



Decision and Reasons for Decision

Citation: *I48 and Department of Education [2026] QICmr 12 (29 January 2026)*

Application Number: 318341

Applicant: I48

Respondent: Department of Education

Decision Date: 29 January 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT OR UNLOCATABLE - application made by a parent on behalf of a child for school records - applicant contends further documents should have been located - whether agency has taken reasonable steps to locate relevant documents - whether access to further documents may be refused on the basis they are nonexistent or unlocatable - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(e) and 52(1)(a) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - information regarding incidents involving other students - personal information and privacy - whether disclosure of information 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 applicant¹ applied to the Department of Education (**Department**) under the *Information Privacy Act 2009* (Qld) (**IP Act**)² for access to information about her schooling, including information *'in relation to allegations of bullying towards and against'* her and any resulting investigations.³

¹ The parent of a primary school aged student made the application on the child's behalf. In accordance with section 45 of the *Information Privacy Act 2009* (Qld) (**IP Act**), an access application may be made for a child, by the child's parent. However, pursuant to schedule 5 of the IP Act, the child (and not the parent) is the applicant. In these reasons, references to the 'applicant' are therefore to the child, as represented by her parent.

² 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 access application was made before this change, the IP Act and RTI Act as in force prior to 1 July 2025 remain applicable to it in accordance with transitional provisions in Chapter 8, Part 3 of the IP Act and Chapter 7, Part 9 of the RTI Act. Accordingly, references to the IP Act and RTI Act in this decision are to those Acts as in force prior to 1 July 2025, which can be accessed at [IP Act](#) and [RTI Act](#) respectively.

³ Access application dated 19 June 2024.

2. The Department released a set of documents to the applicant (**Original Documents**) and decided to refuse access to other information on the basis it would, on balance, be contrary to the public interest to disclose, or because the requested information could not be located.⁴
3. The applicant applied⁵ to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision. OIC accepted the application for review.⁶ During the review, the applicant provided submissions in support of her case, including the reasons why she considered further documents should exist,⁷ and the Department provided OIC with information about its searches and recordkeeping, and submissions outlining its position on access to the requested information.⁸
4. During the external review, the Department located additional information⁹ and agreed to release most of it to the applicant (**Additional Documents**).¹⁰ The applicant did not accept the Additional Documents, nor OIC's preliminary view¹¹ in resolution of the issues on external review; in response to a direction issued by OIC,¹² the applicant provided submissions to OIC maintaining her position that further documents should have been located by the Department in response to her application.¹³ The applicant also submitted that she should have access to certain redacted information in her OneSchool¹⁴ record.¹⁵
5. In making this decision, I have taken into account the evidence, submissions, legislation and other material as set out in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information and in doing so, have acted in accordance with section 58(1) of the HR Act.¹⁶
6. For the reasons set out below, I vary the Department's decision and find that:
 - access may be refused to further documents responding to the scope of the IP Act application on the basis they do not exist or are unlocatable;¹⁷ and
 - access may be refused to the redacted information in the OneSchool record on the basis it would on balance be contrary to the public interest to disclose.¹⁸

Issue for determination

7. The issues for determination in this review are:
 - whether access to further information responding to the terms of the application may be refused on the basis that it is nonexistent or unlocatable; and

⁴ Decision dated 14 November 2024 releasing 734 full pages and parts of 85 pages.

⁵ On 29 November 2024.

⁶ Correspondence to participants dated 3 January 2025.

⁷ Submissions dated 7 February 2025 and 3 December 2025.

⁸ Submissions dated 17 January 2025, 11 July 2025, 7 August 2025 and 11 September 2025 (including attached search declaration forms, search certifications from various officers and supporting material).

⁹ Totalling 997 pages.

¹⁰ The Department disclosed 150 pages to the applicant on 7 August 2025, and a further 847 pages on 3 October 2025.

¹¹ Dated 24 September 2025.

¹² Direction to provide submissions dated 3 November 2025.

¹³ Submissions dated 3 December 2025.

¹⁴ OneSchool is the Department's software suite that schools use to record information, run reporting and perform administrative processes. Each Queensland state school student has a secure profile within OneSchool, and it is used to record information such as attendance, behaviour, and support requirements. See the Department's website for further information about [OneSchool](#).

¹⁵ Dated 28 July 2023 and located at pages 132 to 133 of File B. This represents the remaining redacted information of concern to the applicant.

¹⁶ OIC's approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

¹⁷ Under section 67(1) of the IP Act and sections 47(3)(e) and 52(1) of the RTI Act.

¹⁸ Under section 67(1) of the IP Act, and sections 47(3)(b) and 49 of the RTI Act.

- whether access to certain information in the applicant's OneSchool record may be refused as it would on balance, be contrary to the public interest to disclose.

Nonexistent documents

Relevant law

- Under the IP Act, an individual has a right to be given access to documents in the possession or under the control of an agency to the extent they contain their personal information.¹⁹ The legislation is to be administered with a pro-disclosure bias,²⁰ however, the right of access is subject to certain limitations, including grounds for refusing access.²¹ Relevantly, access to a document may be refused if it is nonexistent or unlocatable.²² A document will be nonexistent if there are reasonable grounds to be satisfied it does not exist.²³ A document will be unlocatable if it has been or should be in the agency's possession and all reasonable steps have been taken to find the document, but it cannot be found.²⁴
- To be satisfied that a document does not exist, the Information Commissioner has previously identified a number of key factors to consider, including the agency's structure, its recordkeeping practices and procedures and the nature and age of requested documents.²⁵ After considering relevant factors, a decision-maker may conclude that a particular document was not created because, for example the agency's processes do not require creation of that specific document. In such instances, it is not necessary for the agency to search for the document, but sufficient that the circumstances to account for the nonexistence are adequately explained by the agency. If searches are relied on to justify a decision that the documents do not exist, all *reasonable* steps must be taken to locate the documents.²⁶ What constitutes reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the circumstances.
- To determine whether a document exists, but is unlocatable, the RTI Act requires consideration of whether there are reasonable grounds for the agency to be satisfied that the requested document has been or should be in the agency's possession; and whether the agency has taken all reasonable steps to find the document.²⁷ What constitutes reasonable steps will, as noted above, vary case by case as the search inquiry process an agency will be required to undertake will depend on which of the key factors are most relevant in the circumstances.²⁸
- The Information Commissioner's external review functions include investigating and reviewing whether agencies have taken reasonable steps (as opposed to all *possible*

¹⁹ Section 40 of the IP Act.

²⁰ Section 64 of the IP Act.

²¹ Section 67(1) of the IP Act and section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly: section 67(2) of the IP Act.

²² Sections 47(3)(e) and 52(1)(a) of the RTI Act.

²³ Section 52(1)(a) of the RTI Act.

²⁴ Section 52(1)(b) of the RTI Act.

²⁵ These factors are identified in *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) (*Pryor*) at [19], which adopted the Information Commissioner's comments in *PDE and the University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) at [37]-[38]. These factors were more recently considered in *B50 and Department of Justice and Attorney-General* [2024] QICmr 33 (7 August 2024) at [15], *T12 and Queensland Police Service* [2024] QICmr 8 (20 February 2024) at [12], and *G43 and Office of the Director of Public Prosecutions* [2023] QICmr 50 (12 September 2023) at [19].

²⁶ In *Webb v Information Commissioner* [2021] QCATA 116 (*Webb*) at [6], McGill J observed that this does not extend to all 'possible' steps.

²⁷ In answering these questions, regard should again be had to the circumstances of the case and the relevant key factors (*Pryor* at [21]).

²⁸ Such steps may, for example, include inquiries and searches of all relevant locations identified after consideration of relevant key factors.

steps)²⁹ to identify and locate documents applied for by applicants.³⁰ On an external review, the agency or Minister who made the decision under review has the onus of establishing that the decision was justified or that the Information Commissioner should give a decision adverse to the applicant.³¹ However, where the issue of missing documents is raised, the applicant bears a practical onus of demonstrating that the agency has not discharged its obligation to locate all relevant documents.³² Suspicion and mere assertion will not satisfy this onus.³³

Submissions

12. The agreed scope of the access application was, in summary, outlined in the following terms:³⁴
 - all correspondence and documentation in relation to allegations and management of bullying towards and against the applicant between 1 January 2022 to 19 June 2024
 - all correspondence and documentation in relation to the applicant between 1 January 2022 and 19 June 2024; and
 - OneSchool Student Profile for the applicant for the years 1 January 2022 to 31 December 2023.
13. During the processing of the application, searches were conducted by Metropolitan South Region and in various locations at the subject State School (including Outlook, H Drive, I Drive, hard copy file locations and OneSchool). These searches resulted in the Department locating the Original Documents³⁵ which in summary, included the following:
 - OneSchool records, including Student Profile and Student plans
 - Emails
 - Internal Department communications; and
 - Meeting notes.
14. On external review, additional searches were conducted by Metropolitan South Region and officers of the subject State School of various locations, (including OneSchool, phone logbooks, OneDrive, Outlook including archive, Department issued computers/laptops, external hard drives, electronic calendars and hard copy notebooks). These further searches located the Additional Documents³⁶ which generally comprised:
 - OneSchool records, including Specialist Report Records Subpoena Report, Record of Contact and Student Plans
 - Emails
 - Internal Department communications, including complaint management; and
 - Guidance Officer communications and notes.

²⁹ *S55 and Queensland Police Service* [2023] QICmr 3 (30 January 2023) at [23], cited with approval in *W55 and Brisbane City Council* [2024] QICmr 13 (17 April 2024) at [19].

³⁰ Section 137(2) of the IP Act. The Information Commissioner also has power under section 115 of the IP Act to require additional searches to be conducted during an external review. The Queensland Civil and Administrative Tribunal confirmed in *Webb* at [6] that the RTI Act 'does not contemplate that [the Information Commissioner] will in some way check an agency's records for relevant documents' and that, ultimately, the Information Commissioner is dependent on the agency's officers to do the actual searching for relevant documents.

³¹ Section 100(1) of the IP Act.

³² See *Mewburn and Department Local Government, Community Recovery Resilience* [2014] QICmr 43 (31 October 2014) at [13].

³³ *Parnell and Queensland Police Service* [2017] QICmr 8 (7 March 2017) at [23]; *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) at [36]; *Y44 and T99 and Office of the Public Guardian* [2019] QICmr 62 (20 December 2019) at [38].

³⁴ As set out in the Department's email to the applicant's parent dated 25 July 2024.

³⁵ Comprising 101 pages from Metropolitan South Region (File A) and 718 pages from the subject State School (File B).

³⁶ Comprising 508 pages from Metropolitan South Region and 489 pages from the subject State School.

15. In summary, following the release of the Additional Documents during the review process,³⁷ the applicant submitted³⁸ that further documents should exist in relation to:

- management of allegations of bullying, including records of allegations and complaints made, as well as investigations and actions taken following complaints made by others
- reporting, investigation and management of bullying, including records of investigations and school actions following bullying complaints made by the applicant and the applicant's parents
- management of measures to address bullying towards and against the applicant
- the complaint submitted to the Region Office with concerns relating to the applicant at the relevant State School
- reasonable adjustments, including personalised learning plan
- School Guidance Officer communications in relation to the applicant; and
- communication between the school and the Department of Health in relation to the applicant.

16. The Department provided submissions in the form of search records and certifications completed by relevant officers including the Principal and Deputy Principal of the subject State School.³⁹ Those submissions included information about the relevant recordkeeping practices and processes in place at the State School, including: *'When staff leave a school they hand in their [laptop], it's wiped and provisioned for the staff member replacing them. This means any files stored on the laptop's hard drive is lost.'*⁴⁰ In addition, the Principal advised:

Internal meetings do not involve taking minutes, discussions are had and actions decided and actioned. To manage email storage, internal communication sent as FYI, actioned or oneschooled are routinely deleted.

It's not part of school process to minute internal meetings/discussions in relation to student support. Staff make individual notes however these have not been located and it's unclear if these notes ever existed.

During meetings with [applicant's parents] two staff members would attend, one person would type meeting notes and these would be uploaded to OneSchool after the meeting.

[Previous Deputy Principal] left the school December 2023, I do not have access to his personal files to know if these documents exist or existed.

His school laptop was wiped and reconfigured for the Deputy Principal who replaced him, this is standard DoE practice.

Principal does not use a diary, all calendar items are captured through Outlook calendar.

Investigation notes / reports are recorded in OneSchool, student statements are uploaded to OneSchool.

As a practice we engage in conversations face to face not over email in relation to students and families to maintain privacy.

17. The Deputy Principal also provided comprehensive search records and responses to the applicant's concerns about missing information, including as follows:⁴¹

³⁷ The Department disclosed 150 pages to the applicant on 7 August 2025, and the remaining 847 pages on 3 October 2025.

³⁸ Submission dated 3 December 2025.

³⁹ Provided to OIC on 11 July 2025, 7 August 2025 and 11 September 2025.

⁴⁰ Principal's search record dated 23 July 2025.

⁴¹ Deputy Principal's search record dated 24 July 2025.

- Internal handover discussions between staff generally occur verbally and notes are not generated
 - any hand drawing or notes generated by the applicant (child) were scanned and uploaded to OneSchool or destroyed
 - backup hard drive searches revealed only emails that had previously been located
 - Camp Risk Planning for the applicant and her management plan were covered in a whole staff briefing and no notes remain from this meeting; and
 - no first aid records from the excursion accident exist as the applicant did not report to school staff and there were no witnesses.
18. The search records and certifications provided by the Principal and Deputy Principal demonstrate that the Principal undertook 7 hours and 40 minutes of searches and the Deputy Principal undertook 7 hours of searches in response to this application. This is in addition to the searches undertaken by numerous other staff of the Department.

Findings

19. I have examined the terms of the access application, the Department's decision, the Original and Additional Documents, search records and submissions provided by the Department, the external review application and submissions provided by the applicant to OIC during the review process.
20. As outlined above,⁴² where an agency has relied on searches to justify a decision to refuse access to documents on the basis that they do not exist or are unlocatable, OIC is required to consider whether the agency has taken all reasonable steps to locate the documents. A finding that all reasonable steps have been taken by an agency is open to reach *'even if, at least in theory, further and better searches might possibly disclose additional documents.'*⁴³ Therefore, the issue upon which I must make a finding in this review is whether, based on the evidence available to me, the Department has taken all *reasonable* steps to identify documents, as opposed to all *possible* steps.
21. In considering whether the Department has undertaken all reasonable steps, I have had particular regard to the extent of information located to date (approximately 1800 pages), the significant amount of time spent by senior staff at the subject State School (over 15 hours) undertaking searches, and the information provided by the Principal and Deputy Principal (including as outlined in paragraphs 16 and 17 above) as to the specific recordkeeping practices in place at the subject State School, relevant to the terms of this application.
22. I acknowledge that the Original Documents did not represent all relevant documents held by the Department in response to the applicant's application and that the Department was able to locate further documents through searches undertaken on external review. However, having examined the searches completed on external review, in addition to the searches originally conducted, I am satisfied that the Department has now taken all reasonable steps to identify relevant documents in response to this application in that they have arranged for staff with direct knowledge of the applicant (child) to undertake searches of their records, have searched a broad range of electronic and hard copy locations, and have provided reasonable explanations as to why further documents cannot be located. I acknowledge that the search efforts of the Department have not satisfied the applicant, however, the test I must apply is whether, in the circumstances of the case, all *reasonable* steps have been taken. Based on the information before me, I am so satisfied.

⁴² At paragraphs 8 to 11.

⁴³ *Webb* at [6].

23. In reaching my finding, I have closely considered the applicant's comprehensive submissions which demonstrate that she firmly believes that further written records should have been created by school staff in connection with the various incidents and issues falling within the scope of the application. It is not uncommon for the volume of information located by a government agency to misalign with an applicant's expectations as to what records they consider 'should' have been created and maintained. Here, the Department has provided submissions, which I accept, that many communications at the subject State School are undertaken verbally, relevant information is uploaded to OneSchool, and further detailed contemporaneous notes are not generally made. While this may not be to the satisfaction of the applicant, I accept that to be how the subject State School manages its records.
24. I have also considered the applicants specific concerns about additional documents in connection with the personalised learning plan, first aid records, a safety incident, specialist support records, and communications with Queensland Health. While I acknowledge that the applicant had hoped there would be more information located in connection with each of these matters, I am satisfied that the significant amount of time that has been spent searching for documents and the extensive number of documents that have already been located, demonstrate that if further documents existed, they should have been located through the searches undertaken to date. Accordingly, I am satisfied that any further documents do not exist either because they were never created, or because they have been lost or destroyed due to the change in staffing at the subject State School (and the practice of wiping a departing staff member's laptop hard drive when it is reallocated to a new staff member).
25. I also observe that some of the applicant's submissions raise issues that are outside the scope of her IP Act application and for this reason, further searches are not reasonable. For example, where the applicant is seeking OneSchool records of other students, I am satisfied that it would not be reasonable for the Department to undertake searches for that information in response to the IP Act application.⁴⁴ Secondly, to the extent the applicant seeks confirmation that recommendations of an internal review were actioned, this falls outside the scope of the original request.⁴⁵
26. For the reasons set out above, I am satisfied the Department has taken all reasonable steps to locate documents responding to the terms of the application and access to any further documents may be refused on the basis they do not exist or cannot be located.⁴⁶

Contrary to public interest information

Relevant law

27. As set out above, an applicant has a right to seek access to their personal information under the IP Act. However, there are limitations on this right of access, including where access to information may be refused because disclosure would, on balance, be contrary to the public interest.⁴⁷

⁴⁴ Notwithstanding that another individual's schooling record would likely attract strong public interest reasons for refusing access.

⁴⁵ It is not uncommon for released documents to reveal information that prompts an applicant to explore further lines of inquiry. Generally, such further lines of inquiry are properly addressed with a further, targeted application.

⁴⁶ Under section 47(3)(e) and 52(1) of the RTI Act.

⁴⁷ 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.

28. 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.
29. 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,⁴⁸ together with all other relevant information, in reaching my decision. I have also applied the IP Act's pro-disclosure bias⁴⁹ and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.⁵⁰

Submissions

30. As noted at paragraph 4, the applicant continues to seek access to the information redacted from two pages of a OneSchool record.⁵¹ While the IP Act prevents me from disclosing the content of the redacted information,⁵² it can generally be described as personal information of other students including names and statements and/or opinions expressed to departmental staff. In summary, the applicant submits:⁵³
- the record appears to be the subject State School's record of the investigation and decision-making regarding a complaint
 - the content clearly relates to the applicant, influenced decisions made about the applicant's welfare and is necessary for the applicant and the applicant's parents to understand how the matter was handled by the subject State School; and
 - the redactions prevent the applicant and the applicant's parents from understanding the subject State School's reasoning and actions.

Findings

Irrelevant factors

31. I have not taken any irrelevant public interest factors into account in making this decision.

Factors favouring disclosure

32. I accept that the Department must be transparent and accountable in relation to decisions that are made regarding students under its care.⁵⁴ I acknowledge that the redacted information relates to matters involving the applicant. I accept that disclosing the redacted information would provide further context to the information relied upon by the subject State School in making decisions about the applicant. However, I do not consider that disclosure would advance them to a significant degree, particularly given the information which has been released in response to the application. I am satisfied that the disclosed information furthers the applicant's understanding of how the Department dealt with the matter the subject of the OneSchool record, thereby reducing the weight to be afforded to these factors. Accordingly, I afford these factors favouring disclosure low weight.

⁴⁸ 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, for example, the factor concerning innovation and the facilitation of research. I note the lists in Schedule 4 are non-exhaustive.

⁴⁹ Section 64 of the IP Act.

⁵⁰ Section 67(2) of the IP Act and section 47(2) of the RTI Act.

⁵¹ Dated 28 July 2023 and appearing at pages 132-133 of File B of the Original Documents.

⁵² Section 121 of the IP Act.

⁵³ Submissions dated 3 December 2025.

⁵⁴ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

33. The applicant's personal information appears within the redacted information. I note the importance of providing individuals with access to their personal information held by government and, therefore, I afford significant weight to this factor favouring disclosure to the extent it comprises the applicant's personal information.⁵⁵

Factors favouring nondisclosure

34. The RTI Act recognises that disclosing an individual's personal information to someone else could reasonably be expected to cause a public interest harm⁵⁶ and that a further factor favouring nondisclosure arises if disclosing information could reasonably be expected to prejudice the protection of an individual's right to privacy.⁵⁷ While the redacted information also contains the applicant's personal information, it comprises information conveyed to departmental officers by other students regarding matters arising in the school context. Given the sensitive nature of this information, I consider it is reasonable to expect that disclosing it would be a significant intrusion into the privacy of the other students and would disclose their personal information. Accordingly, I am satisfied that significant weight should be afforded to these two factors favouring nondisclosure.

Balancing the public interest

35. I have taken the pro-disclosure bias into account in deciding access to information.⁵⁸ On balance, I consider the nondisclosure factors outweigh the disclosure factors. Accordingly, I find that access to the redacted information may be refused on the basis that its disclosure would, on balance, be contrary to the public interest.

DECISION

36. For the reasons set out above, I vary the reviewable decision⁵⁹ and find that:
- access may be refused to further documents responding to scope of the IP Act application on the basis they do not exist or are unlocatable, pursuant to section 67(1) of the IP Act and sections 47(3)(e) and 52(1) of the RTI Act; and
 - access may be refused to the redacted information on the basis it would on balance be contrary to the public interest to disclose, in accordance with section 67(1) of the IP Act, and sections 47(3)(b) and 49 of the RTI Act.
37. I have made this decision as a delegate of the Information Commissioner, under section 139 of the IP Act.



Katie Shepherd
Assistant Information Commissioner

Date: 29 January 2026

⁵⁵ Schedule 4, part 2, item 7 of the RTI Act.

⁵⁶ Schedule 4, part 4, section 6(1) of the RTI Act.

⁵⁷ Schedule 4, part 3, item 3 of the RTI Act.

⁵⁸ Section 64 of the IP Act.

⁵⁹ Under section 123(1)(b) of the IP Act.