



Decision and Reasons for Decision

Citation: *G20 and Queensland Police Service [2026] QICmr 11 (28 January 2026)*

Application Number: 318492

Applicant: G20

Respondent: Queensland Police Service

Decision Date: 28 January 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - SCOPE OF APPLICATION - applicant contended scope of access application should be interpreted to include additional documents - construction of scope of access application made under section 43 of the *Information Privacy Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - APPLICATION FOR ACCESS TO INFORMATION - EXEMPT INFORMATION - video footage at watchhouse - whether footage comprises exempt information - whether releasing footage could endanger the security of a building - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(a) and 48 and schedule 3, section 10(1)(h) of *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - APPLICATION FOR ACCESS TO INFORMATION - officer notes - whether disclosure would, on balance, be contrary to the public interest - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - IRRELEVANT INFORMATION - officer notes - whether information irrelevant to the application - section 88 of the *Information Privacy Act 2009* (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Queensland Police Service (**QPS**) under the *Information Privacy Act 2009* (Qld)² (**IP Act**) for access to:

All footage from the Maryborough Police Station on 24th December 2024 regarding the detention of [the applicant] including intake footage and footage in cells.

All officers notes from incident.

The time period / date range the applicant would like to search within: 24th December 2024 - 9th January 2025

2. QPS decided³ to:
 - refuse to deal with the request for officer notes⁴ on the basis that all of these documents are exempt because disclosure could prejudice an ongoing investigation into a contravention or possible contravention of the law;⁵ and
 - refuse access to the seven located video footage files⁶ on the basis that these documents were exempt because their disclosure could endanger the security of the watchhouse at the Maryborough Police Station.⁷
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's decision.⁸
4. During the review, following preliminary views conveyed by OIC,⁹ QPS released the following further information to the applicant:¹⁰
 - four full CCTV footage files captured at Maryborough Police Station
 - part of one body-worn camera footage file captured at Maryborough Police Station; and
 - four full pages and parts of 18 pages of officer notes.¹¹
5. For the reasons set out below, I vary QPS' internal review decision and find that:
 - certain additional documents sought by the applicant fall outside the scope of the access application
 - access may be refused to the remaining video footage files on the basis that they are exempt;¹² and

¹ On 21 January 2025.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Act 2023* (Qld) (**IPOLA Act**) came into force, effecting changes to the IP Act and *Right to Information Act 2009* (Qld) (**RTI Act**). As the applicant's application was made before this change, the IP Act and RTI Act **as in force prior to 1 July 2025** remain applicable to it. This is in accordance with transitional provisions in Chapter 8, Part 3 of the IP Act and 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 IP Act and RTI Act in this decision are to those Acts **as in force prior to 1 July 2025**. These may be accessed at <https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-014> and <https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013> respectively.

³ Decision dated 26 February 2025.

⁴ Under section 59 of the IP Act.

⁵ Schedule 5 of the IP Act; schedule 3, section 10(1)(a) of the RTI Act.

⁶ QPS located seven video footage files.

⁷ Sections 47(3)(a) and 48 and schedule 3, section 10(1)(h) of the RTI Act.

⁸ On 3 March 2025.

⁹ On 12 August and 25 September 2025.

¹⁰ On 20 October and 6 and 14 November 2025. As QPS have now located and released some of this information to the applicant, I do not need to consider section 59 of the IP Act in this decision.

¹¹ QPS located 28 pages of officer notes and refused access to six full pages and parts of 18 pages.

¹² Section 67(1) of the IP Act and section 47(3)(a) of the RTI Act.

- access to refused information in the officer notes can be refused on the basis that:
 - its disclosure would, on balance, be contrary to public interest;¹³ or
 - it is irrelevant to the access application.¹⁴

Background

6. The significant procedural steps taken during this review are set out in the Appendix.
7. The applicant raised concerns during the review that QPS did not locate body-worn camera footage of officers attending an address to arrest the applicant on 24 December 2024 (**Arrest Footage**).
8. During the review, OIC conveyed preliminary views to the applicant¹⁵ that the scope of his access application did not include the Arrest Footage.
9. The applicant did not accept OIC's view with respect to the scope of his application or the refused information.¹⁶

Reviewable decision

10. The reviewable decision is QPS' decision dated 26 February 2025.

Evidence considered

11. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes and the Appendix).
12. I have had regard to the *Human Rights Act 2019 (Qld) (HR Act)*¹⁷ particularly the right to seek and receive information.¹⁸ In observing and applying the law prescribed in the IP Act, a decision-maker will be '*respecting*' and '*acting compatibly with*' this right and others prescribed in the HR Act when applying the law prescribed in the IP Act.¹⁹ I have acted in this way in making this decision in accordance with section 58(1) of the HR Act.

Issues for determination

13. The issues for determination are:
 - whether the scope of the access application includes the Arrest Footage
 - whether access to the remaining video footage files (**Watchhouse Footage**) can be refused on the basis that they are exempt; and
 - whether access to the refused information in the officer notes can be refused on the basis that:
 - its disclosure would, on balance, be contrary to the public interest; or
 - it is irrelevant to the access application.

¹³ Section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

¹⁴ Section 88(2) of the IP Act.

¹⁵ On 4 September and 4 November 2025.

¹⁶ Email dated 7 November 2025.

¹⁷ Relevant provisions of which commenced on 1 January 2020.

¹⁸ Section 21(2) of the HR Act.

¹⁹ See *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (*XYZ*) at [573]; and *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. OIC's approach to the HR Act has been considered and endorsed by QCAT Judicial Member McGill in *Lawrence v Queensland Police Service* [2022] QCATA 134, noting that he saw '*no reason to differ*' from our position ([23]).

Arrest Footage

Submissions

14. During the review, the applicant raised concerns that the copy of the access application QPS provided to OIC during this review²⁰ did not reflect the wording of the application he submitted to QPS. The applicant asserted that his application specifically requested body-worn camera footage.²¹
15. Given the applicant's concerns, OIC made enquiries with QPS during the review about how it processed the scope of the access application dated 21 January 2025.²²
16. QPS provided OIC with a copy of an email dated 21 January 2025 at 1:16pm from 'noreply@smartservice@qld.gov.au', with the applicant's name listed and fields of an access request form completed as per the text set out in paragraph 1 of these reasons.
17. QPS also provided OIC with a copy of an email received from the applicant's email address at 1:37pm on 21 January 2025, stating (in part): '*As discussed I am interested in all videos footage from my "unfortunate" visit to the Maryborough Police Station on 24th December 2024*'.
18. QPS have explained²³ that:
 - *The form in the email on pages 1-2 are the generated forms when an application is submitted through the DJAG portal. The scope on this form is free text and completed by the applicant.*
 - *QPS did accepted the scope on the original application through the DJAG portal which was submitted on the 21/01/2025. The email from the applicant was received on the same date of 21/01/2025 and was seen as a provision of requested validation documents rather than a rewording of the scope already provided through the initial request received that same day.*
19. The applicant has also provided OIC with correspondence between himself and QPS during the processing period for his access application, which the applicant contends supports his submission that his access application included body-worn camera footage of his arrest.²⁴ That correspondence shows the following:
 - On 29 January 2025, the applicant sent an email to QPS titled (in part) '*Request for Police Body Cam Footage*', in which he stated '*I would like to request body cam footage for officers attending [an address] on 24th December 2024 and 24 January 2025*'.
 - QPS responded to the above email providing a link to the approved online access request form for a new application.²⁵
 - The applicant replied to QPS stating '*an online request form should be coming through for this FOI, please let me know if there are any issues*'.²⁶
 - The applicant sent a further email with an attachment to QPS on 3 February 2025, again titled (in part) '*Request for Police Body Cam Footage*', to which QPS replied '*we are unable to open the attachment, is it to do with your recent application RTI/52058 received 21st January?*'

²⁰ Application dated 21 January 2025.

²¹ Telephone call with applicant on 4 September 2025.

²² Email to QPS dated 25 September 2025.

²³ Email dated 20 October 2025.

²⁴ On 5 September and 7 November 2025.

²⁵ On 30 January 2025.

²⁶ Email dated 3 February 2025.

- The applicant replied to the above email querying that QPS could not open the PDF attachment and stating '*And this is to do with 21st of January and expanded to include body cam footage*'.²⁷
- On 7 February 2025, the applicant followed up on the above correspondence and QPS replied confirm his '*certified ID was received, therefore your application is now valid with a current due date of 26/02/2025*'.

20. The applicant also submits:²⁸

- QPS '*was under no misapprehension as to the nature of [his] request and had copious opportunity to bring any misapprehensions regarding their understanding of what is occurring to [his] attention*'
- the correspondence he had with QPS²⁹ was '*provided before submitting [his] request for Queensland Police body-cam footage*' (applicant's emphasis)
- '*the continual requests for a new submission is to allow the Police Right to Information Unit and Queensland Office of the Information Commissioner to refuse access based on what would be with the second request the extreme time delay in making a request with a statement that I should have applied for the Body Cam footage sooner*'
- the Arrest Footage will support his assertions that QPS officers acted unlawfully when arresting him
- the Arrest Footage is important for the '*legal case*' he was preparing; and
- '*the rules regarding body cam usage are very clear*' and the footage should be archived on Evidence.com.

Relevant law

21. As at the date of the access application, the IP Act required access applications to be '*in the approved form*'.³⁰
22. The general rule is that the scope of an access application should not be interpreted narrowly or with the same degree of precision as a piece of legislation.³¹ However, the IP Act requires that an access application '*give sufficient information concerning the document to enable a responsible officer of the agency... to identify the document*'.³²
23. There are sound practical reasons for the documents sought in an access application being clearly and unambiguously identified, including that the terms of the access application set the parameters for an agency's response and the direction of the agency's search efforts.³³ For these reasons, an applicant cannot unilaterally expand the scope of an access application.³⁴

²⁷ On 3 February 2025.

²⁸ Emails dated 25 March, 29 September, 30 October and 7 November 2025, email from applicant to QPS and copied to OIC dated 30 October 2025.

²⁹ Summarised in paragraph [19] of this decision.

³⁰ Section 43(2)(a) of the IP Act.

³¹ *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) (**Fennelly**) at [21] and *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) (**O80PCE**) at [35]; cited in *Mewburn and Department of Natural Resources and Mines* [2016] QICmr 31 (19 August 2016) at [22].

³² Section 43(2)(b) of the IP Act.

³³ *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 (**Cannon**) [8] cited with approval in *Rolfe and Banana Shire Council* (Unreported, Queensland Information Commissioner, 9 October 2009) at [104], *O80PCE* at [33] and *Ciric and Queensland Police Service* [2018] QICmr 30 (29 June 2018) at [20].

³⁴ *Fennelly* at [15]; cited in *Lonsdale and James Cook University* [2015] QICmr 34 (15 December 2015) at [9].

Findings

24. The application under review is the applicant's request submitted via the approved form on QPS's online portal on 21 January 2025. OIC has informed the applicant that any other access applications he may have made to QPS are not the subject of this review.³⁵
25. Based on the material before me, I understand that the applicant completed and submitted his application via the approved form on QPS's online portal on 21 January 2025, and that this generated the email from '*noreply@smartservice@qld.gov.au*'. Accordingly, I find that the wording submitted by the applicant in his access application is as set out in paragraph [1] of these reasons.
26. The access application requests footage captured at the Maryborough Police Station, and not footage captured elsewhere. The wording of this application was clear and unambiguous. While I accept that the applicant's intention may have been broader than this, a reasonable person would not read the access application as including body-worn camera footage captured at places other than Maryborough Police Station.
27. I also do not consider the applicant's correspondence with QPS on or after 21 January 2025 has expanded the scope of his access application to include the Arrest Footage. Contrary to the applicant's assertion, this correspondence occurred after he submitted the application that is the subject of this review.
28. It is not uncommon for an agency and applicant to negotiate the scope of an access application during the processing period. For example, in circumstances where an access request is ambiguously worded, the agency and applicant can correspond to clarify the intended meaning.³⁶ Likewise, an applicant can communicate during the processing period that they will agree to the agency processing a narrowed scope. However, an access applicant cannot unilaterally expand the scope of an access request.
29. There is nothing before me to indicate QPS confirmed it would process an expanded scope for this application in a way that would include the Arrest Footage. In the absence of such an agreement by QPS, I find that the scope of the access application is as set out in paragraph [1] of these reasons. It is regrettable that QPS appears not to have clarified with the applicant that the scope of his request did not include Arrest Footage, and that they were not processing an expanded scope.
30. For these reasons, the Arrest Footage is not within the scope of the access application. Accordingly, it is not within my power to require QPS to consider the Arrest Footage in this review.
31. While the applicant has explained his reasons for seeking access to the Arrest Footage, in circumstances where this information is outside the scope of this review, I am unable to take into account any public interest factors which may apply to favour disclosure of this information.
32. OIC has informed the applicant that it is open to him to make a fresh access application for the Arrest Footage.³⁷ The RTI Act does not impose any time limit in which an applicant

³⁵ Preliminary view to applicant dated 4 November 2025.

³⁶ *Londsdale and James Cook University* [2015] QICmr 34 (15 December 2015) (*Londsdale*) at [9]-[11].

³⁷ In OIC's preliminary views dated 4 September and 4 November 2025.

must bring an access application and, as such, a fresh application for the Arrest Footage would be processed in the usual way.

Watchhouse Footage

Submissions

33. In its decision, QPS refused access to the located video footage files on the basis that this information was exempt.³⁸
34. The applicant submits that he has serious concerns about how QPS officers treated him while he was in their custody.³⁹
35. During this review, following OIC's preliminary views, QPS released to the applicant four full CCTV footage files showing the applicant in a watchhouse cell, and part of one body-worn camera footage file captured at the charge area.⁴⁰
36. With respect to the remaining video footage, QPS submits:⁴¹

The CCTV recording with which QPS holds concerns captures the layout of secure areas, including the location of doors which lead to different parts of the establishment and could be used as a route for potential escape attempts or attacks on the station. Further, it shows the position of staff, control consoles, and also the 'method and time of Station staff movement', within the police station.

The Information Commissioner has found that disclosing the above types of information could reasonably be expected to result in endangerment to the security of a relevant building.

I acknowledge that the applicant may have some knowledge of the building from their time at the Station. Whilst this may be true, the knowledge able to be gleaned from the BWC footage is of a much greater detail than the knowledge the applicant would have gained by being in the Station for a short period of time. In addition, there is also the ability to continually refer to the footage as opposed to relying on memory.

Having the type of intimate knowledge that the CCTV footage could provide, resulting from disclosure of the visual component of the CCTV recordings could reasonably be expected to prejudice the security of the building and also the safety of all occupants of the building. The security considerations within a Watchhouse must therefore be treated seriously.

Furthermore, the QPS has concerns that the risk of the footage being released to the 'world at large' is too great. In the case of NK & DK and Pine River Shire Council; Another (Third Party), Assistant Commissioner Rangihaeata was satisfied that there were 'real and substantial grounds, that release of plans to a residential building to the world at large 'would assist a person to determine the best access points for entry' to the building and would thus endanger the building security

[footnotes omitted]

37. OIC conveyed a preliminary view to the applicant that access to any located footage not already released could be refused under the IP Act, on the basis that it is exempt.⁴² The applicant's submissions in response to OIC's preliminary view⁴³ did not specifically address the Watchhouse Footage.

³⁸ Under schedule 3, section 10(1)(h) of the RTI Act.

³⁹ External review application dated 3 March 2025 (ER Application).

⁴⁰ On 20 October and 14 November 2025.

⁴¹ Email dated 5 September 2025; copying paragraphs from QPS's decision dated 26 February 2025.

⁴² Preliminary view dated 4 November 2025.

⁴³ Email dated 7 November 2025.

Relevant law

38. An individual has a right, under the IP Act, to be given access to documents of an agency to the extent they contain the individual's personal information.⁴⁴ However, this right is subject to the provisions of the IP Act and the RTI Act, including grounds for refusing access. Section 67 of the IP Act provides that an agency may refuse access to a document in the same way and to the same extent it could refuse access to a document under section 47 of the RTI Act, were the document to be the subject of an access application under that Act.
39. Access to a document may be refused to the extent it comprises exempt information.⁴⁵ Schedule 3 sets out the types of information which the Parliament has considered to be 'exempt information' as its disclosure would, on balance, be contrary to public interest.
40. The IP Act is to be administered with a pro-disclosure bias⁴⁶ and it is Parliament's intention that the grounds for refusing access to information are to be interpreted narrowly.⁴⁷ However, where information satisfies the criteria for any of the categories of exempt information set out in schedule 3 of the RTI Act, Parliament has also determined that the disclosure of this information is, in all cases, contrary to the public interest, and access may therefore be refused without further consideration of public interest arguments.⁴⁸
41. Relevantly, schedule 3, section 10(1)(h) of the RTI Act provides:

10 Law enforcement or public safety information

(1) Information is exempt information if its disclosure could reasonably be expected to—

...

(h) endanger the security of a building, structure or vehicle;

42. For this exemption to apply, a decision-maker must be satisfied that disclosure '*could reasonably be expected to*' result in the anticipated prejudice. The term '*could reasonably be expected to*' requires that the relevant expectation is reasonably based. There must be real and substantial grounds for expecting the relevant occurrence, which can be supported by evidence or reasoning.⁴⁹ It is not necessary for me to be satisfied '*on the balance of probabilities*' that disclosing the information would produce the anticipated prejudice.⁵⁰
43. In *Scott and Queensland Corrective Services*⁵¹ the Information Commissioner found that releasing CCTV footage of prisoner captured at the maximum security unit of correctional centre could reasonably be expected to endanger the security of the maximum security unit in circumstances where it showed the method and time of staff movement and certain security measures taken by staff.⁵² The Information Commissioner has also found that disclosure to an access applicant of another party's

⁴⁴ Section 40 of the IP Act.

⁴⁵ Section 67(1) of the IP Act and sections 47(3)(a) and 48 of the IP Act.

⁴⁶ Section 64 of the IP Act.

⁴⁷ Section 67(2)(a) of the IP Act and section 47(2)(a) of the RTI Act.

⁴⁸ Section 48(2) of the RTI Act.

⁴⁹ See *Murphy and Treasury Department* (1995) 2 QAR 744 (Murphy) at [44], citing *Re B and Brisbane North Regional Health Authority* (1994) 1 QAR 279 at [160]. See also *Attorney-General's Department and Australian Iron and Steel Pty Ltd v Cockcroft* (1986) 10 FCR 180.

⁵⁰ *Sheridan and South Burnett Regional Council (and Others)* (Unreported, Queensland Information Commissioner, 9 April 2009).

⁵¹ (Unreported, Queensland Information Commissioner, 29 May 2007).

⁵² *Ibid* at [50]-[51]; applying the equivalent exemption in section 42(1)(g) of the *Freedom of Information Act 1992* (Qld) (repealed) (**FOI Act**).

residential house plans would assist a person to determine the best access points for entry into the building and endanger its security.⁵³

44. Schedule 3, section 10(2) of the RTI Act section sets out the exceptions to this exemption.

Findings

45. The Watchhouse Footage comprises the following video footage files captured at the watchhouse of Maryborough Police Station:

- two CCTV footage files of the charge area
- one CCTV footage file of the vehicle lock area; and
- the first 17 minutes and 18 seconds of a body-worn camera footage file.

46. The Maryborough Police Station watchhouse is an identifiable building.

47. The Watchhouse Footage shows:

- computer screens
- the layout of the building, including entry and exit points; and
- the location of keys and QPS weapons.

48. I consider releasing the Watchhouse Footage could reasonably be expected to endanger the security of the Maryborough Police Station watchhouse. It is reasonable to expect that releasing this information could reveal security vulnerabilities at Maryborough Police Station, which could assist in a possible escape attempt or other security breach.

49. I acknowledge that, as the footage depicts the applicant, he will have had first-hand experience of the areas shown by the Watchhouse Footage. However, I accept QPS' submission that the knowledge able to be gained from this footage is of greater detail than the knowledge he would have gained from his time at the watchhouse. I also note there can be no restriction on the further use, dissemination or republication of information released under the IP and RTI Acts.⁵⁴

50. Accordingly, I find the Watchhouse Footage is exempt. I have considered the exceptions to this exemption⁵⁵ and none apply.

51. I acknowledge that the applicant would like to obtain access to the Watchhouse Footage because of his concerns about how QPS treated him while he was in custody. The applicant submits the requested video footage will substantiate his account of QPS' treatment of him, and that he is '*currently waiting on this footage to begin persecutions [sic]*'.⁵⁶ I am unable to take into account any public interest factors which may apply for the Watchhouse Footage because I have found that this information is exempt. As mentioned in paragraph [40], once I have found information is exempt, there is no discretion for me to take into account any public interest factors which may favour its disclosure.

⁵³ *NK and DK and Pine Rivers Shire Council' Another (Third Party)* (Unreported, Queensland Information Commissioner, 6 June 2007) at [28]; applying the equivalent exemption in section 42(1)(g) of the FOI Act.

⁵⁴ *FLK v Information Commissioner* [2021] QCATA 46 at [17].

⁵⁵ At schedule 3, section 10(2) of the RTI Act.

⁵⁶ ER Application.

Officer Notes

Submissions

52. The applicant submits:⁵⁷

- he is *'currently uncertain as to what cause the Queensland Police have been given for assaulting me and taking me into custody'*
- he believes *'this issue is part of a larger repression undertaken against human and indigenous rights activists illegally undertaken by Queensland Police and [he believes] this is of national significance'*
- he has concerns about QPS's conduct, decision to arrest him, and treatment of him during his arrest and while he was in custody
- there has been a pattern of QPS harassment against him starting in 2023
- he wants to access the requested documents as *'evidence in order to undertaken [sic] legal action'*
- the officers who arrested him were *'involved in an assault/trespassing/false arrest/unlawful imprisonment'* and he still experiences pain from QPS officers assaulting him
- *'the highly redacted police records are intentionally so redacted as to be entirely legally useless and cover police corruption and abuse of powers'*; and
- he holds concerns for the safety of certain individuals.

Relevant law

53. Access to information may also be refused where its disclosure would, on balance, be contrary to the public interest.⁵⁸ 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, 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, although there are some recognised public interest considerations that may apply for the benefit of an individual.⁵⁹

54. In assessing whether disclosure of particular information would, on balance, be contrary to the public interest, the IP Act and RTI Act require a decision maker to disregard any irrelevant factors,⁶⁰ consider relevant factors for and against disclosure⁶¹ and decide where the balance of the public interest lies according to the relative weight of those factors.⁶²

55. As mentioned in paragraph [40], the IP Act is to be administered with a pro-disclosure bias⁶³ and it is Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.⁶⁴

56. Section 88(2) of the IP Act permits an agency to delete from a copy of a document released under the Act information that is not relevant to the access application. This is not a ground for refusal of access, but a mechanism to allow irrelevant information to be

⁵⁷ ER Application, emails dated 25 March, 30 October and 7 November 2025 and emails copied to OIC dated 10 September and 30 October 2025.

⁵⁸ Section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

⁵⁹ Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

⁶⁰ Including those in Schedule 4, part 1 of the RTI Act.

⁶¹ Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of the public interest lies in a particular case.

⁶² Section 49(3) of the RTI Act.

⁶³ Section 64 of the IP Act.

⁶⁴ Section 67(2)(a) of the IP Act and section 47(2)(a) of the RTI Act.

deleted from documents which are identified for release to an applicant.⁶⁵ In deciding whether information is irrelevant, it is necessary to consider whether the information has any bearing upon, or is pertinent to, the terms of the application.⁶⁶

Findings

57. The refused information in the officer notes comprises:

- information about individuals other than the applicant, or provided to QPS by individuals other than the applicant (**Third Party Information**)
- a mobile phone number of a QPS officer; and
- notes carried over onto a page from a QPS officer's prior attendance.

Third Party Information

58. I have not taken into account any irrelevant factors⁶⁷ when deciding where the balance of public interest lies for the Third Party Information.

59. The RTI Act recognises that the public interest will favour disclosure of an applicant's personal information to them,⁶⁸ and this factor is generally afforded significant weight.⁶⁹ The Third Party Information appears in documents relating to an incident involving the applicant, and some of this information is about the applicant. For that information, I afford these factors significant weight. However, this information is inextricably intertwined with the information of other individuals such that it cannot be released without also releasing the personal information of these other individuals. This raises factors favouring nondisclosure, which I have discussed at paragraph [67] below.

60. I consider releasing information provided to QPS by third parties about the relevant matters leading to the applicant's arrest would provide him with some further insight into the information before QPS that informed their decision to arrest and detain him, and that this would enhance the accountability and transparency of QPS.⁷⁰ The material before me⁷¹ shows that QPS officers informed the applicant of the reasons for his arrest when he was at Maryborough Police Station, and I consider this reduces the weight I should afford to these factors. In those circumstances, I afford moderate weight to the factors relating to the accountability and transparency of QPS.

61. To the extent the applicant has raised concerns about how QPS officers treated him while he was in custody, I confirm that the Third Party Information does not discuss the applicant's time in custody.

62. The public interest will favour disclosure of information where it could reasonably be expected to allow or assist inquiry into possible deficiencies in the conduct of an agency.⁷² The Information Commissioner has previously recognised that the threshold for this factor applying is low.⁷³ However, given the nature of the Third Party Information,

⁶⁵ *Wyeth and Queensland Police Service* [2015] QICmr 26 at [12], considering the equivalent section of the RTI Act.

⁶⁶ *Van Veenendaal and Queensland Police Service* [2017] QICmr 36 (28 August 2017) at [12]; considering the equivalent section of the RTI Act and citing with approval *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [52].

⁶⁷ Including those set out in Schedule 4, part 1 of the RTI Act.

⁶⁸ Schedule 4, part 2, item 7 of the RTI Act.

⁶⁹ *B42 and Darling Downs Hospital and Health Service* [2025] QICmr 12 (20 March 2025) at [37].

⁷⁰ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

⁷¹ Video footage file titled '*RTI-52058 – Watchhouse footage*'. The first 17 minutes and 17 seconds of this file has been refused.

⁷² Schedule 4, part 2, item 5 of the RTI Act.

⁷³ *L80 and Queensland Police Service* [2023] QICmr 28 (19 June 2023) at [32], applied in *E92 and Crime and Corruption Commission* [2024] QICmr 73 (19 December 2024) at [89].

there is nothing before me to indicate that its release to the applicant would advance this factor. Accordingly, I afford this factor low weight.

63. A further public interest factor favouring disclosure will arise where disclosure could reasonably be expected to contribute to the administration of justice for a person.⁷⁴ The criteria for this factor applying was set out in *Willsford and Brisbane City Council*⁷⁵ as follows:
- (i) loss or damage or some kind of wrong has been suffered in respect of which a remedy was, or might be, available under the law
 - (ii) the applicant has a reasonable basis for seeking to pursue the remedy; and
 - (iii) disclosure of the information held by the agency would assist the applicant to pursue the remedy, or to evaluate whether a remedy is available or worth pursuing.
64. With respect to the first limb, the applicant submits he is concerned about QPS' treatment of him and decision to arrest him, and that he wants to take legal action.⁷⁶ He has copied OIC to his correspondence to QPS in which he referenced section 283 of the *Criminal Code 1899*, which makes unlawful the use of more force than is justified by law.⁷⁷ The applicant has provided OIC with a copy of an email he sent to QPS, in which he stated '*My lawyers are curious as to the potential for trespassing, assault, perjury and false imprisonment charges*'.⁷⁸ While the applicant has not specified any particular legal remedy he seeks to pursue in that respect, his submissions also indicate he is considering legal action against QPS with respect to personal injuries he alleges he sustained during the arrest. In those circumstances, I consider the first limb has been satisfied.
65. However, I do not consider the third limb of the *Willsford* test is made out. There is nothing before me to indicate how the Third Party Information would assist the applicant to initiate any personal legal action against QPS or other parties, or evaluate whether this is worth pursuing. In making this finding, I have considered the nature of the Third Party Information as well as the information QPS have already provided to the applicant during this review and on the day of his arrest.⁷⁹ I consider that releasing the Third Party Information would, at most, provide the applicant with some additional background to QPS's decision to arrest him. In those circumstances, it is unnecessary for me to decide whether the second limb of the *Willsford* test is made out. I am satisfied this factor favouring disclosure does not apply to favour disclosure of the Third Party Information.
66. I have carefully considered the Third Party Information and applicant's submissions, and have not identified any other public interest factors that would apply to favour disclosure.
67. The RTI Act recognises that disclosing an individual's personal information to someone else can reasonably be expected to cause a public interest harm.⁸⁰ I consider that releasing information about, or provided by, other people to QPS about an incident would have this effect and would also prejudice the protection of those individuals' rights to privacy.⁸¹ I afford these factors significant weight.

⁷⁴ Schedule 4, part 2, item 17 of the RTI Act.

⁷⁵ (1996) 3 QAR 368 at [17].

⁷⁶ ER Application.

⁷⁷ Email copied to OIC dated 13 November 2025.

⁷⁸ Email dated 29 January 2025.

⁷⁹ Demonstrated in some of the refused Watchhouse Footage, as described in paragraph [60] of this decision.

⁸⁰ Schedule 4, part 4, section 6(1) of the RTI Act.

⁸¹ Giving rise to the nondisclosure factor at schedule 4, part 3, item 3 of the RTI Act.

68. I also consider that releasing information QPS obtained from individuals other than the applicant about an incident could prejudice the flow of information to QPS.⁸² QPS relies on their ability to obtain information from members of the public in order to properly investigate matters. In my view, it is reasonable to expect that members of the public may be less forthcoming with information to QPS if they consider this information could be released under the IP Act, where there can be no restriction on its use, dissemination or republication.⁸³ I afford this factor significant weight.
69. In balancing the public interest, I acknowledge the pro-disclosure bias of the IP Act.⁸⁴ I have afforded significant weight to the factor favouring disclosure of the applicant's personal information to him. I have also afforded moderate weight to the pro-disclosure factors relating to the accountability and transparency of QPS and low weight to the factor regarding inquiry into possible deficiencies in agency conduct. On the other hand, I have afforded significant weight to the factors favouring nondisclosure which seek to protect the personal information and privacy of individuals other than the applicant, and the flow of information to QPS. In those circumstances, the public interest factors favouring nondisclosure outweigh the public interest in disclosing the Third Party Information. Accordingly, access to the Third Party Information can be refused on the basis that its disclosure would, on balance, be contrary to the public interest.

QPS officer's mobile number

70. I have not taken into account any irrelevant factors⁸⁵ when deciding where the balance of public interest lies for this information.
71. Information about the day-to-day work duties and responsibilities of a public sector employee can generally be disclosed under the RTI Act, despite being personal information. However, certain information of public sector employees is not routine work information.⁸⁶ Given the role of QPS, it often deals with unreasonable behaviour from members of the public. In those circumstances, I afford moderate weight to the public interest factors which relate to protecting the personal information and privacy⁸⁷ of QPS officers.
72. There is nothing before me to indicate that releasing this particular information would give rise to any public interest factors favouring disclosure.
73. While I have had regard to the pro-disclosure bias of the IP Act,⁸⁸ I find that the factors favouring nondisclosure of the QPS officer's mobile number are determinative. I consider releasing this information would be, on balance, contrary to the public interest and access can be refused on this basis.

Irrelevant information

74. QPS refused access to a small amount of information⁸⁹ as irrelevant to the applicant's request. That information comprises notes that have carried over onto the page from the QPS officer's previous attendance, prior to attending the address on 24 December 2024

⁸² Schedule 4, part 3, item 13 of the RTI Act.

⁸³ *FLK v Information Commissioner* [2021] QCATA 46 at [17].

⁸⁴ Section 64(1) of the IP Act.

⁸⁵ Including those set out in schedule 4, part 1 of the RTI Act.

⁸⁶ *Underwood and Department of Housing and Public Works* (Unreported, Queensland Information Commissioner, 18 May 2012) at [60].

⁸⁷ Schedule 4, part 3, item 3 and part 4, section 6(1) of the RTI Act.

⁸⁸ Section 64(1) of the IP Act.

⁸⁹ On part of page 16 of the officer notes.

where the applicant was arrested. This information does not relate to the applicant or to the events giving rise to his access application.

75. I am satisfied that this information is not relevant to the access application and that it has been appropriately deleted under section 88(2) of the IP Act.

Other matters raised by applicant

76. During this review, the applicant provided OIC with copies of correspondence between himself and other government agencies. He has also provided OIC with copies of various documents which he says support his account of certain events in his life, his concerns about the conduct of other government agencies and his soundness of mind.
77. To the extent the applicant's correspondence and supporting documents are relevant to the issues for determination, I have summarised and addressed them in this decision. Otherwise, it is not within the Information Commissioner's jurisdiction to investigate the conduct of other government agencies.⁹⁰

DECISION

78. For the reasons set out above, I vary the reviewable decision⁹¹ and find that:
- the Arrest Footage falls outside the scope of the access application
 - access may be refused to the Watchhouse Footage on the basis that these documents are exempt;⁹² and
 - access to refused information in the officer notes can be refused on the basis that:
 - its disclosure would, on balance, be contrary to public interest;⁹³ or
 - it is irrelevant to the access application.⁹⁴
79. I have made this decision under section 123 of the IP Act as a delegate of the Information Commissioner, under section 139 of the IP Act.



Stephanie Davis
Assistant Information Commissioner

Date: 28 January 2026

⁹⁰ OIC has informed the applicant on 4 September and 7 November 2025 that, if he has concerns about the conduct of a government agency or its employees, he could contact the Queensland Ombudsman, Queensland Human Rights Commission or Crime and Corruption Commission.

⁹¹ Under section 123(1)(b) of the IP Act.

⁹² Section 67(1) of the IP Act and section 47(3)(a) of the RTI Act.

⁹³ Section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

⁹⁴ Section 88(2) of the IP Act.

APPENDIX**Significant procedural steps**

Date	Event
3 March 2025	OIC received the application for external review. OIC requested copies of preliminary documents from QPS. OIC acknowledged receipt of the external review application to the applicant.
12 March 2025	OIC received the requested preliminary documents from QPS.
25 March 2025	OIC received an email from the applicant providing further information in support of his external review application.
26 March 2025	OIC communicated acceptance of the external review application to the applicant and QPS. OIC requested a copy of the information in issue and further information from QPS.
11 April 2025	OIC received the requested further information from QPS.
17 April 2025	OIC received the requested copies of the information in issue from QPS.
7 May 2025	OIC requested further information from QPS.
9 May 2025	OIC received the further requested information from QPS.
6 June 2025	OIC wrote to the applicant to advise that QPS would agree to inspection access of video footage and to ask the applicant to make submissions by 27 June 2025 if he did not wish to informally resolve the review.
30 June 2025	OIC sent a notice of completion of the review to the applicant and agency and closed the file.
1 July 2025	OIC received an email from the applicant regarding OIC emails and letters not having been received and confirmed he would like to proceed with the review. OIC received a further email from the applicant regarding communication difficulties.
8 July 2025	OIC re-opened the file.
9 July 2025	OIC wrote to the applicant to confirm file reopened and to provide details for arranging inspection access of video footage held by QPS.
30 July 2025	OIC sent a further notice of completion to the applicant. OIC received an email from the applicant asserting delays in receiving OIC's emails and requesting future communication via post.
5 August 2025	OIC had a phone call with applicant. The applicant raised concerns about missing body-worn camera footage files and conveyed that he would prefer copies of documents over inspection access.
12 August 2025	OIC conveyed a preliminary view to QPS.

Date	Event
4 September 2025	<p>OIC called applicant to provide update and discuss the scope of his access request.</p> <p>OIC wrote to the applicant to convey a preliminary view.</p>
5 September 2025	<p>OIC received further information from the applicant attaching copies of his correspondence with QPS during the application processing period.</p> <p>OIC received correspondence from QPS providing submissions in response to OIC's preliminary view and confirming QPS agreed to release four video files.</p>
8 September 2025	<p>OIC requested QPS provide further information and copies of video files referenced in their decision but not received by OIC.</p> <p>OIC received copies of two requested video files.</p>
23 September 2025	OIC received requested further information from QPS.
25 September 2025	OIC conveyed a further preliminary view to QPS and requested further information. OIC asked QPS to release four video files to applicant.
29 September 2025	OIC received submissions from applicant.
20 October 2025	OIC received an email from QPS confirming they had sent the applicant four video footage files on a USB via registered post. QPS also provided requested information and confirmed agreement to release further written documents and footage to the applicant.
23 October 2025	OIC received requested further information from QPS.
4 November 2025	<p>OIC conveyed a preliminary view to the applicant.</p> <p>OIC asked QPS to release agreed further written documents and footage to the applicant.</p>
6 November 2025	OIC received email from QPS confirming release of written documents to the applicant via email and video footage on a USB via post.
7 November 2025	<p>OIC received an email from the applicant confirming receipt of written information and that he wanted to access the body-worn camera footage.</p> <p>OIC received further submissions from applicant in response to the preliminary view.</p>
11 November 2025	OIC wrote to the applicant to confirm his submissions had not changed OIC's preliminary view and that OIC would proceed to issue a formal decision to finalise the review.
12 November 2025	OIC received an email from the applicant advising that he did not receive the video footage in the post.
13 November 2025	OIC asked QPS to re-send the video footage to the applicant.
14 November 2025	OIC received an email from QPS confirming they had posted a USB with the video footage to the applicant via registered post.