



Decision and Reasons for Decision

Citation:	<i>D23 and Queensland Police Service [2026] QICmr 38 (10 March 2026)</i>
Application Number:	318851
Applicant:	D23
Respondent:	Queensland Police Service
Decision Date:	10 March 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - complaint information - accountability and transparency - administration of justice - personal information and privacy - prejudice to flow of information - contrary to public interest information - sections 47(3)(b) and 49 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**) for access to documents regarding QPS attendance at the applicant's residential property.¹
2. QPS located six pages² and decided to release one full page and five part pages, and refuse access to five part pages on the basis that information would, on balance, be contrary to the public interest to disclose (**Complaint Information**).³
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's refusal of access decision.⁴ The applicant submitted that she was seeking access to the Complaint Information to assist her in pursuing legal action.⁵
4. In reaching my decision, I have taken into account evidence, submissions, legislation and other material set out in these reasons (including footnotes). I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information and have acted in accordance with section 58(1) of the HR Act.
5. For the reasons set out below, I affirm⁶ QPS's decision and find that access to the Complaint Information may be refused under section 47(3)(b) of the RTI Act as its disclosure would, on balance, be contrary to the public interest.

¹ Application dated 18 July 2025.

² A three page occurrence report and a three page incident log.

³ Decision dated 18 August 2025. This is the reviewable decision for the purpose of the review.

⁴ Application dated 18 August 2025.

⁵ Submission to OIC dated 9 December 2025.

⁶ Under section 110(1)(a) of the RTI Act.

Relevant law

6. Under the RTI Act, an individual has a right to be given access to documents in the possession or under the control of an agency.⁷ The legislation is to be administered with a pro-disclosure bias⁸ however, the right of access is subject to certain limitations, including grounds for refusing access.⁹
7. Access to information may be refused where disclosure would, on balance, be contrary to the public interest.¹⁰ 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.
8. 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, generally, 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.
9. 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,¹¹ together with all other relevant information, in reaching my decision. I have also applied the RTI Act's pro-disclosure bias¹² and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.¹³

Submissions

10. In her external review application¹⁴ the applicant submitted as follows:

...I need to know who made this vexatious domestic violence accusation against us, as it has already defamed our name/s and reputation/s. We will be taking this matter further, and we need this information for our lawyer. As mentioned, we take this accusation very seriously, as it is not true and the upset and unrest this has caused us is immense, not to mention the waste of police time and resources for real/true matters.

11. In responding to OIC's preliminary view,¹⁵ the applicant made further written submissions¹⁶ as follows:

I/we have suffered damage to our name/s and reputation/s as a result of the actions of the initial complaint to the police.

We have had our name/s published via email to the entire body corporate committee, with details of our personal business, which is not body corporate business at all, not to mention the vicious and vexatious remarks being circulated around the entire complex, regarding this complaint.

⁷ Section 23 of the RTI Act.

⁸ Section 44 of the RTI Act.

⁹ Section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly: section 47(2) of the RTI Act.

¹⁰ Section 47(3)(b) of the RTI Act.

¹¹ 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.

¹² Section 44 of the RTI Act.

¹³ Section 47(2) of the RTI Act.

¹⁴ Dated 18 August 2025.

¹⁵ Dated 18 November 2025.

¹⁶ Dated 18 November 2025.

It is now like a spiders' web, and seems only to be getting bigger, and it has come to our attention from many people that we had the police come to our apartment. It is now at a point where a name has been given to us, as to who made the complaint, though we do not have proof in order to take this matter further.

This is my/our home, to which I/we should be able to live peacefully.

To be subjected to this has been one of the most stressful times of my/our life, and it caused myself and my partner extreme embarrassment as well.

I would like for this to be reconsidered, so we can have this sorted with our lawyer and move on with our lives.

12. And further submitted that¹⁷:

This situation has caused us nothing but extreme distress and unrest, and we simply need the name of who contacted the police, so we can get our lawyer to proceed with legal action.

With respect, it seems absurd that there is a public list of pedophiles [sic] for public view, though to simply find out who made a vexatious and extremely serious complaint about us, is unobtainable. It is a waste of everyone's time and energy, when we already know who did make the complaint, though without the proof from the police report, we will have no other avenue than to have our lawyer proceed, and waste the courts time, and also our own funds and time on needing to clear this entire situation up, and to have those who believe it is ok to make such ridiculous and vexatious accusations about innocent people, be brought to justice.

Findings

13. I have not identified any irrelevant factors that apply in relation to the Complaint Information.¹⁸
14. In favour of disclosure, the RTI Act recognises that there is a public interest in an individual gaining access to their personal information held by a government agency.¹⁹ To a significant degree, where the applicant's personal information appears within the documents located by QPS it has been released to her; I consider this serves to largely discharge this factor. I accept however, that some of the applicant's personal information remains within the Complaint Information but is intertwined with the personal information of other individual/s (including complainant/s) such that it cannot be severed to permit release. While this public interest is ordinarily afforded significant weight, I have reduced it to moderate taking into account what has already been disclosed and due to the intertwined nature of the remaining personal information of the applicant.
15. In terms of enhancing QPS's accountability and transparency in how it handles complaints of alleged domestic violence, I consider disclosure of the Complaint Information would promote the relevant factors²⁰ as it would provide the applicant with a more fulsome understanding of all of the information QPS considered in relation to the complaint. In affording weight to this factor, I have taken into account that most of information in the QPS documents was released to the applicant and that it shows how QPS handled the matter, steps taken by QPS, and the outcome, ie. that QPS ultimately concluded there was no evidence of domestic violence. For these reasons, and given the nature of the Complaint Information is confined to the source/s and substance of the complaint, the significant weight usually afforded to these factors is reduced to low.

¹⁷ Email to OIC dated 9 December 2025.

¹⁸ Including those set out in schedule 4, part 1 of the RTI Act.

¹⁹ Schedule 4, part 2, item 7 of the RTI Act.

²⁰ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

16. The applicant's submissions were particularly focused on obtaining access to the Complaint Information to pursue legal redress, including potential defamation action. Mere assertion by an applicant that information is required to enable pursuit of a legal remedy is not sufficient to establish this pro-disclosure consideration.²¹ I accept however, that by obtaining access to the Complaint Information, the applicant would have further information available to her about the source and substance of the complaint that she may use to evaluate the availability of a legal remedy, or pursue further legal processes. In the particular circumstances of this case, and taking into account the applicant's submissions as to the alleged harm she has suffered from the complaint, I afford moderate weight to the administration of justice factors.²²
17. As the applicant also raised concerns that the complaint was made vexatiously and that the Complaint Information was false, I have considered the public interest in revealing incorrect information.²³ I am satisfied that while the applicant may disagree with the allegations made to QPS by the source/s of the complaint, the inherent subjectivity in a source/s' statement does not necessarily mean the information is incorrect.²⁴ Accordingly, I afford no weight to this factor.
18. As to nondisclosure factors, I am satisfied that the following public interest considerations arise in relation to the Complaint Information:
- prejudice the protection of other individuals' right to privacy²⁵
 - cause a public interest harm by disclosing personal information of a person²⁶; and
 - prejudice the flow of information to a law enforcement agency such as QPS.²⁷
19. The majority of the Complaint Information is about other individual/s including the individual/s who contacted QPS to raise the complaint. I am satisfied that disclosing that information would cause a public interest harm²⁸ by disclosing their personal information²⁹ (including names, contact details and other identifying information) and prejudice the protection of their right to privacy.³⁰ Given the sensitive context in which the personal information appears, ie. a complaint to QPS about suspected domestic violence, I consider these nondisclosure factors carry significant weight. I have also taken into account that where information is disclosed under the RTI Act, there can be no limitation on its further dissemination and I am satisfied this lends further weight to the public interest harm and prejudice to privacy.³¹
20. QPS relies on information provided by the community to assist in discharging their functions with respect to law enforcement, including detecting and identifying breaches of the law. There is an expectation in the community that reports of domestic violence to QPS are taken seriously and I am satisfied there is public interest in protecting the free flow of information to law enforcement agencies³² in relation to such matters, even when allegations are ultimately unsubstantiated or charges are not laid.³³ I consider that disclosing information obtained from informants/complainants may discourage

²¹ *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17] and see also *Van Kujick and Queensland Police Service* [2014] QICmr 35 (19 August 2014) at [25] (**Van Kujick**).

²² Schedule 4, part 2, items 16 and 17 of the RTI Act.

²³ Schedule 4, part 2, item 12 of the RTI Act.

²⁴ See *Marshall and Department of Police* (Unreported, Queensland Information Commissioner, 25 February 2011) at [18]-[20] cited with authority in *Van Kujick* at [20] - [21].

²⁵ Schedule 4, part 3, item 3 of the RTI Act.

²⁶ Schedule 4, part 4, section 6 of the RTI Act.

²⁷ Schedule 4, part 3, item 13 of the RTI Act.

²⁸ Section 4, part 4, section 6 of the RTI Act.

²⁹ As defined in schedule 5 of the RTI Act and section 12 of the *Information Privacy Act 2009* (Qld).

³⁰ Schedule 4, part 3, item 3 of the RTI Act.

³¹ *FLK and Information Commissioner* [2021] QCAT 46 at [17].

³² Schedule 4, part 3, item 13 of the RTI Act.

³³ See *P6Y4SX and Queensland Police Service* [2015] QICmr 25 (11 September 2015).

individuals from coming forward with information, thus impeding the operations of a law enforcement agency like QPS. On this basis, I consider this factor carries significant weight.

21. For completeness, I note that there are also small portions of personal information of QPS officers appearing in the Complaint Information.³⁴ While the applicant did not specifically exclude this information, I am satisfied that given its limited nature, it does not respond to her interest in obtaining access to information identifying the source of the complaint. Notwithstanding, I am also satisfied that access to QPS officers' middle names may be refused due to the public interest in safeguarding personal information and the inherently private nature of a person's middle name, and the absence of any pro-disclosure factors to outweigh those considerations.
22. In summary, I am satisfied that there are several public interest factors which favour disclosure of the Complaint Information, including the administration of justice factors which I have moderately weighted in this particular case. However, I am also satisfied that the collective weight of the nondisclosure factors which seek to protect other individuals' personal information and their right to privacy, and ensure the flow of information to QPS is not prejudiced, is greater, and determinative. Accordingly, I find that disclosure of the Complaint Information would, on balance, be contrary to the public interest and access to it may be refused.³⁵

DECISION

23. I affirm the reviewable decision³⁶ and find that access to the Complaint Information may be refused under section 47(3)(b) of the RTI Act as its disclosure would, on balance, be contrary to the public interest.
24. I have made this decision as a delegate of the Information Commissioner, under section 145 of the RTI Act.



Katie Shepherd
Assistant Information Commissioner

Date: 10 March 2026

³⁴ Middle names of two QPS officers on page 4 of the located documents.

³⁵ Sections 47(3)(b) and 49 of the RTI Act.

³⁶ Under section 110(1)(a) of the RTI Act.