴ Applicant's submission dated 12 September 2025.

decisions of the Information Commissioner, to encompass the examination or consideration of a complaint.⁶⁵ Based on the information before me and having carefully reviewed the Type (a) documents, I am satisfied that they are documents which ESC obtained, used and/or prepared for an investigation of the complaints referenced in the access application.

44. In considering the second requirement, I note that chapter 2, part 3 of the CC Act identifies the Commission's corruption functions and sets out the principles to be applied by the Commission when performing those functions.⁶⁶ Relevantly:
 - the principles to be applied by the Commission include 'devolution', which is where the Commission refers a complaint back to an agency to investigate; and
 - section 35(1)(c) of the CC Act confirms that the Commission may perform its corruption functions by undertaking a monitoring role for police misconduct.⁶⁷
45. The decision under review referred to requested documents being related to an ESC investigation into misconduct. On external review, QPS submitted that the complaints referenced in the access application concerned allegations of police misconduct. QPS also provided supporting information to OIC which confirmed the nature of the complaint allegations, and that investigation of the complaint had been devolved to ESC as contemplated by the CC Act. Based on the information before me, I am satisfied the complaint investigation was devolved to QPS, as contemplated by the CC Act.⁶⁸ For these reasons, I am also satisfied that second requirement of the Exemption has been met—the investigation was conducted by an agency (namely, QPS) in the performance of a prescribed function of the Commission.
46. As to the final requirement, I am satisfied that investigation of the complaints referenced in the access application is complete. However, after careful review of the Type (a) documents, I am satisfied they do not '*consist of information about the applicant*' and the exception to the Exemption does not apply to these Category Four documents. Some information within these documents describes certain actions taken in the course of the investigatory processes and I am satisfied information of this nature is not 'about' the applicant and the exception does not apply to it. As to the remaining information, while it relates to ESC's investigation of complaints made against the applicant, it is also 'about' a wide range of other individuals (including the complainant). For the remaining information which is solely 'about' other individuals, I am satisfied the exception does not apply to it. The balance of this remaining information includes portions of information 'about' the applicant which I can confirm are intertwined with information that is 'about' other individuals—the manner in which such intertwined information about the applicant appears means that it cannot be separated from information which is about other individuals. Accordingly, I am also satisfied that the exception does not apply to such intertwined information within these documents.
47. For the above reasons, I find that the Type (a) documents comprise exempt information and access to this information may be refused on that basis.

⁶⁵ *Frecklington, MP and Premier and Minister for Trade* [2020] QICmr 15 (18 March 2020) at [47]; and *McMahon and Crime and Misconduct Commission* [2014] QICmr 16 (1 May 2014) at [14]-[17].

⁶⁶ These principles are set out in section 34 of the CC Act.

⁶⁷ Details of the monitoring role for police misconduct are set out in section 47 of the CC Act and '*police misconduct*' is defined in schedule 2 of the CC Act.

⁶⁸ I am unable in this decision to provide any further detail about the information upon which I reached these factual findings.

Type (b) documents

Findings

48. For the reasons that follow, I find that access may be refused to the Type (b) documents as their disclosure would, on balance, be contrary to the public interest.
49. I have taken no irrelevant factors⁶⁹ into account in reaching my decision concerning the Type (b) documents.
50. The applicant sought emails to or from specified individuals about himself. Some of the information in these documents is about the applicant and comprises his personal information.⁷⁰ While I afford significant weight to the public interest factor⁷¹ which favours disclosure of the applicant's personal information where it appears within the Type (b) documents, the manner in which this personal information of the applicant appears means that it cannot be disclosed without also disclosing the personal information of other individuals. As I have noted above, the RTI Act recognises that a public interest harm will be caused through release of another person's personal information. There is also a public interest in protecting the right to privacy of those other individuals.
51. Having carefully reviewed the content of these documents, I do not consider their disclosure would, in any meaningful way, promote government accountability and transparency. While relevant public interest factors in this regard may apply to favour disclosure,⁷² I consider they are deserving of no weight, given the limited nature of the Type (b) documents.
52. As noted in paragraph 41 above, the applicant has concerns regarding the conduct of ESC's investigation of the complaints against him. Although I am unable to describe the content of the Type (b) documents in any detail in this decision, having carefully reviewed them, I am satisfied that there is nothing within these documents which gives rise to any expectation that their disclosure would allow or assist enquiry into, reveal or substantiate, agency or official conduct deficiencies. For this reason, I do not consider the public interest factors in schedule 4, part 2, items 5 and 6 of the RTI Act apply.
53. Although the applicant has generally submitted that he applied for information which he considers will prove the allegations against him are false, he has not identified how disclosure of the Type (b) documents is required to assist him in the ongoing processes in which he is involved or assist him to pursue, or evaluate, any other remedy that may be available. On this basis, I do not consider that the factor in schedule 4, part 2, item 17 of the RTI Act applies to favour disclosure of the Type (b) documents.
54. In the circumstances of this matter, and taking into account the limited nature of these documents, I am also not satisfied there is any reasonable expectation that their disclosure would advance the applicant's fair treatment or contribute to general administration of justice (including procedural fairness for the applicant or any other individual). Accordingly, I do not consider the public interest factors relating to fair treatment and procedural fairness apply.⁷³

⁶⁹ Including those identified in schedule 4, part 1 of the RTI Act.

⁷⁰ For clarity, I confirm that a substantial amount of information within these Category Four documents does not include the applicant's personal information.

⁷¹ Schedule 4, part 2, item 7 of the RTI Act.

⁷² Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

⁷³ Schedule 4, part 2, items 10 and 16 of the RTI Act.

55. Having carefully reviewed the Type (b) documents, I am also satisfied that there is nothing within them which indicates their disclosure could reasonably be expected to reveal that they are incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant.⁷⁴
56. Taking the nature of the Type (b) documents into account, I am not satisfied that any other public interest factors apply to favour their disclosure.⁷⁵
57. On the other hand, I am satisfied the Type (b) documents comprise the personal information of other individuals, including, but not limited to, the individuals nominated in the access application. This information appears in a complaint context, and I consider there is a reasonable expectation that its disclosure under the RTI Act would prejudice the privacy of these individuals. I am therefore satisfied the personal information and privacy factors apply to favour nondisclosure of this information.⁷⁶ While some level of prejudice and harm would be expected to arise from disclosure of this information, I afford these nondisclosure factors moderate weight to take into account the somewhat limited nature of this information.
58. On balance, I am satisfied that the public interest factors favouring nondisclosure of the Type (b) documents outweigh the applicable factors favouring disclosure. Accordingly, I find that disclosure of these documents would, on balance, be contrary to the public interest and access may be refused on that basis.⁷⁷

DECISION

59. For the reasons set out above, I vary the reviewable decision⁷⁸ and find that:
- access may be refused to the Category Three documents, as their disclosure would, on balance, be contrary to the public interest⁷⁹
 - the Category Four, Type (a) documents comprise exempt information and access to them may be refused on that basis;⁸⁰ and
 - access may be refused to the Category Four, Type (b) documents, as their disclosure would, on balance, be contrary to the public interest.⁸¹
60. I have made this decision as a delegate of the Information Commissioner, under section 145 of the RTI Act.



T Lake
Principal Review Officer

Date: 21 October 2025

⁷⁴ On this basis, I do not consider the public interest factor in schedule 4, part 2, item 12 of the RTI Act applies.

⁷⁵ In the event that further relevant factors exist in favour of disclosure, I am satisfied that there is no evidence before me to suggest that any would carry sufficient weight to outweigh the weight that I have afforded to the public interest factors that favour the nondisclosure of these Category Four documents.

⁷⁶ Schedule 4, part 3, item 3 and schedule 4, part 4, section 6 of the RTI Act.

⁷⁷ Under section 47(3)(b) of the RTI Act.

⁷⁸ Under section 110(1)(b) of the RTI Act.

⁷⁹ Sections 47(3)(b) and 49 of the RTI Act.

⁸⁰ Sections 47(3)(a) and 48 and schedule 3, section 10(4) of the RTI Act.

⁸¹ Sections 47(3)(b) and 49 of the RTI Act.