



## Decision and Reasons for Decision

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<b>Citation:</b>	<b><i>C13 and Queensland Police Service [2026] QICmr 58 (16 April 2026)</i></b>
<b>Application Number:</b>	<b>318995</b>
<b>Applicant:</b>	<b>C13</b>
<b>Respondent:</b>	<b>Queensland Police Service</b>
<b>Decision Date:</b>	<b>16 April 2026</b>
<b>Catchwords:</b>	<b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - briefing note relating to arrest and charging of applicant - exempt information under schedule 3, section 10(4) of the <i>Right to Information Act 2009 (Qld)</i> - whether information is about the applicant - exception in schedule 3, section 10(6) of the <i>Right to Information Act 2009 (Qld)</i></b>

### REASONS FOR DECISION

#### Summary

1. The applicant applied<sup>1</sup> to the Queensland Police Service (**QPS**) under the *Right to Information Act 2009 (Qld)* (**RTI Act**) for access to:
  1. *A copy of the Executive Briefing Notice (EBN) issued on [date] in relation to the applicant's arrest on [date] and the subsequent charging for an indictable offence.*
  2. *A copy of the original charge sheet for that matter.*
  3. *A copy of the bail documents provided to the applicant upon his release from the [named] Watch House on [date].*
2. QPS located 17 pages relevant to the request and decided to:
  - a. release six full and seven part pages to the applicant,
  - b. refuse access to parts of seven pages on public interest grounds, and
  - c. refuse access to a four page Executive Briefing Note (**EBN**) under section 47(3)(a) and schedule 3, section 10(4) of the RTI Act (**Prescribed Crime Body Exemption**).<sup>2</sup>
3. The applicant applied<sup>3</sup> to the Office of the Information Commissioner (**OIC**) for external review of QPS's decision to refuse access to the EBN.

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<sup>1</sup> Access application dated 8 September 2025.

<sup>2</sup> Decision dated 14 October 2025. This is the *reviewable decision* for the purpose of this review.

<sup>3</sup> On 14 October 2025.

4. On external review, QPS accepted OIC's view that parts of the EBN could be released to the applicant due to the exception to the Prescribed Crime Body Exemption. QPS partially released the EBN to the applicant in an effort to informally resolve this review.<sup>4</sup> The applicant did not however, accept the partially released EBN in settlement of the review and provided submissions in support of obtaining access to further information in the EBN.<sup>5</sup> In summary, the applicant submits that he is entitled to access more information in the EBN as it is about him personally and was created for the purpose of considering what actions to take in relation to his employment.
5. The issue for determination in this review is whether any of the remaining refused information in the EBN is 'about' the applicant such that the exception to the Prescribed Crime Body Exemption in schedule 3, section 10(6) of the RTI Act applies.
6. For the reasons set out below, I have found that the remainder of the EBN is subject to the Prescribed Crime Body Exemption and the exception does not apply to any of the remaining refused information. I therefore affirm QPS' decision to refuse access to the remaining parts of the EBN under section 47(3)(a) of the RTI Act on the basis that the information is exempt under schedule 3, section 10(4) of the RTI Act, and is not subject to the exception in schedule 3, section 10(6) of the RTI Act.
7. In reaching this decision, I have taken into account evidence, submissions, legislation and other material as set out 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 information<sup>6</sup> and have acted in accordance with section 58(1) of the HR Act.<sup>7</sup>

## Relevant law

8. A person has a right to be given access to documents of an agency.<sup>8</sup> This right of access is subject to certain limitations, including grounds for refusing access to information set out in section 47 of the RTI Act. It is Parliament's intention that the RTI Act is to be administered with a pro-disclosure bias<sup>9</sup> and that the grounds for refusing access to information are to be interpreted narrowly.<sup>10</sup> Relevantly, access may be refused to exempt information.<sup>11</sup> Schedule 3 of the RTI Act sets out the categories of exempt information, the disclosure of which Parliament has determined would be contrary to the public interest<sup>12</sup> including the Prescribed Crime Body Exemption which provides:

### **10 Law enforcement or public safety information**

...

*(4) Also, information is exempt information if it consists of information obtained, used or prepared for an investigation by a prescribed crime body, or another agency, in the performance of the prescribed functions of the prescribed crime body.*

...

*(6) However, information is not exempt information under subsection (4) or (5) in relation to a particular applicant if—*

- (a) it consists of information about the applicant; and*
- (b) the investigation has been finalised.*

...

<sup>4</sup> Released to the applicant on 2 March 2026.

<sup>5</sup> Submission dated 2 March 2026.

<sup>6</sup> Section 21 of the HR Act.

<sup>7</sup> OIC's approach to the HR Act set out in this paragraph has been endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

<sup>8</sup> Section 23 of the RTI Act.

<sup>9</sup> Section 44 of the RTI Act.

<sup>10</sup> Section 47(2)(a) of the RTI Act.

<sup>11</sup> Section 47(3)(a) of the RTI Act.

<sup>12</sup> Section 48(2) of the RTI Act.

(9) In this section—

corruption functions see the *Crime and Corruption Act 2001*, section 33.

...

prescribed crime body means—

(a) the *Crime and Corruption Commission*; or

...

prescribed functions means—

(a) in relation to the *Crime and Corruption Commission*—the crime function, the intelligence functions and the corruption functions...

9. Information will be subject to the Prescribed Crime Body Exemption if:

- the information was obtained, used or prepared for an investigation
- the investigation was conducted by a prescribed crime body, or another agency, in the performance of the prescribed functions of the prescribed crime body; and
- the exception to the exemption does not apply.

10. The scope of the Prescribed Crime Body Exemption is well-settled.<sup>13</sup> The exception to the Prescribed Crime Body Exemption will apply where an investigation is complete, and the information is 'about' the applicant. The exception has consistently been found to apply to information that is 'about' the subject officer in the investigation.<sup>14</sup>

## Submissions

11. The applicant provided the following submissions to OIC with his external review application:

1. *The EBN is integral to my defence in ongoing disciplinary proceedings.*

*The withheld document forms the foundation of allegations made against me in a disciplinary investigation being undertaken by the Queensland Police Service. Without access to the EBN, I am unable to properly understand or respond to the basis of those allegations. This directly prejudices my ability to defend myself and denies me procedural fairness.*

2. *The investigation has been finalised and relates to me personally.*

*The exemption under Schedule 3, section 10(4) does not apply when the investigation has concluded and the document contains information about the applicant. The decision letter itself acknowledges that the investigation is finalised and that the document relates to me personally. Accordingly, the exemption under Schedule 3, section 10(6) should have been applied to grant access in full.*

3. *The refusal is inconsistent with the Act's pro-disclosure bias.*

*Section 44(1) of the RTI Act provides that access should be granted unless, on balance, it is contrary to the public interest. In this case, there is a compelling public interest in ensuring accountability, transparency, and the fair treatment of employees in disciplinary matters—interests that outweigh any minimal privacy or law enforcement concerns, particularly as the investigation is finalised.*

<sup>13</sup> *Springborg and Crime and Misconduct Commission; RZ (Third Party), BX (Fourth Party), Director-General of the Department of Justice and Attorney-General (Fifth Party)* (2006) 7 QAR 77 (**Springborg**) at [44]. *Springborg* analysed provisions in the repealed *Freedom of Information Act 1992* (Qld) which are the material equivalents of those contained in the *Crime and Corruption Act 2001* (Qld) (**CC Act**).

<sup>14</sup> *G8KPL2 and Department of Health* (Unreported, Queensland Information Commissioner, 31 January 2011) (**G8KPL2**) at [25]-[33]; *Darlington and Queensland Police Service* [2014] QICmr 14 (11 April 2014) at [18]-[22] and *W52 and Crime and Corruption Commission* [2021] QICmr 57 (28 October 2021) at [44]-[48].

4. *Failure to act compatibly with human rights.*

*The refusal to release this document infringes my rights under the Human Rights Act 2019 (Qld), including:*

- o Section 31(1): the right to a fair hearing; and*
- o Section 21(2): the right to seek and receive information.*

*Access to this information is necessary to ensure procedural fairness in the disciplinary process and to allow me to participate meaningfully in defending the allegations against me.*

5. *The decision causes material prejudice to me.*

*The non-disclosure of the EBN has a significant and ongoing adverse impact on my employment, reputation, and capacity to defend myself. I have been denied the very document that forms the basis of the case being made against me, which is contrary to natural justice principles.*

12. In response to OIC's preliminary view that parts of the EBN are subject to the Prescribed Crime Body Exemption, the applicant submits<sup>15</sup>:

**1. Information "about" me**

*The EBN is expressly titled as an investigation of [applicant job title and name] and is prepared for consideration of suspension action in relation to me. The document's purpose, subject matter, and recommendation directly concern my employment, reputation, and professional standing.*

*In these circumstances, the substantive content of the EBN cannot be characterised merely as being "about the investigation" in an abstract sense. It is inherently and substantively about me, my alleged conduct, the assessment of that conduct, and the managerial consequences arising from it.*

*Where the investigation is finalised, the exception in schedule 3, section 10(6) of the RTI Act should be construed beneficially in favour of disclosure of information that directly concerns the applicant. A narrow interpretation of "about" that excludes the factual narrative, evidentiary summaries, or evaluative commentary within a briefing note concerning me would substantially undermine the operation of that exception.*

**2. Managerial Action and Employment Consequences**

*The recommendation section (page 2) expressly concerns consideration of suspension of the member (being me). Material forming the basis of that recommendation directly affects my employment rights and professional reputation.*

*Even if certain operational details of investigative methodology could properly remain exempt, the wholesale redaction of the substantive briefing content, including the reasoning leading to the recommendation, goes beyond what is reasonably necessary to protect the integrity of the corruption function.*

**3. Extent of Redaction**

*Pages 2, 3 and 4 are almost entirely redacted. This suggests a blanket application of the exemption rather than a careful, line-by-line assessment of whether each discrete piece of information is:*

- obtained, used or prepared for a prescribed crime body function; and*
- not information "about" me within the meaning of schedule 3, section 10(6).*

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<sup>15</sup> Submission to OIC dated 2 March 2026.

*Given the document is only four pages in length, it is difficult to reconcile the near-total redaction with the obligation to provide maximum disclosure unless contrary to the public interest or subject to a valid exemption applied narrowly.*

#### **4. Other Individuals**

*I acknowledge that information purely about other individuals may attract protection. However, that does not justify redaction of entire narrative sections where information about me could reasonably be separated from identifying information about third parties.*

*Redaction techniques exist to protect third-party privacy (for example, removal of names or identifying details) while still disclosing the substance of allegations, summaries, findings, and reasoning as they relate to me.*

#### **5. Proper Construction of the CCC Exemption**

*The CCC exemption is a strong exemption, but it is not absolute. Parliament has expressly created an exception where an investigation is finalise and the information is about the applicant.*

*Given the EBN is a briefing prepared in relation to allegations against me and subsequent managerial action affecting me, I submit that the substantive content of the document falls within that exception to a far greater extent than has been recognised.*

*To interpret "about" narrowly so as to exclude the narrative of allegations, investigative summaries, and evaluative conclusions would render the exception largely illusory in cases of this nature.*

#### **Conclusion**

*For the above reasons, I submit that the remaining redacted portions of the EBN have not been appropriately assessed under schedule 3, section 10(6) and that the exemption in schedule 3, section 10(4) has been applied too broadly.*

### **Findings**

13. I am satisfied that the EBN is a document that was obtained, used or prepared for an investigation by the QPS Ethical Standards Command (acting in accordance with the principle of devolution under the CC Act in performing its corruption function (which includes investigating alleged police misconduct) and that the requirements of schedule 3, section 10(4) of the RTI Act are met. I have considered the applicant's submission that a 'line by line assessment of whether each discrete piece of information' is subject to the exemption should be undertaken. However, I do not consider that is necessary in this case, given that I am satisfied that the document, in its entirety, was obtained, used or prepared for the relevant investigation.
14. In considering the application of the exception in schedule 3, section 10(6) of the RTI Act, I accept that the investigation is finalised which addresses the first requirement of the exception. As outlined above, during the review, I formed the view that some information in the EBN was about the applicant personally and QPS agreed to release that information to him.
15. As to the remaining refused information in the EBN, I am satisfied that it is not about the applicant. Rather, having examined that information carefully, noting that I am limited in the extent to which I can describe the refused information,<sup>16</sup> I am satisfied that the

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<sup>16</sup> Section 108 of the RTI Act.

remainder of the EBN is about the investigation, managerial action, and/or other individuals, including complainants and witnesses involved in criminal proceedings. I am satisfied that this information is not 'about' the applicant and therefore, the exception cannot apply.

16. The applicant made submissions about procedural fairness and the administration of justice. Where an exemption is found to apply, the RTI Act does not provide for a decision maker to also take into account public interest factors in favour of disclosure. This is because, pursuant to section 48(2) of the RTI Act, Parliament has already decided that disclosure of exempt information would on balance be contrary to the public interest.

## **DECISION**

17. For the reasons set out above, I affirm the reviewable decision to refuse access to information in the EBN under section 47(3)(a) of the RTI Act on the basis that it is exempt under schedule 3, section 10(4) of the RTI Act, and is not subject to the exception in schedule 3, section 10(6) of the RTI Act.
18. I have made this decision under section 110(a) of the RTI Act as a delegate of the Information Commissioner, under section 145 of the RTI Act.



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**Katie Shepherd**  
**Assistant Information Commissioner**

**Date: 16 April 2026**