



Decision and Reasons for Decision

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| Citation: | <i>E53 and The University of Queensland [2026] QICmr 48 (25 March 2026)</i> |
| Application Number: | 318717 |
| Applicant: | E53 |
| Respondent: | The University of Queensland |
| Decision Date: | 25 March 2026 |
| Catchwords: | ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - report of agency investigation of allegations and complaints made by applicant - personal information of applicant - personal information of individuals other than applicant - whether disclosure would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 and schedule 4 of the <i>Right to Information Act 2009 (Qld)</i> |

REASONS FOR DECISION

Summary

1. The applicant applied¹ under the *Right to Information Act 2009 (Qld)* (**RTI Act**)² to the University of Queensland (**UQ**) for access to:

*All documents relating to the preliminary assessment conducted by the University of Queensland integrity unit regarding [A Report].
This request includes, but is not limited to:*
 - *The Preliminary Assessment Report**Timeframe: 1 July 2024 to 15 November 2024*
2. UQ located 47 pages as responsive to the application and decided to fully refuse access to all pages, as disclosure would be, on balance, contrary to the public interest.³
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review.⁴

¹ On 7 April 2025.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023 (Qld)* (**IPOLA Act**) came into force, effecting changes to the RTI Act. As the applicant's application was made before this change, the RTI Act **as in force prior to 1 July 2025** remain applicable to it. This is in accordance with transitional provisions in Chapter 7, Part 9 of the RTI Act, which require that applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted. Accordingly, references to the RTI in this decision is to the Act **as in force prior to 1 July 2025**. This may be accessed at <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013>>

³ By decision dated 16 May 2025, upheld on internal review dated 9 June 2025.

⁴ On 16 June 2025.

4. I have decided to affirm UQ's decision to refuse access to the information sought.

Background

5. The applicant lodged a complaint with UQ⁵ about the use of its branding and associated issues, on a public research report (hereinafter referred to as the **public report**).
6. UQ's Research Integrity Office investigated the complaint and produced a preliminary assessment report detailing the outcomes of that investigation.
7. UQ provided the applicant with an outcome letter⁶ in relation to their complaint which set out:
 - the concerns assessed
 - the findings made; and
 - the corresponding decision and recommendations.
8. The applicant expressed their dissatisfaction with UQ's investigation,⁷ to which UQ provided its final response to the applicant.⁸

Reviewable decision

9. The reviewable decision is UQ's internal review decision dated 9 June 2025.

Evidence considered

10. Evidence, submissions, legislation and other material considered in reaching this decision are referred to in these reasons (including footnotes).
11. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), in particular, the right of the applicant to seek and receive information⁹. I consider that a decision-maker will, when observing and applying the RTI Act be '*respecting and acting compatibly with these rights and others prescribed in the HR Act*'.¹⁰ I further consider that, having done so when reaching my decision, I have acted compatibly with and given proper consideration to relevant human rights, as required under section 58(1) of the HR Act.¹¹

Information in issue

12. The information in issue is the 47 pages comprising UQ's preliminary assessment report (including drafts), arising from the applicant's complaint (**refused information**).

Issue for determination

13. The sole issue for determination is whether disclosure of the information in issue may be refused on ground its disclosure would, on balance, be contrary to the public interest.

⁵ On an unknown date in 2024.

⁶ By letter dated 15 November 2024.

⁷ By email dated 19 November 2024.

⁸ By letter dated 24 January 2024.

⁹ Section 21 of the HR Act.

¹⁰ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573].

¹¹ I note the observations by Bell J on the interaction between equivalent pieces of Victorian legislation in *XYZ*, [573]: 'it is perfectly compatible with the scope of that positive right in the Charter for it to be observed by reference to the scheme of, and principles in, the Freedom of Information Act.'

Relevant law

14. The RTI Act is administered with a pro-disclosure bias,¹² meaning that an agency should decide to give access to information, unless giving access would, on balance, be contrary to the public interest.
15. Section 23 of the RTI Act gives effect to the Act's primary object, by conferring a right to be given access to documents. However, this right is subject to provisions of the RTI Act including the grounds on which an agency may refuse access to documents.¹³ One of the grounds upon which access may be refused is where disclosure would, on balance, be contrary to the public interest.¹⁴
16. The term 'public interest' is not defined within the RTI Act and therefore, the determination of the public interest is a balancing exercise undertaken by the decision-maker in each application. When looking at the documents, the decision-maker must consider all relevant factors for and against disclosure. After identifying the relevant public interest factors, the decision-maker decides how important each factor is and how much 'weight' to give to it.
17. 'Public interest' refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens.¹⁵ This means that, in general, a public interest consideration is one which is common to all members, 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.
18. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must (in summary):¹⁶
 - identify factors irrelevant to the public interest and disregard them;
 - identify factors in favour of disclosure of information;
 - identify factors in favour of non-disclosure of information; and
 - decide whether, on balance, disclosure of the information would be contrary to the public interest.
19. Schedule 4 of the RTI Act contains non-exhaustive lists of factors relevant in determining where the balance of the public interest lies in a particular case. I have considered these¹⁷ together with all other relevant information, in reaching my decision. I have kept in mind the RTI Act's pro-disclosure bias and Parliament's requirement that grounds for refusing access to information be interpreted narrowly.¹⁸ In deciding whether disclosure of the information in issue would, on balance, be contrary to the public interest, no irrelevant factors arise, and I have not taken them into account in making my decision.
20. Section 75 of the RTI Act applies if an access application is made for a document containing contrary to public interest information and it is practicable to give access to a copy of the document from which the contrary to public interest information has been

¹² Section 44(1) of the RTI Act.

¹³ Section 47 of the RTI Act sets out the grounds of refusal.

¹⁴ Sections 47(3)(b) and 49 of the RTI Act.

¹⁵ Office of the Information Commissioner, 'How to balance the public interest' <<https://www.oic.qld.gov.au/guidelines/for-government/access-and-amendment/decision-making/public-interest-balancing-test>>

¹⁶ Section 49(3) of the RTI Act.

¹⁷ I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed throughout.

¹⁸ Section 47(2) of the RTI Act.

deleted. In those circumstances, the agency must give access to a copy of the document from which the contrary to public interest information has been deleted.

Applicant's submissions

21. The applicant's submissions during the review¹⁹ included concerns about the adequacy of UQ's investigation and the accuracy of the findings and conclusions reached within the preliminary assessment report. The applicant also raised their concerns generally about the content and validity of the public report, in support of their claims that release of the preliminary assessment report would answer necessary questions and serve to correct ongoing misunderstandings. They stated that to refuse to release the document would '*effectively shield known misconduct from public scrutiny*'.²⁰
22. To this, I note the OIC's function on external review is concerned with whether the agency's refusal to release information was justifiable under the RTI Act, and not with the content or reasoning employed within that information.
23. I understand the applicant has already availed themselves of the opportunity to raise their concerns about UQ's investigation with that entity through its complaints management process, which is the appropriate avenue.
24. In support of the application for external review, the applicant supplied citations for six decisions of the Office of the Information Commissioner that they considered supported full or partial disclosure of the information in issue.
25. I could not locate five out of the six cited cases in OIC's records nor online and therefore, consider they do not exist. The sixth case cited was '*Seven Network and Logan City Council* [2018] QICmr 45', which does exist;²¹ however, does not seem to assist the applicant.
26. It is concerning that the OIC is beginning to receive many submissions of this kind, referencing case authorities which do not exist or are irrelevant to the issues in the matter. It is the responsibility of applicants to ensure the accuracy of their submissions, particularly when relying on Large Language Models or other generative Artificial Intelligence tools to assist them formulate submissions.

Findings

Factors favouring disclosure

27. I have identified the following public interest factors that I consider apply in favour of disclosure and discussed them in turn, below:
 - a) disclosure could reasonably be expected to enhance the government's accountability and transparency;²²
 - b) disclosure could reasonably be expected to inform the community of the government's operations;²³
 - c) the information is the applicant's personal information.²⁴

¹⁹ By application dated 16 June 2025 and email dated 21 November 2025.

²⁰ External review application dated 16 June 2025.

²¹ The correct citation for this case is *Seven Network and Logan City Council* [2018] QICmr 21 (11 May 2018).

²² Schedule 4, Part 2, item 1 of the RTI Act.

²³ Schedule 4, Part 2, item 3 of the RTI Act.

²⁴ Schedule 4, Part 2, item 7 of the RTI Act.

28. With respect to factors a) and b), I acknowledge the RTI Act's pro-disclosure bias²⁵ and the public interest in furthering access to government-held information and having a government that is accountable for its decisions. Disclosing some of the refused information could reasonably be expected to promote the accountability and transparency of UQ, and to inform the community, regarding the way in which UQ undertakes integrity investigations, and the information that it relied upon in reaching its decisions. I afford these disclosure factors low to moderate weight, noting the applicant was provided with advice about the findings and outcomes of the investigation.
29. Given the investigation arose from the applicant's complaint, the information in issue contains the applicant's personal information, including their name, details of their complaint (which contains their opinions) and other identifying information.²⁶ While the complainant is the applicant in this case, generally there is an expectation that information identifying the identity of complainants will be kept confidential. I have afforded this factor significant weight; however, note that this must be balanced against the weight attributed to the factors favouring non-disclosure below.

Factors favouring non-disclosure

30. I have identified the following factors in favour of non-disclosure relevant to this matter and discuss these in turn below:
- a) disclosure could reasonably be expected to prejudice the protection of an individual's right to privacy;²⁷
 - b) disclosure could reasonably be expected to cause a public interest harm through the disclosure of personal information of a person;²⁸
 - c) disclosure of the information could reasonably be expected to prejudice the fair treatment of individuals, and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct;²⁹
 - d) disclosure of the information could reasonably be expected to prejudice an agency's ability to obtain confidential information;³⁰ and
 - e) disclosure could reasonably be expected to prejudice the management function of an agency.³¹
31. Personal information is defined in Section 12 of the *Information Privacy Act 2009* (IP Act) 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.*
32. Factors a) and b) concern the impact of disclosure of personal information of people other than the applicant. The documents contain the personal information of individuals other than the applicant, such as their names, phone numbers, and other personal identifiers. The information also concerns opinions provided, activities undertaken, and events of other individuals which are personal information. I consider the disclosure of

²⁵ Section 44 of the RTI Act.

²⁶ Schedule 4, Part 2, item 7 of the RTI Act.

²⁷ Schedule 4, Part 3, item 3 of the RTI Act.

²⁸ Schedule 4, Part 4, section 6 of the RTI Act.

²⁹ Schedule 4, Part 3, Item 6 of the RTI Act.

³⁰ Schedule 4, Part 3, item 16 of the RTI Act.

³¹ Schedule 4, Part 3, item 19 of the RTI Act.

some of this information would reasonably be expected to prejudice³² the protection of these individuals' right to privacy.

33. Further, I consider that disclosure of the personal information of people other than the applicant could reasonably be expected to cause a public interest harm. The documents contain allegations about which, UQ decided not to further proceed. As such, I consider disclosure of this information could cause a public interest harm in the form of reputational harm for those involved. I give factors a) and b) significant weight in favour of nondisclosure of the refused information.
34. With respect to factor c), I must consider the substance of the information in issue and whether its disclosure could reasonably be expected to prejudice the fair treatment of the individuals concerned.
35. The documents in the information in issue refer to a complaint and subsequent investigation. The complaint and investigation information relates to allegations against individuals.
36. The word 'prejudice' is not defined in the RTI Act or the *Acts Interpretation Act 1954* (Qld). Therefore, it is appropriate to consider the ordinary meaning of the word. The Macquarie Dictionary contains a number of definitions for the word 'prejudice', including:
 - 'resulting injury or detriment' and
 - 'to affect disadvantageously or detrimentally'.
37. I consider that disclosure of the information described above could reasonably be expected to affect disadvantageously these individuals. This is because as the relevant allegations were unsubstantiated, disclosure of this information would have a detrimental impact on the professional reputation of the individuals the subject of the unsubstantiated allegations. I assign significant weight to this factor.
38. I agree with UQ's observation³³ that disclosing the report under the RTI Act, and outside of the investigation process, would be inconsistent with the confidential nature of the investigation and consequently, the confidential way in which the information was provided. Agencies rely on the confidentiality of investigative processes to effectively manage their workplace. I therefore find that in relation to factors d) and e), that disclosure of a confidential investigation could reasonably be expected to prejudice the management function of an agency and an agency's ability to obtain confidential information. I give these factors significant weight in favour of nondisclosure of the refused information.
39. On balance, having assessed the information in issue, and taking into account the relevant public interest factors under the RTI Act, my view is that the factors favouring non-disclosure, and the weight afforded to these, outweigh the factors favouring disclosure of the refused information. Accordingly, access may be refused on that basis.

Deletion of contrary to public interest information

40. The applicant submitted that UQ failed to adequately consider partial release of the preliminary assessment report in redacted form, as it is required to do under section 75

³² Adopting the ordinary meaning of the term 'prejudice': see *Daw and Queensland Rail* (Unreported, Queensland Information Commissioner, 24 November 2010) at [16] for a succinct exposition of the meaning of 'prejudice' as used throughout the RTI Act.

³³ Internal review decision dated 9 June 2025.

of the RTI Act. It expressed the view that the report could be released with 'minor redactions to meet any privacy concerns'.³⁴

41. UQ's position on this issue was that redacting the names of individuals from the preliminary assessment report would not adequately negate the factors it identified favouring nondisclosure, given those individuals could easily be linked to the public report.³⁵
42. I agree with UQ's observation and find that section 75 of the RTI Act is not applicable as it would not be practicable to give access to a copy of the document from which the contrary to public interest information has been deleted.

DECISION

43. For the reasons set out above, I affirm the reviewable decision³⁶ and find that access to the information in issue may be refused as disclosure of it, on balance, would be contrary to the public interest.
44. 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.



Stephanie Davis
Assistant Information Commissioner

Date: 25 March 2026

³⁴ Submissions dated 16 June 2025.

³⁵ Internal review decision dated 9 June 2025.

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