



Decision and Reasons for Decision

Citation:	<i>G76 and Department of Families, Seniors, Disability Services and Child Safety [2025] QICmr 78 (5 November 2025)</i>
Application Number:	318244
Applicant:	G76
Respondent:	Department of Families, Seniors, Disability Services and Child Safety
Decision Date:	5 November 2025
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT OR UNLOCATABLE - applicant submits further documents should exist - whether agency has taken reasonable steps to locate relevant documents - whether agency can be satisfied further documents do not exist - section 52(1)(a) of the <i>Right to Information Act 2009 (Qld)</i> - whether access to further documents may be refused under section 67(1) of the <i>Information Privacy Act 2009 (Qld)</i> and section 47(3)(e) of the <i>Right to Information Act 2009 (Qld)</i>

REASONS FOR DECISION

Background

1. The applicant applied to Department of Families, Seniors, Disability Services and Child Safety (**Department**) under the *Information Privacy Act 2009 (Qld)* (**IP Act**)¹ for access to a range of *'documents associated with child safety matters'* for a date range in which the applicant was an adult.²
2. The Department was unable to locate any documents responding to the terms of the access application through searches of its recordkeeping systems and therefore decided³ to refuse access to all requested documents under section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act on the ground that the documents were nonexistent.

¹ On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023 (Qld)* (**IPOLA Act**) came into force, effecting significant changes to the IP Act and *Right to Information Act 2009 (Qld)* (**RTI Act**). References in this decision to the IP and RTI Acts, however, are to those Acts as in force prior to 1 July 2025. This is in accordance with Chapter 8 Part 3 of the IP Act and Chapter 7 Part 9 of the RTI Act, comprising transitional provisions requiring that access applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted.

² Access application dated 19 August 2024. The scope of the application included requests for associated metadata.

³ Decision dated 28 August 2024.

3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision⁴ submitting that:

The department is in possession of Child Safety documents relevant to the scope of my application, they are just being exempted because apparently, I am not allowed to know I have children. The Department of Child Safety, Seniors & Disability Services also processed a Youth Justice application I made to it earlier in the year and certain parts of those reports were redacted for child safety reasons.

4. During the review, the applicant provided further submissions in support of his contentions that documents should have been located, and pointed to additional searches which he considered would be reasonable for the Department to undertake.⁵
5. The issue for determination in this review is whether access may be refused to the requested documents on the basis they are nonexistent.⁶ In making my finding on this issue, I have examined whether the Department has taken all reasonable steps to locate documents responsive to the terms of the application.
6. In reaching my decision, I have taken into account evidence, submissions, legislation and other material as referred to 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 information⁷ and in doing so, have acted in accordance with section 58(1) of the HR Act.⁸
7. For the reasons set out below, I affirm the Department's decision to refuse access to the requested information on the basis it does not exist under sections 47(3)(e) and 52(1)(a) of the RTI Act.⁹

Relevant law

8. 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.¹⁰ The legislation is to be administered with a pro-disclosure bias,¹¹ however, the right of access is subject to limitations, including grounds for refusing access.¹²
9. Access to a document may be refused if it is nonexistent or unlocatable.¹³ A document will be nonexistent if there are reasonable grounds to be satisfied it does not exist.¹⁴ 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.¹⁵
10. 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

⁴ Application received by email on 25 September 2025.

⁵ Submissions dated 5 February 2025 and 17 October 2025.

⁶ Section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act.

⁷ Section 21 of the HR Act.

⁸ 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].

⁹ In conjunction with section 67(1) of the IP Act.

¹⁰ Section 40 of the IP Act.

¹¹ Section 64 of the IP Act.

¹² 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.

¹³ Sections 47(3)(e) and 52(1) of the RTI Act.

¹⁴ Section 52(1)(a) of the RTI Act.

¹⁵ Section 52(1)(b) of the RTI Act.

requested documents.¹⁶ 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.¹⁷ What constitutes reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the circumstances.

11. The Information Commissioner's external review functions include investigating and reviewing whether agencies have taken reasonable steps (as opposed to all possible steps)¹⁸ to identify and locate documents applied for by applicants.¹⁹ 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.²⁰ 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.²¹ Suspicion and mere assertion will not satisfy this onus.²²

Searches, evidence and submissions

12. The terms of the access application are set out below:

Time-period: 01.01.2018 - 19.08.24:

1. a. Reports made to the department in relation to child safety matters involving me.
b. Meta-data associated with documents returned from request item 1(a).
2. a. Assessments undertaken by the department in relation to child safety matters involving me.
b. Meta-data associated with documents returned from request item 2(a).
3. a. Documents associated with investigations undertaken by the department in relation to child safety matters involving me.
b. Meta-data associated with documents returned from request item 3(a).
4. a. Applications for Temporary Assessment Orders sought under the Child Protection Act 1999 involving me (and their supporting materials).
b. Meta-data associated with documents returned from request item 4(a).
5. a. Temporary Assessment Orders granted under the Child Protection Act 1999 involving me (and notices).
b. Meta-data associated with documents returned from request item 5(a).
6. a. Applications for Court Assessment Orders sought under the Child Protection Act 1999 involving me (and their supporting materials).

¹⁶ These factors are identified in *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) 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].

¹⁷ In *Webb v Information Commissioner* [2021] QCATA 116 (*Webb*) at [6], McGill J observed that this does not extend to all 'possible' steps.

¹⁸ *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].

¹⁹ 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.

²⁰ Section 87(1) of the RTI Act.

²¹ See *Mewburn and Department Local Government, Community Recovery Resilience* [2014] QICmr 43 (31 October 2014) at [13].

²² *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].

- b. Meta-data associated with documents returned from request item 6(a).*
- 7. a. Court Assessment Orders granted under the Child Protection Act 1999 involving me (and notices).*
- b. Meta-data associated with documents returned from request item 7(a).*
- 8. a) Applications for Child Protection Orders sought under the Child Protection Act 1999 involving me (and their supporting materials).*
- b) Meta-data associated with documents returned from request item 8(a).*
- 9. a. Child Protection Orders granted under the Child Protection Act 1999 involving me (and notices).*
- b. Meta-data associated with documents returned from request item 9(a).*

13. In its decision, the Department outlined as follows:²³

A complete and thorough search of the department's electronic child safety database, ICMS and the department's Recordkeeping Operations Unit for hardcopy was conducted using the name and date of birth provided, however no relevant documents have been located. I am satisfied that all reasonable steps have been undertaken to verify the existence of the documents requested, and I regret to advise there is no record of these documents. Accordingly, I am refusing access as I am satisfied the documents do not exist.

14. The Department advised²⁴ OIC that it had conducted searches of its electronic child safety database (ICMS²⁵), and for hardcopy documents within its Recordkeeping Operations Unit.²⁶ The electronic searches were conducted using the applicant's name, as stated in his access application, his date of birth and client identification number²⁷ and yielded the following results:²⁸

Search Results:

No files or documents located that relate to this request

Notification of files/docs held elsewhere:

Files identified as unlocatable:

Other helpful information:

No

No

No initial searches located for the applicant as an adult

No documents or files located for the applicant for this date range.

15. In referring to the above search results, the Department submitted as follows:

*... the records management team conducted a very broad search looking at any child safety documents relating to the applicant for the specified period, including metadata. No documents were located.*²⁹

16. The Department also undertook additional searches in its ICMS database using three names provided by the applicant in his 5 February 2025 submission. However, it was unable to locate any information using those search terms.³⁰

17. As noted in paragraph 3 above, the applicant submitted in his external review application that he considered documents were being '*exempted*' because '*I am not allowed to know I have children...*'. The applicant pointed to a previous application he had made to the Department of Youth Justice through which he was granted partial access to an ARIA

²³ Page 2 of the Department's decision.

²⁴ On 19 November 2025.

²⁵ Integrated Client Management System.

²⁶ For documents between 1 January 2018 – 19 August 2024 (during which time the applicant was an adult).

²⁷ Which the Department confirmed to OIC in a phone call on 10 December 2024, would be the same as the number that had been assigned to him as a child.

²⁸ Department search record to OIC dated 19 November 2024.

²⁹ Submission to OIC dated 18 November 2024.

³⁰ Phone call between Department and OIC on 14 May 2025.

Report³¹ subject to redaction of some information regarding family relationships. At a later point in the review process, the Department agreed to administratively release a copy of the ARIA Report to the applicant, disclosing some of the redacted information.³²

18. On review, the applicant made extensive submissions to OIC regarding his concerns about the Department's searches.³³ His submission included some sensitive background information about his personal circumstances which I have not referred to in these reasons, but have considered to the extent it is relevant to the issue for determination. I have extracted the applicant's key concerns about the Department's searches below:³⁴

Child safety has belonged to four different departments since 2018

...

It is my understanding that these changes would have had significant ramifications on document management, internal structures and key people / positions during the period defined by my application and therefore delving into the administrative arrangements of government and how that may have affected the department's searches was a necessary consideration.

...

The administrative changes experienced by child safety (i.e. the departmental restructures) have without a doubt effected its internal structure during the period relevant to my application. While my primary concerns are records management related, this may very well extend to changes in people and processes.

...

The department administers the Child Protection Act 1999 (CP Act) and as I intend to make clear throughout this document, child safety's functions and responsibilities have extended to interfering with my affairs. It is not enough to say that searches have been conducted within child safety using my details when it doesn't even appear to be the case that adults would have their own child safety profiles.

...

The practices and procedures relevant to this review concern the making of child safety reports by concerned persons and the actions taken by the department thereafter. I have numerous reasons to believe people have made child safety reports about me, and this is quite concerning especially considering I didn't even know I was a father until the latter half of last year.

...

To summarise the issues presently framed, the department has failed to consider a number of factors relevant to the question of whether it has taken all reasonable steps to locate the documents requested and in doing so has erroneously refused access under section 52 of the RTI Act. The information provided by the department in relation to the searches it has performed suggests that its interpretation of all reasonable steps is significantly different from its intended meaning.

...

Seeing as the administrative arrangements of government do not appear to have been a consideration pondered by child safety at the time it made its decision, I am requesting that the department provide additional information about its records management systems, locations, and practices relevant to the period defined by my application. This information is directly relevant to the question of whether all reasonable steps were taken and will be essential in determining the merits of the department's decision. I also ask that the department provide a greater level of detail in its explanations regarding any further searches to be conducted throughout the course of this review.

...

In addition to searches conducted within any further locations identified as relevant to the application, I am requesting that the department undertake searches for any documents that

³¹ An ARIA Report is produced through a person profile search of that Department's case system and contains an overview of the individual's involvement with the Department.

³² Sent to applicant by email dated 14 May 2025. That document is not however, within the scope of this review, but is discussed later in these reasons to the extent the applicant relies on it in support of his submission that further documents should exist.

³³ Submissions dated 5 February 2025.

³⁴ Submissions dated 5 February 2025 at pages 3, 4 and 7.

have been transferred to Queensland State Archives as well as others held within its backup systems.

[headings and footnotes omitted]

19. Later in the review, the applicant provided OIC with a further submission which, in summary, raised the following outstanding concerns with the Department's searches:³⁵

- ICMS is no longer Child Safety's client management system; it was replaced by Unify on 18 April 2025. The Department should conduct further searches in the Unify system.
- He still holds concerns that ICMS searches were deficient particularly querying the client identifier number used in searches.
- Insufficient information has been provided about the searches of the Recordkeeping Operations Unit for hardcopy documents.

20. The applicant went on to outline various additional locations which he considered further searches should be conducted by the Department, including:³⁶

- a) *Unify.*
- b) *IDocs.*
- c) *CourtShare.*
- d) *Executive reporting system.*
- e) *Advice, Referrals and Case Management system.*
- f) *Self-Service of Document Retrieval (SoDDR).*
- g) *Domestic and Family Violence Prevention Client Management System.*
- h) *Forensic Disability Act Information System.*
- i) *Email accounts / other departmental correspondence tracking systems.*
- j) *Backup systems.*
- k) *Archives (internal and external).*

[footnotes omitted]

21. The applicant also made submissions about exempt information, particularly with respect to sections 186-188 of the *Child Protection Act 1999* (Qld) (**CP Act**):³⁷

With respect to the documents sought in the access application subject of this review, the following points must be noted:

a) Child safety reports: *Child safety reports may reveal the identities of notifiers, however identifying information could be redacted.*

b) Child Safety assessments: *Child Safety assessments pertaining to the applicant would likely only relate to him. If a Child Safety assessment was conducted on the applicant and did not contain reference to other people, it would not qualify for an exemption. If there are assessments that contain the personal information of other persons, identifiers or contextual information to the extent it may lead to the identification of other persons, could also be redacted.*

c) Child Safety investigative materials: *Child safety documents associated with investigative materials would only be exempt under s 188C(3)(c) of the CP Act if the investigation related to a contravention of law. Reports of risk to child safety would not qualify for an exemption and the personal information of others could be redacted.*

d) Child Safety applications: *Information within applications to the court could be deleted to the extent it contains information that could identify the children and/or other named parties.*

e) Supporting materials: *Again, to the extent supporting materials involved the personal information of others, they could be provided in redacted form.*

f) Court orders: *Court orders could be redacted to remove the identities of the children and other parties to the proceeding.*

³⁵ Submissions dated 17 October 2025 at pages 1-3.

³⁶ Submissions dated 17 October 2025 at page 3 at [4].

³⁷ Submissions dated 17 October 2025 at pages 6-7 at [10].

One last thing I would like to point out in case it is assumed otherwise, a child safety notification concerning risk of child harm would not ordinarily qualify for an exemption under s 188C (3)(c) of the CP Act unless it related to an illegal activity. Risk of harm does not presume an offence has been committed and therefore, I don't consider an exemption under s 188C (3)(c) of the CP Act could be applied to any of the information responsive to the application. Further, whether it would be practicable for Child Safety to produce redacted versions of documents would depend on the content of each document. Unless it would be impracticable or the documents are exempt for some other reasons (which they shouldn't be) Child safety must provide a redacted version of the documents.

[footnotes omitted]

22. Lastly, the applicant pointed to certain personal circumstances which he considered constituted *'instances that were likely, or highly likely to have been brought to the department's attention'*.³⁸ Those instances included a drink driving charge, missing persons reports and various interactions with Queensland Health including hospital admissions and ambulance callouts.

Findings

23. I have examined the terms of the access application, the Department's decision, search records and submissions provided by the Department, the external review application and the submissions provided by the applicant during the review process.
24. As outlined above,³⁹ where an agency has relied on searches to justify a decision to refuse access to documents on the basis that they do not exist, 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'*.⁴⁰ 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.
25. Having reviewed the search records and submissions of the Department, I am satisfied that undertaking searches of ICMS and the Recordkeeping Operations Unit constituted reasonable steps for the Department to take, considering the terms of the application, and the fact that the applicant was requesting documents containing his personal information during a period of time when he was an adult, under the IP Act.⁴¹ I have considered the incidents described by the applicant which he considers may have triggered the involvement of the Department. However, I am not persuaded that the applicant's submissions demonstrate that he has had any involvement or contact with the Department as an adult in relation to child safety matters⁴² to warrant further searches.
26. The ARIA Report is a document which the applicant placed particular reliance on to support his submission that the Department should hold documents about him as an adult. While the redactions to that document are not in scope of the review, I have considered the ARIA Report, to the extent it relates to the issue for determination. I accept that on the face of the document, it demonstrates that the applicant had involvement with the Department as a 'subject child', however, the terms of the access application were for a date range during which time the applicant was an adult, not a

³⁸ Submissions dated 17 October 2025 at page 7 at [11].

³⁹ At [8] and [9].

⁴⁰ *Webb* at [6].

⁴¹ Under section 40 of the IP Act, an applicant is entitled to be given access to documents of an agency *'to the extent they contain the individual's personal information'*.

⁴² Within the specified timeframe.

child. Further, I do not consider the ARIA Report establishes reasonable grounds to believe that the Department holds documents responding to the terms of the application, during a time period in which the applicant was an adult. Rather, I accept the Department's explanation⁴³ that the applicant's age shown on the ARIA Report simply reflected the age at the time the report was generated, i.e. when he requested it from the Department. There is no information before me, other than the applicant's assertion, to conclude that his age appearing on the ARIA Report demonstrates that the Department has child safety documents relating to him as an adult (nor as the parent of a child involved with the Department).

27. The applicant's submissions⁴⁴ demonstrate that he believes broader searches are necessary and that the recordkeeping systems of the Department should be further interrogated. It is clear that the applicant has undertaken extensive research to prepare his submission on issues that are of significant importance to him. However, based on the information available to me, I am not satisfied those submissions discharge the practical onus upon the applicant to demonstrate that Department has not taken reasonable steps in the circumstances of this case.
28. For these reasons, I find that it would not be reasonable for Department to make any further inquiries nor to direct any further searches as requested by the applicant in paragraph 20 above. I acknowledge that Unify is a recordkeeping system that has recently been implemented at the Department. However, given that searches of ICMS, at the time the application was made in 2024, yielded no results whatsoever in the date range, using the applicant's name, client number and date of birth, I do not consider there are reasonable grounds for the replacement database to be searched, notwithstanding that Unify did not become functional until earlier this year, at which time, the Department had already conducted ICMS searches.
29. For completeness, based on the evidence available to me in this review, I am also satisfied that it would not be reasonable for the Department to make inquiries with Queensland State Archives, nor would it be reasonable for the Department to undertake searches of its backup system.⁴⁵
30. The applicant's submissions regarding the operation of the CP Act and associated grounds for refusing access in the RTI Act, are not directly relevant to the issue for determination. It is unnecessary for me to make any findings on those provisions as no documents have been located by the Department to which those provisions could apply.
31. In conclusion, I find that the Department has taken all reasonable steps to locate documents relevant to the access application and access to responsive documents may be refused on the basis they do not exist.⁴⁶

DECISION

32. For the reasons set out above, I affirm the Department's decision to refuse access to all documents responding to the terms of the application on the basis they do not exist.⁴⁷

⁴³ The Department explained that as at the date an ARIA Report is generated, the person's age (the individual about whom the report is generated) automatically updates to the person's current age. This was conveyed to the applicant in OIC's preliminary view dated 22 January 2025.

⁴⁴ Submissions dated 5 February 2025 and 17 October 2025.

⁴⁵ Therefore, the requirement under section 52(2) of the RTI Act is not enlivened.

⁴⁶ Section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act.

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

33. I have made this decision under section 123(1)(a) of the IP Act as a delegate of the Information Commissioner, under section 139 of the IP Act.



Katie Shepherd
Assistant Information Commissioner

Date: 5 November 2025