



Decision and Reasons for Decision

Citation:	<i>W97 and Queensland Police Service [2026] QICmr 18 (9 February 2026)</i>
Application Number:	318793
Applicant:	W97
Respondent:	Queensland Police Service
Decision Date:	9 February 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTARY TO THE PUBLIC INTEREST - application for search warrants involving the applicant - personal information of another individual - right to privacy - whether disclosure would, on balance, be contrary to the public interest - section 67(1) of the <i>Information Privacy Act 2009 (Qld)</i> - sections 47(3)(b) and 49 of the <i>Right to Information Act 2009 (Qld)</i>

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Queensland Police Service (**QPS**) under the *Information Privacy Act 2009 (Qld)* (**IP Act**)² for access to warrants issued relating to her arrest.
2. QPS located a 4-page warrant (**Search Warrant**) relevant to the access application. QPS refused access to the Search Warrant on the ground that disclosure could reasonably be expected to prejudice the effectiveness of a lawful method or procedure of QPS in accordance with Schedule 3, section 10(1)(f) of the RTI Act.³
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS' decision⁴ to refuse access to the Search Warrant. The applicant also raised 'sufficiency of search' issues on external review, contending that QPS had not taken all reasonable steps to locate documents responsive to the access application.

¹ Access application lodged 15 May 2025 (**access application**).

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 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 14 July 2025.

⁴ External review application dated 22 July 2025. The decision under review is QPS' decision dated 14 July 2025 (**reviewable decision**).

4. QPS' search efforts were explained to the applicant during the review, and she did not pursue sufficiency of search issues.⁵ Additionally, QPS agreed during the review to release the Search Warrant to the applicant, apart from three instances of a signature of the issuing Magistrate (**Signature**).⁶
5. Having independently reviewed the Search Warrant and Signature, I formed the preliminary view that its disclosure would, on balance, be contrary to the public interest.⁷ I conveyed this view to the applicant by email dated 19 December 2025. The applicant did not accept this view and seeks disclosure of the Signature.⁸
6. For the reasons set out below, I vary the decision under review and find that access may be refused to the Signature on the basis its disclosure would, on balance, be contrary to the public interest pursuant to section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

Relevant law

7. The issue for determination is whether disclosure of the Signature would, on balance, be contrary to the public interest.⁹
8. Under the IP Act, an individual has a right to be given access to documents to the extent they contain the individual's personal information.¹⁰ However, this right is subject to the provisions of the IP Act and the RTI Act.¹¹ Relevantly, access may be refused to information on the ground where its disclosure would, on balance, be contrary to the public interest.¹²
9. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must:¹³
 - a. identify and disregard any irrelevant factors
 - b. identify factors in favour of disclosure
 - c. identify factors in favour of nondisclosure; and
 - d. decide whether, on balance, disclosure of the information would be contrary to the public interest.
10. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of the public interest lies in a particular case. I have considered these¹⁴ in reaching my decision. I have also applied the IP Act's pro-disclosure bias¹⁵ and

⁵ Correspondence dated 17 November 2025, in which OIC conveyed to the applicant QPS' explanation as to the absence of any additional documents – the applicant has not contested that explanation nor otherwise pressed her initial sufficiency of search issues, and accordingly they are not addressed in this decision.

⁶ Appearing at the foot of pages 1, 2 and 3 of the Search Warrant. The Search Warrant was otherwise released to the applicant by QPS via email dated 24 November 2025.

⁷ Noting sections 95(1)(c) and 105(1)(b) of the RTI Act.

⁸ See applicant's emails dated 27 November 2025 and 25 December 2025.

⁹ Under section 47(3)(b) of the RTI Act.

¹⁰ Section 40 of the IP Act.

¹¹ Section 67(1) of the IP Act provides that an agency may refuse to a document in the same way and to the same extent it could refuse access to the documents under section 47 of the RTI Act were the document to be the subject of an access application under that Act.

¹² Section 67(1) of the IP Act and section 47(3)(b) RTI Act. 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. This means that, in general, a public interest consideration is one which is common to all members of, or a substantial segment of the community, as distinct from matters that concern purely private or personal interests. However, there are some recognised public interest considerations that may apply for the benefit of an individual. See Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

¹³ Section 49(3) of the RTI Act.

¹⁴ I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed below. I note the lists in Schedule 4 are non-exhaustive.

¹⁵ Section 64 of the IP Act.

considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.¹⁶

11. In making this decision, I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.¹⁷ I consider a decision-maker will be '*respecting and acting compatibly with*' that right, and others prescribed in the HR Act, when applying the law prescribed in the IP and RTI Act.¹⁸ I have acted in this way in reaching my decision, in accordance with section 58(1) of the HR Act.

Findings

12. I have carefully considered the material before OIC, including the Search Warrant in entirety, the decision under review and submissions received from the applicant.¹⁹

Factors favouring disclosure

13. I have not taken into account any irrelevant factors in deciding where the balance of the public interest lies.
14. The public interest will favour disclosure of information which could reasonably be expected to²⁰ enhance government accountability, inform the community of government operations, advance the fair treatment of individuals in their dealings with agencies,²¹ and reveal background/contextual information that has informed a government decision.²² Arguably, each of these considerations applies to favour disclosure of the Signature, as does the general public interest in promoting access to government-held information.²³ The applicant has, however, been granted access to the substance of the Search Warrant, disclosure of which information has, in my view, largely discharged applicable public interest factors. To the extent such factors continue to apply to favour disclosure of the Signature,²⁴ they do so only marginally, and I afford them commensurate weight in balancing the public interest.
15. The applicant contends that she requires access to the Signature to establish the validity of the Search Warrant – to allow her to '*independently*' verify that '*judicial authorisation was exercised*'.²⁵ Beyond accountability, fair treatment and transparency considerations discussed above (and which I accept apply), this submission arguably comprises an

¹⁶ Section 67(2) of the IP Act and section 47(2) of the RTI Act.

¹⁷ Section 21(2) of the HR Act.

¹⁸ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. The Information Commissioner's approach to the HR Act set out in this paragraph 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: at [23].

¹⁹ Dated 22 July 2025 (accompanying the applicant's external review application), 27 November 2025 and 25 December 2025. While I have read all submissions, these reasons only canvass the applicant's submissions to the extent they are directly relevant and necessary to explain my findings.

²⁰ The phrase '*could reasonably be expected*' requires a decision-maker to distinguish '*between what is merely possible ... and expectations that are reasonably based*' and for which '*real and substantial grounds exist*': *B and Brisbane North Regional Health Authority* [1994] QICmr 1, at [154]-[160] (a decision of the Information Commissioner analysing the equivalent exemption in the repealed *Freedom of Information Act 1992* (Qld)). Other jurisdictions have similarly interpreted the phrase '*as distinct from something that is irrational, absurd or ridiculous*': See *Smolenski v Commissioner of Police, NSW Police* [2015] NSWCATAD 21, at [34], citing *Commissioner of Police, NSW Police Force v Camilleri (GD)* [2012] NSWADTAP 19, at [28], *McKinnon v Secretary, Department of Treasury* [2006] HCA 45 at [61] and *Attorney-General's Department v Cockcroft* (1986) 10 FCR 180, at [190].

²¹ By allowing the applicant complete access to the Search Warrant issued against her.

²² Schedule 4, part 2, items 1, 3, 10 and 11 of the RTI Act. I can identify no other public interest factors favouring disclosure.

²³ Implicit in the object of the IP Act.

²⁴ The existence of which is important, given it evidences the regularity of the Search Warrant. The fact the Warrant has been signed has been disclosed to the applicant, as noted in my email to her dated 19 December 2025 (further noting her own advice, as set out in her 22 July 2025 application for external review, which I understand to mean that she has sighted the subject Warrant).

²⁵ Submissions dated 25 December 2025. These submissions also contain a request for 'orders' beyond my power to make under the IP Act – the provision to the applicant of alternative information, if access to the Signature is refused. Relevant submissions essentially amount to a unilateral expansion of the terms of the access application, which is not permissible on external review: *Robbins and Brisbane North Regional Health Authority* (1994) 2 QAR 30 at [17].

argument that disclosure of the Signature could reasonably be expected to allow or assist inquiry into possible administrative or conduct deficiencies, and/or reveal official misconduct, negligence, improper or unlawful conduct.²⁶ I do not accept either pro-disclosure factor applies in this case. There is no probative material before me to suggest that the Search Warrant is anything other than valid and regular. Those factors have, in my view, no application in this case.

Factors favouring nondisclosure

16. As I explained to the applicant via email dated 19 December 2025:

Signatures have been recognised as personal information and innately private in nature, disclosure of which would, on balance, be contrary to the public interest. As set out in EC710C and Queensland Police Service [2019] QICmr 24 (27 June 2019) (footnotes omitted):

65. The signature is information about a person, whose identity can be reasonably ascertained from the context in which it appears. It therefore comprises the personal information of someone other than the applicant, disclosure of which would disclose that personal information and could therefore reasonably be expected to cause a public interest harm in accordance with schedule 4, part 4, section 6 of the RTI Act.

66. Signatures are also generally recognised as inherently private information – as being exclusive and private to the individual to whom a signature belongs, and circulation of which the individual is entitled to control. Unconditional disclosure of signatures could therefore reasonably be expected to prejudice protection of an individual's right to privacy. Given the innately private nature of such information, I consider these considerations favouring nondisclosure warrant relatively significant weight.

...

17. While the applicant contests the relevance of the decision quoted above,²⁷ I am satisfied key points are applicable to signatures generally, including the Signature in issue in this case. That Signature is information about a person, whose identity can be reasonably ascertained from the context in which it appears.²⁸ It therefore comprises the personal information²⁹ of another individual other than the applicant, such that its disclosure would occasion the public interest harm prescribed in schedule, 4, part 4, section 6 of the RTI Act.

18. Similarly, a signature is, as noted in the passages cited above, inherently private information,³⁰ such that disclosure could reasonably be expected to prejudice protection of the relevant individual's right to privacy.

19. As for the weight to be afforded these considerations, I acknowledge that as the signature of a judicial officer on an official document, the sensitivity of the Signature is not as acute as it might be in another context.³¹ It nevertheless remains personal information, disclosure of which, as noted, the RTI Act presumes would give rise to public interest harm. Further, as the RTI Commissioner stated in the passage cited above,

²⁶ Schedule 4, part 2, items 5 and 6 of the RTI Act.

²⁷ Submissions dated 25 December 2025.

²⁸ The Signature, on my reading, being consistent with a Magistrate sitting in the relevant district. Magistrates are listed at <https://www.courts.qld.gov.au/contacts/judiciary-contacts/magistrates-in-queensland>.

²⁹ Section 12 of the IP Act relevantly defined personal information as 'information or opinion... 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.'

³⁰ *Corkin and Department of Immigration and Ethnic Affairs* [1984] AATA 448, at [14].

³¹ I also accept that the applicant may, as noted above, have sighted the Search Warrant and thus the Signature. While this diminishes the privacy interest attaching to the Signature, it does not destroy it – I consider that there is a difference between sighting information and obtaining unconditional access to a copy of that information (noting that release under the RTI Act is unconditional: *FLK v Information Commissioner* [2021] QCATA 46 at [17]).

signatures are private information, control of the circulation of which should be reserved to relevant individuals where possible.³² In these circumstances, I consider the privacy and personal information factors favouring nondisclosure attract moderate weight.

Balancing the public interest factors

20. Balancing competing factors against one another, I consider that the moderate considerations favouring nondisclosure should be preferred to the marginal factors weighing in favour of disclosure. I have noted above that there is no objective material before me to call into question the regularity of the Search Warrant. The body of the Search Warrant has been released to the applicant, as has the fact that the Warrant was executed.³³ In this context, I do not consider disclosure of the Signature itself would meaningfully enhance QPS' transparency or accountability, or advance fair treatment, to any significant extent. Nor do I consider disclosure of the Signature would provide any material insight into QPS' or any other agency's or official's operations – certainly, not to an extent sufficient to displace the important public interests in protecting personal privacy and safeguarding personal information.
21. Accordingly, I consider disclosure of the Signature would, on balance, be contrary to the public interest and access may be refused to the Signature.³⁴

DECISION

22. For the reasons set out above, I vary the reviewable decision³⁵ and find that access may be refused to the Signature under section 47(3)(b) of the RTI Act, on the basis that the disclosure of that information would, on balance, be contrary to the public interest.
23. 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.



Jim Forbes
Assistant Information Commissioner

Date: 9 February 2026

³² Noting again the unconditional nature of release under the RTI Act.

³³ Evidenced by the presence of redaction boxes and noting again the applicant's advice that she has sighted the Search Warrant.

³⁴ Section 67(1) of the IP Act and Section 47(3)(b) of the RTI Act.

³⁵ Under section 123(1)(b) of the IP Act.