



Decision and Reasons for Decision

Citation:	V72 and Queensland Police Service [2026] QICmr 46 (23 March 2026)
Application Number:	319024
Applicant:	V72
Respondent:	Queensland Police Service
Decision Date:	23 March 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST - applicant seeks access to complaint information - whether disclosure 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)

REASONS FOR DECISION

Background

1. The applicant applied¹ to the Queensland Police Service (**QPS**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) for access to documents held by QPS pertaining to a complaint made against the applicant.
2. QPS located one page responsive to the scope of the application and decided² to refuse access to some information on that page (**Information in Issue**) on the ground that disclosure would, on balance, be contrary to the public interest.³
3. The applicant applied for internal review of QPS's decision.⁴ In response, QPS affirmed their original decision.⁵ The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's internal review decision⁶ requesting access to the Information in Issue.
4. For the reasons set out below, I affirm the reviewable decision⁷ and find that access to the Information in Issue may be refused on the ground that disclosure would, on balance, be contrary to the public interest.⁸

¹ Application dated 9 July 2025.

² QPS decision dated 21 August 2025.

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

⁴ Internal review application dated 8 September 2025.

⁵ Internal review decision dated 29 September 2025. This is the *reviewable decision* in this external review.

⁶ External review application to OIC dated 28 October 2025.

⁷ Under section 110(1)(a) of the RTI Act.

⁸ Under section 47(3)(b) and 49 of the RTI Act.

5. In making this decision, I have considered evidence, submissions, legislation and other material as set out in these reasons.⁹ I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information,¹⁰ and in doing so, have acted in accordance with section 58(1) of the HR Act.¹¹

Relevant law

6. Under the RTI Act, an individual has a right to be given access to documents held by government agencies. However, this right is subject to limitations, including grounds for refusal of access.¹² Access may be refused where the disclosure of information would, on balance, be contrary to the public interest.¹³ There is a pro-disclosure bias¹⁴ and the grounds for refusing access are to be interpreted narrowly.¹⁵
7. 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.¹⁶
8. The RTI Act explains the steps that the decision-maker must take in deciding the public interest and identifies factors in Schedule 4 that may be relevant to deciding the balance of the public interest test. I have considered all these factors, together with other relevant information in reaching my decision, and discuss relevant factors below.

Submissions

9. In summary, the applicant submits that they have a right to access the redacted information because:¹⁷
- it is necessary to ascertain the substantive facts and other relevant information in this matter
 - this complaint is the third frivolous complaint made against the applicant in retaliation for the applicant standing up to their neighbour in the context of ongoing neighbourhood disputes
 - the redacted information may evidence that ... *'Queensland Police ... are now running a protection racket for [the complainant]'*
 - the applicant wants to know the details of the complaint made about them as their recollection of the incident does not indicate an issue
 - the applicant submits that they require the information relevant for a defamation case; and
 - the public interest lies in disclosing the information.

Findings

Irrelevant factors

⁹ Including footnotes.

¹⁰ Section 21 of the HR Act.

¹¹ 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].

¹² The grounds for refusal are set out in section 47(3) of the RTI Act.

¹³ Sections 47(3)(b) of the RTI Act.

¹⁴ Section 44 of the RTI Act.

¹⁵ Section 47(2)(a) of the RTI Act.

¹⁶ However, there are some recognised public interest considerations that may apply for the benefit of an individual.

¹⁷ External review application dated 28 October 2025, and submissions dated 2 February 2026.

10. I confirm that I have not taken any irrelevant factors¹⁸ into account in reaching the findings detailed below.

Factors favouring disclosure

11. While I am limited in the detail I am able to provide in this decision,¹⁹ the Information in Issue can generally be described as personal information of the applicant intertwined with individuals other than the applicant, which includes third-party observations and opinions.
12. I have considered the public interest in members of the public accessing their personal information held by government.²⁰ The fact that the Information in Issue contains the applicant's personal information weighs heavily in favour of release of the one-page document to the applicant. However, the Information in Issue also contains the personal information of another party, and the RTI Act recognises that releasing this information would prejudice their privacy and cause harm.²¹ This has significant weight as the information appears in a sensitive complaint context.
13. The public interest will favour disclosure of information which could reasonably be expected to enhance Government accountability and reveal the reason for a government decision to allow the public to understand the background, context and reasons behind government decisions.²² Having carefully assessed the Information in Issue, its release would not significantly advance these factors, given the applicant's understanding of events.²³ I am satisfied that the information already released by QPS as part of its investigation and as part of the access application allowed the applicant to be broadly aware of the circumstances of the complaint made against them. There is no identifiable public interest served by releasing further information that would confirm or expand upon the identity of the complainant. Therefore, I have assigned these factors low weight.
14. The public interest will also favour disclosure of information which could reasonably be expected to allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official, or assist in revealing misconduct, negligent or improper or unlawful conduct.²⁴ The applicant claims the redacted information evidences that ... *'Queensland Police ... are now running a protection racket for [the complainant]'*. I accept that the applicant's allegations are serious and recognise the importance of holding QPS accountable for the proper discharge of its functions and performance. However, as the redacted information is third party personal information only, I do not accept that disclosure of the Information in Issue could assist the applicant to inquire into possible deficiencies or improper conduct by QPS. For these reasons, I afford these factors favouring disclosure low weight.
15. The applicant submits that the Information in Issue is required for defamation proceedings. The RTI Act recognises a public interest in disclosing information that could reasonably be expected to contribute to the administration of justice for a person.²⁵ For this factor to arise, the applicant must demonstrate:
- a suffered wrong for which a remedy is, or may be, available
 - a reasonable basis for pursuing that remedy; and

¹⁸ Schedule 4, part 1 of the RTI Act.

¹⁹ Section 108(3) of the RTI Act.

²⁰ Schedule 4, part 2, item 7 of the RTI Act.

²¹ Schedule 4, part 3, item 3 and part 4, item 6 of the RTI Act.

²² Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

²³ Evident in, for example, the applicant's internal review application dated 29 September 2025.

²⁴ Schedule 4, part 2, items 5 and 6 of the RTI Act.

²⁵ Schedule 4, part 2, item 17 of the RTI Act.

- that disclosure would assist in pursuing a remedy or assessing if a remedy is available or worth pursuing.²⁶
16. The RTI Act further recognises a public interest in disclosure where information could reasonably be expected to reveal that the information is incorrect, misleading or unfairly subjective.²⁷
 17. Complaint information, such as the Information in Issue, is inherently subjective and reflects an individual's account of events, shaped by memory and personal impression. This subjectivity does not of itself render a complaint incorrect, misleading or unfairly subjective, rather it means that the complaint information represents one interpretation of events that must be weighed against other evidence when deciding whether to take any action regarding it.²⁸ On the material before me, there is no objective evidence suggesting that the complaint information has been incorrectly or inaccurately recorded, or is a manifest fabrication - all disclosure would potentially reveal is the existence of an account of events which differs from the applicant's recollection.²⁹ For these reasons, I am not satisfied that disclosure of the Information in Issue could reasonably be expected to reveal the information to be incorrect, misleading or unfairly subjective; and even if this factor could be considered relevant, it would warrant no more than low weight.
 18. In terms of contribution to the administration of justice for a person, defamation proceedings as mentioned by the applicant are an actionable wrong. The material before me indicates that the applicant gained some awareness of the nature of the complaint information when QPS telephoned them about the complaint; and that QPS did not take further action about the complaint following the telephone call. I am not satisfied that the disclosure of the Information in Issue is required to make the identity of the complainant known to the applicant and therefore enable them to commence action for defamation against that individual. Further, noting the applicant's general awareness of the complaint gained from the telephone call, the lack of further action by QPS following that call, and the inherent subjectivity with accounts of events in complaint information (as noted in the preceding paragraph), I am not satisfied that disclosure of the Information in Issue is required to enable the applicant to evaluate whether the action for defamation is available or worth pursuing. In these circumstances, I afford this factor low weight.
 19. I have also considered whether disclosure of the Information in Issue could reasonably be expected to advance the fair treatment of the applicant in their dealings with QPS or contribute to the administration of justice, including procedural fairness.³⁰ The applicant's abovementioned telephone call with QPS suggests that the applicant was given an opportunity to state his position, and the lack of further action by QPS following that call indicates the absence of any decision adverse to the applicant, or any apparent likelihood of such a decision in future. Given this position, I am not satisfied that these factors are relevant; and even if they were, they would warrant only low weight.
 20. I have carefully considered all the other factors listed in schedule 4, part 2 of the RTI Act. Having done so, I cannot identify any other public interest considerations favouring disclosure of the Information in Issue.

Factors favouring non-disclosure

21. While the RTI Act recognises an applicant's right to access their own personal information, it equally mandates the protection of personal information and privacy of individuals other than the applicant.

²⁶ *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17].

²⁷ Schedule 4, part 2, item 12 of the RTI Act.

²⁸ *WL1T8P and Queensland Police Service* [2014] QICmr 40 (16 October 2014) at [30].

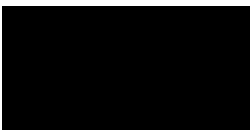
²⁹ *Marshall and Queensland Police Service* (Unreported, Queensland Information Commissioner, 25 February 2011) at [18]-[19].

³⁰ Schedule 4, part 2, items 10 and 16 of the RTI Act.

22. The RTI Act recognises nondisclosure factors will arise where disclosing information could reasonably be expected to prejudice the protection of an individual's right to privacy;³¹ and cause a public interest harm if it would disclose personal information of a person, whether living or dead.³²
23. The Information in Issue remains personal information as it reveals the thoughts, concerns and emotions of individuals other than the applicant. I have carefully reviewed the Information in Issue, and I am satisfied that the content reflects the subjective mental or emotional states of these individuals. Having regard to the nature of the Information in Issue, I am satisfied that its disclosure could reasonably be expected to prejudice the protection of other individual's rights to privacy and cause a public interest harm to a significant extent and therefore, I afford these factors favouring non-disclosure significant weight.
24. I have also considered that the operations of QPS depend on members of the public being willing to report concerns. Disclosure of complaint information could reasonably be expected to deter future reporting and consequently prejudice the flow of information to QPS which is contrary to the public interest.³³ I afford this factor significant weight having regard to the importance of QPS's law enforcement function.
25. Having weighed the competing public interest factors, noting that some information has already been released to the applicant and that the complaint recorded did not result in further action by QPS, I am satisfied that the factors favouring non-disclosure carry significant and determinative weight and therefore disclosure of the Information in Issue would, on balance, be contrary to the public interest and may be refused under section 47(3)(b) of the RTI Act.

DECISION

26. For the reasons set out above, I affirm the reviewable decision³⁴ and find that access to the Information in Issue may be refused on the ground that disclosure would, on balance, be contrary to the public interest.³⁵
27. I have made this decision as a delegate of the Information Commissioner under section 145 of the RTI Act.



K Zaidiza
Manager, Right to Information

Date: 23 March 2026

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

³² Schedule 4, part 4, section 6 of the RTI Act.

³³ Schedule 4, part 3, item 13 of the RTI Act.

³⁴ Under section 110(1) (a) of the RTI Act.

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