



Decision and Reasons for Decision

Citation:	<i>Kelson and Queensland Police Service</i> [2017] QICmr 7 (3 March 2017)
Application Number:	312820
Applicant:	Kelson
Respondent:	Queensland Police Service
Decision Date:	3 March 2017
Catchwords:	<p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - MAKING ACCESS APPLICATION - requirement to give sufficient information to enable an agency to identify relevant documents - whether an audio recording is a document relevant to the scope of the access application - section 24 of the <i>Right to Information Act 2009</i> (Qld)</p> <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - CONTRARY TO PUBLIC INTEREST - information concerning complaints and investigations - personal information and privacy - prejudice to the flow of information to a law enforcement agency - prejudice to management function of an agency - whether disclosure would, on balance, be contrary to the public interest - whether access to information may be refused under section 47(3)(b) of the <i>Right to Information Act 2009</i> (Qld)</p>

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 various documents concerning complaints and investigations.¹
2. The Public Safety Business Agency (**PSBA**), on behalf of QPS, released some information to the applicant, but decided to refuse access to the remaining located information.² On internal review, PSBA affirmed the original decision.³

¹ Access application dated 26 November 2015.

² Decision dated 16 February 2016 granting full access to 58 full pages and 3 audio recordings, partial access to 131 pages and refusing access to 12 pages and 7 audio recordings. PSBA also excluded some information on the basis that it was irrelevant to the terms of the access application.

³ Decision dated 29 March 2016.

3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review, submitting that several public interest factors, including those relating to the administration of justice, support disclosure of the information to which he was refused access. The applicant also submitted that an audio recording of a conversation he had with a QPS officer should have been identified by QPS in response to his application.
4. During the external review process, QPS agreed to release some additional information to the applicant and the applicant agreed not to pursue access to certain categories of information. As a result, the information remaining in issue has been reduced to that set out in the attached schedule.⁴
5. For the reasons set out below, I affirm PSBA's decision to refuse access to the information in issue under section 47(3)(b) of the RTI Act. I also find that the unlocated audio recording falls outside the scope of the access application, and therefore, the issue of whether or not that recording exists, does not require determination in this review.

Background

6. The subject matter of the complaints and investigations is broadly connected to incidents and issues which arose, several years ago, at the applicant's former workplace (a private business). The applicant has since had extensive communications with QPS in connection with these issues, and remains aggrieved by some of his interactions with QPS. Relevantly, the applicant made a complaint to QPS about the way he was treated by QPS officers who had attended the workplace, in response to a concern raised by a member of the public.
7. Significant procedural steps taken in the external review are set out in Appendix B to these reasons.

Reviewable decision

8. The decision under review is the internal review decision of PSBA, dated 29 March 2016, made on behalf of QPS, refusing access to information under section 47(3) of the RTI Act.⁵

Evidence considered

9. Evidence, submissions, legislation and other material considered in reaching this decision are referred to in these reasons (including footnotes and Appendices).

Information in Issue

10. The information remaining in issue comprises emails, reports, letters, and audio recordings obtained or created by QPS in the course of dealing with and/or investigating the relevant complaints (**Information in Issue**).⁶ In these reasons for decision, I have dealt with the Information in Issue in four categories, as different public interest factors apply in relation to each category:
 - Category A – information provided to QPS during its inquiries and/or investigations
 - Category B – information provided to QPS seeking police assistance

⁴ See Appendix A to these reasons.

⁵ At the time the internal review decision was made, applications to QPS were delegated to PSBA under section 30(3) of the RTI Act. In this review, QPS is the correct respondent agency as the access application was made to QPS, for documents held by QPS: see sections 12 and 23 of the RTI Act.

⁶ See Appendix A.

- Category C – non-routine personal work information of QPS officers; and
- Category D – information concerning management of the applicant’s complaint.

11. As noted in paragraph 4 above, the information in issue was reduced during the review process, through negotiation with the participants.⁷ In summary, QPS agreed to release additional information on two pages⁸ and the applicant agreed not to pursue access to certain categories of information.⁹ Accordingly, that information is not in issue in this review and is not dealt with in these reasons for decision. This decision also does not deal with the applicant’s request for complaint documents, beyond those directly involving the applicant, as this too was resolved informally during the review.¹⁰

Issues for determination

12. The primary issue for determination in this review is whether access to the Information in Issue may be refused under section 47(3)(b) of the RTI Act, on the basis that disclosure would, on balance, be contrary to the public interest.
13. I have also made a finding below, on the threshold issue of whether an audio recording of a conversation between the applicant and a QPS officer on 15 February 2014 should have been identified by QPS as a document within the scope of the access application.

Findings

Scope of application

14. The RTI Act requires an applicant to give sufficient information concerning the document(s) sought to enable a responsible officer of the agency to locate the relevant documents.¹¹ There are sound practical reasons for documents being clearly and unambiguously identified, including that the terms of an access application set the parameters for an agency’s response and the direction of an agency’s search efforts.¹²
15. The access application was framed in fairly broad terms, covered a period of five years, and requested a wide range of documents relating to complaints and investigations. The application listed the names of various QPS officers and specified the types of documents to include *‘investigation records (audio...)’*.
16. QPS located a number of audio recordings in response to the access application, however, it did not locate any recording from 15 February 2014. The applicant states that on that date, he attended Gladstone Police Station to have a senior police officer witness an affidavit for him in relation to a civil matter.¹³ The applicant states that during that attendance, he spoke to the Officer in Charge about various matters, but did not make his formal complaint about his treatment by police officers, at that time.

⁷ Under section 90(1) of the RTI Act, OIC has an obligation to promote settlement of external review applications—this can include negotiating with review participants to resolve specific issues in a review informally, thereby reducing the number of issues requiring formal determination.

⁸ Pages 1 and 3.

⁹ Names and contact details of other citizens; mobile telephone numbers of QPS officers and information about QPS officers’ leave arrangements; and irrelevant information (QPS officer diary entries concerning unrelated QPS matters).

¹⁰ I conveyed a view to the applicant that section 55 of the RTI Act would apply to neither confirm nor deny requests for access to any complaint documents generally relating to another individual and their private business. The applicant did not contest this view and therefore, I have proceeded on the basis that this issue has been resolved.

¹¹ Section 24(2)(b) of the RTI Act.

¹² *Lonsdale and James Cook University* [2015] QICmr 34 (15 December 2015) at [9].

¹³ Submission to OIC dated 23 September 2016. The applicant has provided OIC with an extract of an affidavit, sworn by him and witnessed by the Officer in Charge, at Gladstone, on 15 February 2014, as evidence of that contact.

17. The applicant believes that the conversation was recorded at the time by the Officer in Charge.¹⁴ The applicant has also confirmed to OIC that the conversation took place prior to him lodging a formal complaint with QPS, and prior to any investigation.¹⁵ The applicant has conceded that *'It would seem audio recording ... has been lost'*.¹⁶ However, he has continued to make submissions to OIC that the document should have been identified by QPS in response to his application as he believes it fell within scope.
18. The applicant submits that he should be allowed some flexibility in terms of the words used in his application because *'first time participants would not be conversant with finer details of RTI & IP Acts'*.¹⁷ The Information Commissioner has previously recognised that the scope of an access application should not be interpreted legalistically or narrowly.¹⁸ However, balanced against this is the need for agencies to be able to restrict their searches for documents with reference to the terms used in the application. This is not to say that agencies are prevented from contacting an applicant during the processing of an application, to ask an applicant to more clearly identify documents of interest to them, particularly if there is some ambiguity in the terms of the application.
19. The applicant's complaint about officer conduct was made in January 2015, however, the subject conversation with the Officer in Charge of Gladstone Police Station occurred almost a year prior. Given this timeframe, and taking into account the emphasis on complaint and investigation documents in the wording of the application, I consider it was reasonable for the RTI decision maker to interpret the application as seeking audio recordings connected with the formal complaint and investigation process and thereby, focus their searches on locating documents post-dating the applicant's formal complaint about officer conduct.
20. For the reasons outlined above and without making any finding on its existence, I am satisfied that it was reasonable for QPS not to identify the 15 February 2014 audio recording as a document falling within the scope of the access application.

Contrary to public interest

Relevant law

21. The RTI Act is to be administered with a pro-disclosure bias.¹⁹ Under the RTI Act, a person has a right to be given access to documents of an agency subject to certain limitations, including the grounds for refusing access.²⁰ A ground on which access can be refused is where disclosure would, on balance, be contrary to the public interest.²¹
22. 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 generally. This means that ordinarily, 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.²²

¹⁴ Due to my finding that any recording would not be captured by the terms of the application, I have not obtained any independent evidence from QPS as to whether the conversation was recorded in the first instance, or whether a recording (if created) exists.

¹⁵ Applicant's email to OIC dated 17 May 2016 states *'I officially laid complaint about police later with documented information'*.

¹⁶ Submission to OIC dated 23 September 2016.

¹⁷ Submission to OIC dated 20 October 2016.

¹⁸ *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) at [21].

¹⁹ Section 44 of the RTI Act. This accords with the primary object of the Act, being to give a right of access to information in the government's possession or control, unless, on balance, it is contrary to the public interest to give access. The Act must be applied and interpreted to further the primary object (section 3 of the RTI Act).

²⁰ Section 23 of the RTI Act. The grounds are to be interpreted narrowly: section 47(2)(a) of the RTI Act.

²¹ Sections 47(3)(b) and 49 of the RTI Act.

²² For example, schedule 4, part 2, items 8, 9 and 17 of the RTI Act.

23. The RTI Act identifies many factors that may be relevant to deciding the balance of the public interest and explains the steps that a decision maker must take²³ in deciding the public interest as follows:
- identify any irrelevant factors and disregard them²⁴
 - identify relevant public interest factors favouring disclosure and nondisclosure²⁵
 - balance the relevant factors favouring disclosure and nondisclosure; and
 - decide whether disclosure of the information would, on balance, be contrary to the public interest.

Category A - information provided to QPS during its inquiries and/or investigations

24. This category comprises information provided by individuals (including witnesses and potential witnesses) in response to QPS officers' inquiries, including four audio recordings.
25. The applicant has excluded the names and contact details of individuals,²⁶ but maintains that the remainder of the information should be disclosed. The applicant has referred to a number of public interest factors to support this contention.²⁷ Primarily, the applicant indicates that access to the Category A information would assist in '*correcting prejudice against him*' and afford him procedural fairness.²⁸
26. I acknowledge the pro-disclosure bias in deciding access to information.²⁹ The RTI Act also recognises that a public interest factor favouring disclosure arises if disclosure could reasonably be expected to enhance government accountability and transparency.³⁰ I consider these factors apply because the information demonstrates actions taken by QPS in conducting inquiries into and dealing with the complaints. However, I also note that the applicant has been granted access to a number of documents, albeit with some redactions, and that this has already delivered a level of transparency. Therefore, I afford these factors moderate weight.
27. I recognise that disclosing the Category A information would allow the applicant to be more comprehensively informed of the extent of the inquiries undertaken by QPS and may assist the applicant's understanding of the QPS investigation process. The applicant has however, already received some information about the investigation process and was notified of the outcome of the investigation. While I acknowledge the applicant's desire to seek redress, in relation to the Category A information, the applicant is not the subject of the complaint or investigation processes. Accordingly, I afford only limited weight to the public interest factors relating to procedural fairness and administration of justice.³¹
28. As some of the inquiries relate to a complaint made by the applicant, there is necessarily some reference to the applicant and/or to his complaint. This raises a further factor favouring disclosure because some of the information is the applicant's personal

²³ Section 49(3) of the RTI Act.

²⁴ I have not taken into account any irrelevant factors in making my decision in this review.

²⁵ Schedule 4 of the RTI Act sets out the factors for deciding whether disclosing information would, on balance, be contrary to the public interest. However, this list of factors is not exhaustive. In other words, factors that are not listed may also be relevant.

²⁶ See paragraph 11 above.

²⁷ These factors include items 10, 12, 16 and 17.

²⁸ Applicant's submission to OIC dated 20 October 2016.

²⁹ Section 44 of the RTI Act.

³⁰ Schedule 4, part 2, items 1 and 11 of the RTI Act.

³¹ Schedule 4, part 2, items 16 and 17 of the RTI Act.

information.³² However, this information is inextricably intertwined with the personal information of other individuals (as discussed below) and as such, cannot sensibly be severed. I am satisfied that this reduces the weight of this factor to a degree and therefore, I afford it only moderate weight in favour of disclosure.

29. The weight of the pro-disclosure factors examined above must be balanced against the effect disclosure would have on the privacy of individuals assisting QPS with their inquiries and protecting the flow of information to QPS, as discussed below.
30. The Category A information was provided by and/or is about private individuals (e.g. their observations and recollections of events) in relation to QPS inquiries/investigations. It is therefore, personal and sensitive in nature. The RTI Act recognises that disclosing an individual's personal information to someone else can reasonably be expected to cause a public interest harm.³³ Further, a factor favouring nondisclosure arises if disclosing information could reasonably be expected to prejudice the protection of an individual's right to privacy.³⁴ Even with the names and contact details of individuals removed, I am satisfied that these factors still apply, as disclosure could still reasonably be expected to identify the individuals due to the surrounding factual matrix of the complaints. This is particularly the case in relation to the audio recordings as disclosure would reveal the individuals' voices, tone and emotions expressed in the interviews with QPS.
31. I find that releasing such information would disclose the personal information³⁵ of people other than the applicant. I am further satisfied that disclosure could reasonably be expected to prejudice the protection of those individuals' right to privacy and cause a public interest harm, and that these factors warrant substantial weight because of the sensitive and personal nature of the Category A information.
32. If disclosure could reasonably be expected to³⁶ prejudice the flow of information to a law enforcement agency, such as QPS, a public interest factor favouring nondisclosure arises.³⁷ Efficient and effective use of public resources is facilitated by police being able to seek and obtain information from members of the community, whether they are complainants, witnesses, informers or the subjects of complaint.³⁸ Routine disclosure of information provided by individuals assisting QPS with inquiries and/investigations would in my view discourage people from providing information to police or cooperating with future inquiries. It is reasonable to expect that this would, in turn, detrimentally effect the flow of information to QPS.³⁹ I am therefore satisfied that, in relation to the Category A information, this factor carries significant weight against disclosure.
33. For the reasons set out above, I am satisfied that safeguarding the personal information and privacy of others and the anticipated prejudice to the flow of information are determinative in relation to the Category A information. Accordingly, I find that disclosing this information would, on balance, be contrary to the public interest.

³² Schedule 4, part 2, item 7 of the RTI Act. Section 12 of the *Information Privacy Act 2009* (Qld) defines 'personal information' as information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

³³ Schedule 4, part 4, section 6(1) of the RTI Act.

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

³⁵ As that term is defined in section 12 of the IP Act.

³⁶ The words 'could reasonably be expected to' call for a decision-maker to discriminate between unreasonable expectations and reasonable expectations, between what is merely possible or merely speculative, and expectations that are reasonably based: that is, expectations for the occurrence of which real and substantial grounds exist. See *Cannon and Australian Quality Egg Farms Limited* (1994) 1 QAR 491 at [62]-[63].

³⁷ Schedule 4, part 3, item 13 of the RTI Act.

³⁸ See *Marshall and Department of the Police* (Unreported, Information Commissioner of Queensland, 25 February 2011) (*Marshall*).

³⁹ See *Marshall* at [29]. Adopting the ordinary meaning of the term 'prejudice': see *Daw and Queensland Rail* (Unreported, Queensland Information Commissioner, 24 November 2010) at [16].

Category B - information provided to QPS seeking police assistance

34. This category concerns a private citizen's contact with QPS to seek assistance. The attending QPS officers were the subject of the applicant's later conduct complaint.⁴⁰
35. As set out at paragraph 32 above, it is generally accepted that there is a very strong public interest in protecting the free flow of information to law enforcement agencies because agencies such as QPS often rely on information from the public to be alerted to, and to pursue, potential breaches of the law.⁴¹ Routinely disclosing this type of information would tend to discourage individuals from coming forward with relevant information.⁴² This, in turn, would significantly prejudice QPS' ability to effectively discharge its functions. Whether or not an individual in a particular instance may be mistaken in requesting police assistance is irrelevant in terms of this broader public interest consideration.
36. I give significant weight to this factor in favour of nondisclosure of the Category B information and find that it outweighs the general public interest favouring disclosure of government information.⁴³

Category C - non-routine personal work information of QPS officers

37. This category can be broadly described as information about QPS officers who were the subject of a human resources investigation arising out of the applicant's complaint to QPS about officer conduct towards him at his former workplace.⁴⁴
38. The applicant's submissions in relation to seeking disclosure of the Category C information focus on his dissatisfaction with the handling of his complaint, ongoing concerns about the way he was dealt with by specific QPS officers and the incident which led to the complaint.
39. I consider there is a strong public interest in QPS being accountable and transparent in the way it deals with complaints about its officers and in ensuring procedural fairness by informing complainants of the outcome of an investigation.⁴⁵ In this regard, I note that the applicant was provided with a letter explaining the outcome of the investigation (that his allegations were found to be unsubstantiated) and the reason for this (insufficient evidence).⁴⁶ Information disclosed to the applicant also provides further information about the steps taken in the investigation process. In light of the information QPS has already disclosed to the applicant, I am satisfied that disclosing the Category C information would not advance these public interest factors any further and therefore, I give them only low weight.
40. I acknowledge that the Category C information includes, to a limited degree, the applicant's personal information and consider this public interest factor favouring disclosure⁴⁷ warrants some weight. The applicant would however, be generally aware

⁴⁰ In his submission to OIC dated 20 October 2016, the applicant submits that the relevant incident was described by a QPS officer as a '*routine keep the peace*' which was viewed as a civil matter which did not necessarily require police attendance. While this gives some further context to the situation, this submission is not relevant to the issue for determination.

⁴¹ See for example: *P6Y4SX and Queensland Police Service* [2015] QICmr 25 (11 September 2015), *P6Y4SX and Department of Police* (Unreported, Queensland Information Commissioner, 31 January 2012), and *SW5Z7D and Queensland Police Service* [2016] QICmr 1 (15 January 2016).

⁴² *SW5Z7D and Queensland Police Service* [2016] QICmr 1 (15 January 2016).

⁴³ I have not identified any other factors favouring disclosure of the Category B information.

⁴⁴ The information available to OIC (and released to the applicant) establishes that the complaint was dealt with by management process, under QPS Human Resources Policies.

⁴⁵ Schedule 4, part 2, items 1, 3 and 16 of the RTI Act.

⁴⁶ Letter to the applicant from QPS dated 2 April 2015.

⁴⁷ Schedule 4, part 2, item 7 of the RTI Act.

of the context in which his personal information has been recorded and the type of personal information that would be contained in this material given that it relates to investigation of his complaint. On that basis, I attribute only moderate weight to this factor favouring nondisclosure.

41. The Category C information is the personal information⁴⁸ of the relevant officers. Previous decisions of the Information Commissioner recognise that while accountability and transparency factors generally favour disclosure of public sector employees' routine work information, information not wholly relating to routine day to day work activities of a public service officer is considered non-routine.⁴⁹ I am satisfied that this category of information is not routine in nature as it concerns complaints made against the relevant QPS officers. I consider that disclosing such information would be an intrusion into the privacy of those individuals and would cause significant public interest harm.⁵⁰ As set out above, the applicant's complaint against the officers was unsubstantiated. In this context, I am satisfied that the public interest in protecting the relevant officers' privacy is extremely strong and significantly outweighs the factors favouring disclosure.
42. For the reasons set out above, I find that on balance, the factors favouring nondisclosure outweigh the factors favouring disclosure in relation to the Category C information.

Category D - information concerning management of the applicant's complaint

43. A small amount of the Information in Issue concerns discussions between QPS officers about managing the applicant's complaint.
44. The applicant has provided OIC with a number of reports and publications concerned with managing complaints about police officer conduct.⁵¹ In summary, the applicant's submissions go toward enhancing accountability and transparency in how QPS handles internal complaints about police officer conduct.
45. In relation to the Category D information, I acknowledge that these factors apply⁵², as does the personal information factor.⁵³ As previously noted, the applicant has received general information about the investigation process and the outcome of the investigation. Documents released to the applicant also show that QPS has endeavoured to comprehensively respond to the applicant's subsequent questions about the investigation process, and that QPS conducted further inquiries in response to matters raised by the applicant. I am satisfied that the information already released and QPS' additional responses has furthered the applicant's understanding of how QPS handled his complaint. I therefore afford these factors only moderate weight.
46. The RTI Act recognises that a public interest factor favouring nondisclosure arises where disclosure of information could reasonably be expected to prejudice an agency's management function.⁵⁴ The Category D information was communicated between QPS officers for the purpose of dealing with the applicant's complaint and managing related processes and correspondence.
47. QPS officers and staff must be able to freely communicate with each other about these types of issues and be candid in discussions with management and colleagues.

⁴⁸ As that term is defined in section 12 of the IP Act, see note 32 above.

⁴⁹ See for example, *Lichfield-Bennett and Department of Community Safety* (Unreported, Queensland Information Commissioner, 6 March 2013) at [40].

⁵⁰ Schedule 4, part 3, item 3 of the RTI Act and schedule 4, part 4, section 6 of the RTI Act.

⁵¹ Attached to his submission to OIC dated 20 October 2016.

⁵² Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

⁵³ Schedule 4, part 2, item 7 of the RTI Act.

⁵⁴ Schedule 4, part 3, item 19 of the RTI Act.

Disclosing this type of information under the RTI Act, where there can be no restriction on its use, dissemination or re-publication, could reasonably be expected to make staff reluctant to provide such information to management in the future and would prejudice the flow of information to management.⁵⁵ I am satisfied that this, in turn, could reasonably be expected to adversely impact QPS' ability to manage staff.

48. For the reasons stated above, I afford this factor significant weight and consider that it is, on balance, determinative as against the public interest factors favouring disclosure of the Category D information.

Conclusion

49. For the reasons set out above, I find that disclosure of the Category A, B, C and D Information would, on balance, be contrary to the public interest under section 47(3)(b) of the RTI Act.

DECISION

50. I affirm the decision under review to refuse access to the Information in Issue under section 47(3)(b) of the RTI Act.
51. I have made this decision under section 110 of the RTI Act, as a delegate of the Information Commissioner under section 145 of the RTI Act

K Shepherd
Assistant Information Commissioner

Date: 3 March 2017

⁵⁵ See *Tol and University of Queensland* [2015] QICmr 4 (18 February 2015) at [27].

APPENDIX A

Information remaining in issue			
Page No.	Document description	Decision	Category
1	Intelligence log summary	Part refusal	Category A
6-11, 13-14	Diary entries	Part refusal	Category A
15	QPS internal email/s	Part refusal	Category C
18-22	CSS Summary Report	Part refusal pp. 18-19 Full refusal pp. 20-22	Category A and C
23	Incident details	Full refusal	Category B
24, 26-27, 29-30, 33-34, 35-37, 39-41, 49	QPS internal email/s	Part refusal	Category C and D
57-60	Inquiries and Recommendations Report	Part refusal	Category C
68-69	QPS internal email/s	Part refusal	Category A, C and D
73-74	QPS internal email/s	Part refusal	Category A and D
78-79, 84-85	QPS internal email/s	Part refusal	Category A, C and D
89	QPS internal email/s	Part refusal	Category A
94-98	Internal Investigation Group Managerial Process Report	Part refusal pp. 94-95, 97-98 Full refusal p. 96	Category C
100	Email	Part refusal	Category C and D
105	QPS internal email/s	Part refusal	Category A and C
106-111 (copy of 94-98)	Internal Investigation Group Managerial Process Report	Part refusal pp.106-107, 109-111 Full refusal p. 108	Category C
113	QPS internal email/s	Part refusal	Category A and C
115	QPS internal email/s	Part refusal	Category C
116-117	Correspondence – investigation outcome communicated to subjects of complaint	Full refusal	Category C
118	QPS internal email/s	Part refusal	Category C
119-120 (copy of 116-117)	Correspondence – investigation outcome communicated to subjects of complaint	Full refusal	Category C
150, 151	QPS internal email/s	Part refusal	Category A
161-162	QPS Indemnity Receipt	Part refusal	Category A
171	QPS internal email/s	Part refusal	Category A
172	QPS internal email/s	Part refusal	Category C

Information remaining in issue			
Page No.	Document description	Decision	Category
175 (copy of 23)	Incident details 25.10.2012	Full refusal	Category B
180-181, 182-184, 186-188	QPS internal email/s	Part refusal	Category C and D
190-195 (copy of 94-98)	Internal Investigation Group Managerial Process Report	Part refusal pp.190-191, 193-194 Full refusal p. 192	Category C
197 (copy of 23)	Incident details 25.10.2012	Full refusal	Category B
198, 200 (copy of 116-117)	Correspondence – investigation outcome communicated to subjects of complaint	Full refusal	Category C
N/A	3 x Audio Recordings	Full refusal	Category C
N/A	4 x Audio Recordings	Full refusal	Category A

APPENDIX B

Significant procedural steps	
Date	Event
3 May 2016	OIC received the external review application. OIC notified QPS and the applicant that the external review application had been received and requested relevant procedural information from QPS.
9 May 2016	OIC notified the applicant that his review application had been accepted. OIC notified QPS that the applicant had been allowed further time within which to apply for review and that the external review application had therefore, been accepted. OIC asked QPS to provide the documents located in response to the access application, and information about the searches conducted on the application.
17, 18 and 25 May 2016	The applicant provided OIC with further information in support of his application.
30 May 2016	OIC received a copy of the documents located in response to the access application from PSBA.
14 July 2016	OIC asked QPS to provide further information, including copies of the seven audio recordings to which full access was refused.
22 July 2016	OIC received information about the searches conducted on the application and relevant audio recordings from QPS. QPS also notified OIC that it was prepared to release some additional information to the applicant, to which access had previously been refused.
11 August 2016	The applicant provided further submissions to OIC, by telephone.
22 September 2016	OIC wrote to the applicant to convey a preliminary view on his entitlement to access further information under the RTI Act. OIC advised QPS of the preliminary view and asked QPS to send the applicant the additional information which it had agreed to release to him.
23 September 2016	The applicant provided an initial response to OIC's preliminary view and sought an extension of time to provide a more detailed submission.
23 September 2016	OIC granted the applicant's request for an extension of time.
26 September 2016	QPS sent the additional information to the applicant.
20 October 2016	The applicant provided OIC with further submissions in response to OIC's preliminary view, including a number of supporting documents.
4 November 2016	OIC wrote to the applicant to confirm that, in accordance with his submissions, certain categories of information would be excluded from further consideration by OIC. OIC also notified the applicant that this review would proceed to be finalised by a formal decision.
25 January 2017	The applicant telephoned OIC to obtain an update on the status of the review. He advised that he wished to receive a formal decision to finalise the matter.