



Decision and Reasons for Decision

Citation: *R28 and Queensland Police Service [2026] QICmr 37 (10 March 2026)*

Application Number: 318550

Applicant: R28

Respondent: Queensland Police Service

Decision Date: 10 March 2026

Catchwords: **ADMINISTRATIVE LAW - RIGHT TO INFORMATION - IRRELEVANT INFORMATION** - whether information may be deleted on the basis that it is irrelevant to the terms of the application - section 88 of the *Information Privacy Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - EXEMPT INFORMATION - LAW ENFORCEMENT AND PUBLIC SAFETY INFORMATION - whether disclosing information could reasonably be expected to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law - schedule 3, section 10(1)(f) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - whether disclosure would, on balance, be contrary to the public interest - section 49 of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT OR UNLOCATABLE - applicant contends further documents should exist - whether agency has taken all reasonable steps to locate further documents - nonexistent documents - sections 47(3)(e) and 52(1)(a) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - OUTSIDE OF SCOPE DOCUMENTS applicant requests access to documents that fall outside the scope of the applicant's request

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 emails, memos and reports generated by two identified officers that relate to the applicant on a specific date range.³
2. QPS located 8 pages and decided to release 2 pages and refused access to parts of 6 pages on the basis the information comprised either exempt information or contrary to public interest information.⁴ QPS also deleted a small portion of information from 3 pages on the basis it was irrelevant to the scope of the access application.⁵
3. The applicant lodged⁶ internal review of QPS's decision. QPS's internal review decision⁷ upheld QPS's initial decision. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's internal review decision.⁸ In his application, the applicant submitted *[t]he information that you [QPS] forwarded is incomplete and redacted and is not in accordance with my RTI Request.*⁹
4. While the RTI Act prevents me from describing exempt information or contrary to public interest information in any detail,¹⁰ the Information in Issue can be described as:
 - the name of a QPS employee involved in processing the access application¹¹ and information about an unrelated task being undertaken by a QPS officer¹² (**Irrelevant Information**)
 - information about QPS methods and procedures, including information obtained by QPS in the course of its investigative processes (**Process Information**); and
 - names of other individuals and middle names/initials and direct contact details of QPS officers (**Third-party Information**).
5. For the reasons set out below, I vary QPS's internal review decision and find that:
 - access to some of the documents sought by the applicant are outside the scope of the access application
 - access to the Irrelevant Information may be deleted from the copy of the documents disclosed to the applicant on the basis it is not relevant to the access application¹³
 - access to the Process Information may be refused on the basis it comprises exempt information¹⁴

¹ Access application dated 2 December 2024, received by the agency on 10 December 2024.

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.

³ 28 December 2022 to 18 August 2023. The applicant included in the scope of the application three CID reference numbers.

⁴ Decision dated 20 February 2025.

⁵ Some of these pages also contain information to which access was refused on the basis it comprises exempt or contrary to public interest information.

⁶ Internal review application dated 29 February 2025, received by the agency on 11 March 2025.

⁷ Internal review decision dated 4 April 2025. This is the *reviewable decision* for this purpose of this review.

⁸ External review application dated 23 January 2025, received by OIC on 7 April 2025.

⁹ Letter dated 29 February 2025 from the applicant to QPS and included in the external review application to OIC.

¹⁰ Section 108(3) of the RTI Act.

¹¹ The first redaction on pages 1 and 2 of the released documents marked as irrelevant.

¹² The sole redaction on page 8 of the released documents.

¹³ Under section 88 of the IP Act.

¹⁴ Under section 67(1) of the IP Act and section 47(3)(a) and schedule 3, section 10(1)(f) of the RTI Act.

- access to the Third Party Information may be refused on the basis that disclosure would, on balance, be contrary to the public interest; and¹⁵
 - access to further documents responsive to the access application may be refused on the ground that they do not exist.¹⁶
6. In making this decision, I have considered evidence, submissions, legislation and other material set out in these reasons (including footnotes). I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to freedom of expression,¹⁷ which includes the right to seek and receive information. I consider a decision-maker will be acting compatibly with this right when applying the law prescribed in the RTI Act and, therefore, I have acted in accordance with section 58(1) of the HR Act.
7. On external review, the applicant raised concerns about QPS which are outside the Information Commissioner's external review jurisdiction under the IP Act.¹⁸ In making my decision in this external review, I have considered the applicant's submissions to the extent they are relevant to the issues for determination in the context of the Information in Issue.

Issues for determination

8. There are three issues for determination in this review:
- whether access to further documents may be refused because they fall outside the scope of the access application
 - whether access to the redacted information in the located documents¹⁹ may be refused on the basis that it is irrelevant, exempt or would on balance be contrary to the public interest; and
 - whether QPS has taken all reasonable steps to locate relevant documents falling within the terms of the application and access to any further document may be refused on the basis they do not exist.²⁰

Documents outside the scope of an application

9. As noted in paragraph one above, the applicant made an application under the IP Act seeking access to emails, internal memos and reports generated by two identified officers that relate to the applicant on a specific date range.²¹
10. As part of the external review application, the applicant indicated that *[t]he information that you [QPS] forwarded is incomplete*.²²
11. On external review, OIC requested further information from QPS. In response, QPS submitted that:²³

'...[t]he case ID (CID) reference numbers provided are reference numbers from Weapons Licensing (WL). [Officer 1] and [Officer 2] are not employed or attached to WL...'

¹⁵ Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

¹⁶ Under section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act.

¹⁷ Section 21 of the HR Act. OIC's approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

¹⁸ Letter dated 15 January 2026.

¹⁹ Part of 8 pages.

²⁰ Under section 67(1) of the IP Act and section 47(3)(e) of the RTI Act.

²¹ 28 December 2022 to 18 August 2023. The applicant included in the scope of the application three CID reference numbers.

²² Letter dated 29 February 2025 from the applicant to QPS and included in the external review application to OIC.

²³ Email dated 2 December 2025.

[...]

'If the applicant is seeking further documents attached to the WL cases... it is suggested [the applicant] make a separate application for this material.'

12. QPS also advised that, while some other documents were identified as relating to the circumstances mentioned in the located documents, they were not emails, memos or reports between two identified officers as requested in the access application and therefore were not considered by QPS in its decision.
13. Given QPS's submissions, OIC conveyed a view to the applicant that his concerns about missing documents extended beyond the scope of documents requested in the applicant's access application.²⁴ The applicant contested this view but did not provide submissions in support of his position.²⁵
14. It is well established that an applicant cannot unilaterally expand the scope of an access request on external review.²⁶ Further, the Information Commissioner has previously expressed the view that the scope of an original application sets the parameters for the agency's searches.²⁷
15. The access application was limited to specific documents - that is emails, memos or reports between two identified officers. I am satisfied that the further documents mentioned by QPS in its submissions are not captured by the scope of the access application and as such can be excluded from consideration. There was no requirement that QPS locate them in response to the access application and OIC has no jurisdiction to consider them on review.
16. The applicant may wish to make a separate access application should they wish to access the further documents from QPS.

Irrelevant Information

Relevant law

17. An agency may delete information from a document which is irrelevant to the scope of an access application before releasing that document to the applicant.²⁸ This provision does not set out grounds for refusal of access. Rather, it provides a mechanism to allow irrelevant information to be deleted from documents which are identified for release to an applicant. 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.²⁹

Findings

18. I have carefully considered the Irrelevant Information which comprises the name of a QPS employee involved in processing the access application³⁰ and information about an

²⁴ Letter dated 13 January 2026.

²⁵ Letter dated 15 January 2026, received by OIC on 22 January 2026.

²⁶ *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) at [15].

²⁷ *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 at [8]; *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [33]; *Van Veenendaal and Queensland Police Service* [2017] QICmr 36 (28 August 2017) at [15].

²⁸ Section 73 of the RTI Act.

²⁹ *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [52].

³⁰ The first redaction on pages 1 and 2 of the released documents marked as irrelevant.

unrelated task being undertaken by a QPS officer³¹ and am satisfied it is about matters that do not fall within the scope of the access application and do not relate to the applicant. I therefore find that the Irrelevant Information can be deleted from the copy of the documents released to the applicant.³²

Refused information - Process Information

Relevant law

19. The RTI Act provides individuals with a general right to access documents held by a Queensland government agency, subject to certain limitations, including grounds for refusing access.³³
20. Relevantly, access to information may be refused where it comprises exempt information³⁴ the disclosure of which could reasonably be expected to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law (**Lawful Method or Procedure Exemption**).³⁵
21. When applying the Lawful Method or Procedure Exemption, I must be satisfied that:³⁶
 - the method or procedure exists, is identifiable and is for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; and
 - disclosure of the relevant information could reasonably be expected to reduce effectiveness or usefulness of that method or procedure.
22. Schedule 3, section 10(2) of the RTI Act sets out certain circumstances where the Lawful Method or Procedure Exemption will not apply.³⁷

Submissions

23. QPS's internal review decision stated:³⁸

Some of the document in question contains information relating to lawful investigative methods and procedures of the QPS. I have determined that the release of this information could reasonably be expected to prejudice such methods and procedures.

³¹ The sole redaction on page 8 of the released documents.

³² Under section 88 of the IP Act.

³³ Section 40 of the IP Act. Section 67(1) 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 be refused under section 47 of the RTI Act. Section 47 of the RTI Act sets out the grounds on which access to information may be refused.

³⁴ Schedule 3 to the RTI Act identifies the types of information which are exempt from disclosure. Section 48(2) of the RTI Act confirm that these are the categories of information which Parliament has determined would, on balance, be contrary to the public interest to disclose.

³⁵ Schedule 3, section 10(1)(f) of the RTI Act.

³⁶ *Harris and Queensland Police Service* QICmr 10 (18 March 2014) (**Harris**) and *T and Department of Health* (1994) 1 QAR 386.

³⁷ Schedule 3, section 10(2) provides that information is not exempt information under schedule 3, section 10(1) 'if it consists of:
a) matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law; or
b) matter containing a general outline of the structure of a program adopted by an agency for dealing with a contravention or possible contravention of the law; or
c) a report on the degree of success achieved in a program adopted by an agency for dealing with a contravention or possible contravention of the law; or
d) a report prepared in the course of a routine law enforcement inspection or investigation by an agency whose functions include that of enforcing the law (other than the criminal law or the law relating to corruption under the Crime and Corruption Act 2001; or
e) a report on a law enforcement investigation that has already been disclosed to the entity the subject of the investigation.'

³⁸ Decision dated 4 April 2025 at page 3.

24. During the review, QPS submitted³⁹ that access to the information refused on this basis within the decision comprised information that QPS assessed and identified in the course of its investigation activities.
25. OIC conveyed a preliminary view⁴⁰ to the applicant that access to the Process Information could be refused on the basis it comprised exempt information. The applicant disagreed with OIC's preliminary view and submitted that '*...[t]he public has a legal right to access information held by public servants and to seek amendments of inaccuracies, incomplete or misleading personal information*'.⁴¹

Findings

26. I have considered the Process Information, and while the RTI Act limits the level of detail I can provide,⁴² broadly speaking it includes information that QPS obtained, assessed or identified during its investigation activities.
27. Given QPS's responsibilities include preventing and detecting crime,⁴³ I am satisfied that the method or procedure of collecting information during an investigation about criminal activity or suspected criminal activity is a method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law. Accordingly, I am satisfied that the Process Information reveals identifiable methods or procedures used by QPS.
28. To fulfil its role of preventing and detecting crime, QPS collects information about criminal activity or suspected criminal activity.⁴⁴ At the time of collecting the information, the person to whom it relates has not necessarily committed an offence and the use to which the information may be put will not necessarily be fully realised. Premature release of such information could have a prejudicial effect on the usefulness of the information. In addition, the disclosure of information collected by QPS could result in the use of that information by third parties to further criminal activity and subvert the proper operation of the law.⁴⁵ Accordingly, I am satisfied that disclosure of the Process Information could reasonably be expected to reduce effectiveness or usefulness of the identifiable methods or procedures.
29. I recognise that this matter is of significance to the applicant. However, the applicant's submissions mentioned at paragraph 25 (above) raise public interest arguments in favour of the applicant being granted access to information. I am unable to take this into account when considering the Law Method or Procedure Exemption as Parliament has already determined that disclosure of exempt information would be contrary to the public interest in all circumstances.⁴⁶ Also, the Information Commissioner does not have the power to direct that access is to be given to exempt information.⁴⁷
30. For the above reasons, I find that the Process Information comprises exempt information under the Lawful Method or Procedure Exemption and access to it may therefore be refused on this ground.

³⁹ Submission dated 2 December 2025.

⁴⁰ Letter dated 13 January 2026.

⁴¹ Letter dated 15 January 2026.

⁴² Section 121(3) of the IP Act.

⁴³ See *Police Service Administration Act 1990* (Qld).

⁴⁴ See *Harris* at [13].

⁴⁵ See *The Gold Coast Bulletin and Department of Police* (Unreported, Queensland Information Commissioner, 23 December 2010) at [24] where the Right to Information Commissioner found that disclosing police rosters could result in the use of the information by third parties to further criminal activity and subvert the proper operation of the law.

⁴⁶ Section 48(2) of the RTI Act.

⁴⁷ Section 118(2) of the IP Act.

Third-party Information

Relevant law

31. Access to information may also be refused where its disclosure would, on balance, be contrary to the public interest.⁴⁸ 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.⁴⁹
32. In deciding whether disclosure of information would, on balance, be contrary to the public interest, section 49 of the RTI Act sets out the process a decision-maker must take, namely:
- identify any irrelevant factors and disregard them
 - identify relevant public interest factors favouring disclosure and nondisclosure
 - balance the relevant factors favouring disclosure and nondisclosure; and
 - decide whether disclosure of the information would, on balance, be contrary to the public interest.
33. Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of public interest lies. I have considered these factors, together with other relevant information and discuss my findings below. I have also kept in mind the pro-disclosure bias of the RTI Act and that the refusal grounds are to be interpreted narrowly.⁵⁰

Submissions

34. OIC conveyed a preliminary view⁵¹ to the applicant that access to the Third-party Information may be refused as its disclosure is, on balance, contrary to the public interest. On external review, the applicant submitted:⁵²
- the Information in Issue has not been accessible... *'The public has a legal right to access information held by public servants and to seek amendments of inaccuracies, incomplete or misleading personal information'*
 - the redactions are *'...random and illogical, for example redacting words/names, such as and many other names and paragraphs that are all publically (sic) available and well known'*
 - ... *'The information refused or redacted all falls under the "Not in the Public Interest", subjective space, which really means, "not in the QPS Interest". There is a world of difference*
 - ... *'The are 8 pages of reasons why the QPS can not release the information requested and if the Redactions and ½ pages are taken into A/C, 4 pages of RTI?*

⁴⁸ Section 67(1) of the IP Acct and sections 47(3)(b) and 49 of the RTI Act.

⁴⁹ Chris Wheeler, *'The Public Interest: We Know It's Important, But Do We Know What It Means'* (2006) 48 AIAL Forum 12, 14.

⁵⁰ Section 47(2)(a) of the RTI Act.

⁵¹ Letter dated 13 January 2026.

⁵² Email dated 26 May 2025, 29 August 2025, letter dated 29 August 2025 and letter dated 15 January 2026.

Findings

Irrelevant factors

35. I have not taken any irrelevant public interest factors into account in making this decision.⁵³

Factors favouring disclosure

36. The Third-party Information appears within the context of QPS inquiries and records, particularly correspondence between two identified QPS officers and I am satisfied that several pro-disclosure factors relevant to enhancing QPS's transparency arise in this case, as discussed below.
37. QPS must be transparent and accountable about how it conducts investigations. I consider the information which has already been disclosed to the applicant enables sufficient scrutiny of QPS's actions, provides background information which informed those actions and allow for accountability and transparency of QPS.⁵⁴
38. Some of the Third-party Information comprises information about individuals other than the applicant, particularly names. I accept that disclosing some of this information would advance the relevant public interest factors to some degree as it would provide the applicant with further insight into the nature and extent of information that was before QPS. However, due to the nature of the Third-party Information, I do not consider that its disclosure would further advance these public interest factors to any significant degree. Consequently, I afford these factors low weight in favour of disclosure.
39. In relation to the remaining Third-party Information comprising middle names/initials and direct contact details of QPS officers (**QPS Officer Information**), I find that the factors favouring disclosure mentioned above do not apply as its disclosure would not advance accountability and transparency, nor provide background information.
40. I have carefully considered the remaining factors favouring disclosure listed in schedule 4, part 2, of the RTI Act, and factors favouring disclosure more generally, given the factors listed in schedule 4 are not exhaustive. I can identify no other public interest considerations in favour of disclosure of the information in issue.

Factors favouring nondisclosure

41. The Third-party Information comprises the personal information of other individuals, particularly names. The RTI Act recognises that disclosing an individual's personal information to someone else can reasonably be expected to cause a public interest harm.⁵⁵ Further, a factor favouring nondisclosure arises if disclosing information could reasonably be expected to prejudice the protection of an individual's right to privacy.⁵⁶
42. The applicant submitted⁵⁷ that the redactions are '*...random and illogical, for example redacting words/names, such as and many other names and paragraphs that are all publically (sic) available and well known*'. While I acknowledge that some of the third party information may be known to the applicant, this does not, of itself, warrant further disclosure of the information under the IP Act, where there can be no restriction on its

⁵³ I have not taken any of the irrelevant factors identified in schedule 4, part 1 of the RTI Act into account.

⁵⁴ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

⁵⁵ Section 4, part 4, section 6(1) of the RTI Act.

⁵⁶ Schedule 4, part 3, item 3 of the RTI Act.

⁵⁷ Letter dated 29 August 2025 received by OIC on 5 September 2025.

use, dissemination or re-publication. I do not consider that, in the circumstances of this matter, the weight of these nondisclosure factors is in any way reduced.

43. In relation to the QPS Officer Information, it comprises personal information which falls outside the realm of routine work information and/or would allow individual officers to be contacted outside usual channels of communication. As such, there is a degree of intrusion into the relevant officers' personal spheres which warrants application of the privacy factor favouring nondisclosure and the personal information harm factor. Further effective and efficient operations of QPS, including delegation of work and record keeping associated with that work, could be prejudiced if members of the community contact officers directly, rather than via the systems and processes put in place and used by QPS as a whole.
44. Given the nature of the Third-party Information and the context in which it appears, the extent of the public interest harm that could be anticipated from disclosure is quite significant. In the circumstances, I afford significant weight to these factors favouring nondisclosure in relation to the Third-party Information.

Balancing the public interest

45. I have taken into account the pro-disclosure bias⁵⁸ and the factors favouring disclosure outlined above. I accept that the public interest in enhancing QPS's transparency and accountability are relevant in this case and support the applicant's right of access to the Third-party Information, in the circumstances, to a low degree. However, I consider the public interest in protecting the personal information and privacy of other individuals carry higher weight so as to favour nondisclosure of the Third-party Information.
46. On balance, I am satisfied that the nondisclosure factors outweigh the disclosure factors and therefore, the Third-party Information would, on balance, be contrary to the public interest to disclose, and access to it may be refused on this ground.

Documents nonexistent or unlocatable

47. Access to a document may also be refused if it is nonexistent or unlocatable.⁵⁹ A document will be nonexistent if there are reasonable grounds to be satisfied it does not exist.⁶⁰ A document will be unlocatable if it has been or should be in the agency's possession and all reasonable steps have been taken to find the document, but it cannot be found.⁶¹
48. To be satisfied that a document does not exist, the Information Commissioner has previously identified a number of key factors to consider, including the agency's structure, its recordkeeping practices and procedures and the nature and age of requested documents.⁶² By considering relevant key factors, a decision-maker may conclude that a particular document was not created because, for example the agency's processes do not require creation of that specific document. In such instances, it is not

⁵⁸ Section 64 of the IP Act.

⁵⁹ Section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

⁶⁰ Section 52(1)(a) of the RTI Act.

⁶¹ Section 52(1)(b) of the RTI Act.

⁶² These factors are identified in *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) at [19], which adopted the Information Commissioner's comments in *PDE and the University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) at [37]-[38]. These factors were more recently considered in *B50 and Department of Justice and Attorney-General* [2024] QICmr 33 (7 August 2024) at [15], *T12 and Queensland Police Service* [2024] QICmr 8 (20 February 2024) at [12], and *G43 and Office of the Director of Public Prosecutions* [2023] QICmr 50 (12 September 2023) at [19].

necessary for the agency to search for the document, but sufficient that the circumstances to account for the nonexistence are adequately explained.

49. Where searches are relied on to justify a decision that the documents do not exist, all reasonable steps must be taken to locate the documents. What constitutes reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the circumstances. The Information Commissioner's external review functions include investigating and reviewing whether agencies have taken reasonable steps to identify and locate documents applied for by applicants.⁶³
50. On an external review, the agency or Minister who made the decision under review has the onus of establishing that the decision was justified or that the Information Commissioner should give a decision adverse to the applicant.⁶⁴ However, where the issue of missing documents is raised, the applicant bears a practical onus of demonstrating that the agency has not discharged its obligation to locate all relevant documents.⁶⁵ Suspicion and mere assertion will not satisfy this onus.⁶⁶

Searches, evidence and submissions

51. As noted in paragraph one above, the applicant sought access to emails, internal memos and reports generated by two identified Officers that relate to the applicant on a specific date range.⁶⁷ The applicant included three CID reference numbers in the scope of their application.
52. During the review, the applicant raised concerns that there were missing documents and submitted '[Officer 1] was the OC in relation to these matters'... 'The QPS would have me [the applicant] believe that [Officer 1] did not write or contribute, however he was the O.C'.⁶⁸
53. Given the applicant's concerns, OIC sought information from QPS about the searches conducted to locate documents responding to the access application. In response, QPS provided OIC with search records which reveal that the two identified officers conducted searches for entries within notebooks/diaries, QPRIME / electronic log entries, emails, case notes / reports and audio/visual footage. Regarding the applicant's concerns, QPS submitted:⁶⁹

...[t]he reference numbers provided are reference numbers from Weapons Licensing (WL). [Officer 1] and [Officer 2] are not employed or attached to WL. They were tasked to attend the applicant's residence... The scope of application was limited to records created by [Officer 1] and [Officer 2].

It is unclear what documents the applicant believes should exist regarding the attendance that fall within the scope of the application. The email chain (pages 1-4) identifies the reason why police attended. Pages 5-6 is a report completed by [Officer 2] about the attendance.

⁶³ Section 130(2) of the RTI Act. The Information Commissioner also has power under section 102 of the RTI Act to require additional searches to be conducted during an external review. The Queensland Civil and Administrative Tribunal confirmed in *Webb v Information Commissioner* [2021] QCATA 116 at [6] that the RTI Act 'does not contemplate that [the Information Commissioner] will in some way check an agency's records for relevant documents' and that, ultimately, the Information Commissioner is dependent on the agency's officers to do the actual searching for relevant documents.

⁶⁴ Section 87(1) of the RTI Act.

⁶⁵ See *Mewburn and Department of Local Government, Community Recovery and Resilience* [2014] QICmr 43 (31 October 2014) at [13].

⁶⁶ See *Parnell and Queensland Police Service* [2017] QICmr 8 (7 March 2017) at [23]; *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) at [36]; *Y44 and T99 and Office of the Public Guardian* [2019] QICmr 62 (20 December 2019) at [38].

⁶⁷ 28 December 2022 to 18 August 2023.

⁶⁸ Letter dated 29 August 2025, received by OIC on 5 September 2025.

⁶⁹ Email correspondence dated 2 December 2025.

54. Noting QPS's searches and its submissions, OIC conveyed a view to the applicant⁷⁰ that all reasonable steps have been taken to identify and locate the documents the applicant submits should exist and to the extent they exist, have already been released to the applicant, particularly noting that the scope of the access application was limited to emails, memos or reports generated by two identified officers. Therefore, access to any further documents can be refused on the ground they are nonexistent or unlocatable. In response, the applicant maintained his position that the documents he continued to seek should exist and had not been released.⁷¹

Findings

55. Having examined the information before me, including the outcome of QPS's searches and submissions regarding the further documents sought by the applicant, I am satisfied that QPS has taken all reasonable steps to locate relevant documents that fall within the scope of the access application. Therefore, I am satisfied that access to further documents may be refused on the basis that such documents are nonexistent or unlocatable.
56. While I accept that the applicant has ongoing concerns that additional documents exist particularly reports in relation to the CID numbers authored by Officer 1 (which relate to weapons licencing) QPS has explained that Officer 1 was not employed in that unit and was tasked to attend the applicant's residence. From the released documents I note that a report describing such visit has been released to the applicant. If the applicant seeks access to documents generated by other QPS officers, including documents relating to weapons licensing, it is advisable that the applicant makes a separate application to QPS regarding that information.

Decision

57. For the reasons set out above, I vary the reviewable decision⁷² and find that:
- access to some of the documents sought by the applicant are outside the scope of the access application
 - the Irrelevant Information may be deleted from the copy of the documents disclosed to the applicant on the basis it is not relevant to the access application⁷³
 - access to the Process Information may be refused on the ground it comprises exempt information⁷⁴
 - access to the Third-party Information may be refused on the ground that its disclosure would, on balance, be contrary to the public interest;⁷⁵ and
 - access to the remaining further documents sought by the applicant may be refused on the basis they are nonexistent or unlocatable.⁷⁶

⁷⁰ Letter dated 13 January 2026.

⁷¹ Letter dated 15 January 2026.

⁷² Under section 123(1)(b) of the IP Act.

⁷³ Under section 88 of the IP Act.

⁷⁴ Under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 10(1)(f) of the RTI Act.

⁷⁵ Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

⁷⁶ Under section 67(1) of the IP Act and sections 47(3)(e) and 52(1) of the RTI Act.

58. I have made this decision as a delegate of the Information Commissioner under section 139 of the IP Act.



K Zaidiza
Manager, Right to Information

Date: 10 March 2026