



Decision and Reasons for Decision

Citation:	<i>I31 and Department of Families, Seniors, Disability Services and Child Safety [2026] QICmr 41 (17 March 2026)</i>
Application Number:	318017
Applicant:	I31
Respondent:	Department of Families, Seniors, Disability Services and Child Safety
Decision Date:	17 March 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - DISCLOSURE OF INFORMATION PROHIBITED BY PROVISION - child protection information - mixed personal information - whether disclosure is prohibited by section 187(2) of the <i>Child Protection Act 1999</i> (Qld) - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) - sections 47(3)(a) and 48 and schedule 3, section 12(1) of the <i>Right to Information Act 2009</i> (Qld)

DECISION

1. I affirm the decision of the Department of Families, Seniors, Disability Services and Child Safety (**Department**) and find that the information to which it refused access in the documents subject to this review is exempt information under section 187 of the *Child Protection Act 1999* (Qld) (**CP Act**) and section 48 and schedule 3, section 12(1) of the *Right to Information Act 2009* (Qld) (**RTI Act**) and therefore may be refused under section 67(1) of the *Information Privacy Act 2009* (Qld) (**IP Act**) and section 47(3)(a) of the RTI Act.¹
2. This means that no further information or documents are to be released to the applicant following my review.
3. My reasons for decision follow.

¹ 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 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**.

REASONS FOR DECISION

Background

4. The applicant was in the care of the Department as a child and is now an adult. As is common with individuals who have spent time in foster, residential or kinship care, the applicant advises, in summary, that she wants access to all information about her time in care to better understand and come to terms with her childhood. She also wants any information that would allow her to provide a family medical history to her doctor.²
5. The applicant made an access application to the Department³ under the IP Act seeking access to *'my full child safety file sent to me with all information recorded by child safety for the period I was in state care'*.⁴
6. In its decision,⁵ the Department stated that it interpreted the applicant's request as seeking *'[c]hild safety documents relating to the applicant as a subject child'* and gave her access to 108 pages. It refused access to 115 pages and parts of 226 pages on the ground that disclosure of this information was prohibited by section 187 of the CP Act and was therefore exempt information under the RTI Act.⁶ The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision.⁷

Applicant's request to Department's Time In Care Information Access Service

7. During the external review, OIC advised the applicant that she could make an application seeking access to documents in relation to her time in care via the Department's Time In Care Information Access Service (**TICIAS**).⁸
8. TICIAS is an administrative release scheme administered by the Department and is not subject to external review under the IP or RTI Acts. Information is released to a person seeking access to documents on their care record on an administrative release basis via TICIAS. A decision whether or not to release documents is at the Department's discretion and the Department is not required to provide reasons for its decision, including the nature of the documents and information available on the care record or why access was not provided to certain information. Further, the person receiving information via TICIAS has no legal right of review either under the CP Act or the IP or RTI Acts in relation to a decision made by the Department through this administrative access scheme.
9. The applicant advised⁹ OIC that she received a report containing one page of information compiled by the Department about her in response to her TICIAS request. She stated that some information in the one page TICIAS report she received is incorrect – and therefore would like to see what other inaccuracies are in the Department's records. She also stated the documents released to her were about matters like food vouchers and clothing allowances, rather than important information about her childhood.

² External review application dated 20 May 2024 and email confirming telephone conversations with OIC dated 13 March 2026.

³ At this time, under the then applicable administrative arrangements order, the Department was the Department of Child Safety, Seniors and Disability Services.

⁴ Access application dated 22 February 2024.

⁵ Decision dated 17 May 2024. This is the *reviewable decision* for the purpose of this external review.

⁶ Under section 67(1) of the IP Act and section 47(3)(a) and schedule 3, section 12(1) of the RTI Act.

⁷ External review application received 20 May 2024.

⁸ Email dated 26 February 2025.

⁹ Email dated 13 March 2026.

External review process

Information considered

10. In making my decision, I have considered submissions made by the applicant and the Department, relevant provisions in the IP Act, RTI Act and CP Acts and other material referenced in these reasons.
11. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the rights to seek and receive information, to privacy and regarding the protection of families and children.¹⁰ I consider that, in observing and applying the law prescribed in the RTI Act, a decision maker will be '*respecting and acting compatibly with*' these rights and others in the HR Act,¹¹ and that I have done so in making this decision, as required under section 58(1) of the HR Act.

Information in Issue

12. The documents subject to review comprise the Department's files relating to the exercise of its child safety functions under the CP Act with respect to the applicant. The relevant information ranges from purely administrative to highly personal, and its level of sensitivity ranges from innocuous to highly sensitive.
13. By its nature, most information on a child protection file is not information about an applicant in isolation. It will often be intertwined with the personal information of other individuals (**third parties**). This is the case in the present review.
14. Most documents include the personal information of third parties as well as the applicant. The third parties referenced in the documents subject to review include members of the applicant's family, friends and other individuals involved with the applicant during her time in care. They also include Department staff and, to a lesser extent, persons who interacted with the applicant in a professional capacity.
15. The Department disclosed some documents, and parts of documents to the applicant where the applicant is the only person referred to in a personal capacity.
16. While some information in the electronic and hardcopy files was disclosed by the Department, the majority was not. The undisclosed information – which comprises the **Information in Issue** in this review – comprises two types of information:
 - a. **Shared Personal Information** about the applicant and third parties referred to in their personal capacity, namely –
 - Department officers' observations, conclusions, decisions and actions involving the applicant, her family members and others
 - the living and care arrangements of the applicant
 - the health of the applicant and certain family members; and
 - relationships between the applicant, her family members and others.
 - b. **Third Party Information** – that is, information about third parties only (i.e. not the applicant) including:

¹⁰ Sections 21, 25 and 26 of the HR Act.

¹¹ *XYZ v Victoria Police* (General) [2010] VCAT 255 at [573]; *Horrocks v Department of Justice* (General) [2012] VCAT 241 at [111]. QCAT has considered and found no reason to differ from this approach in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23], *Mokbel v Queensland Police Service* [2023] QCATA 158 at [27] and *Deemal-Hall v Office of the Director of Public Prosecutions* [2024] QCATA 131 at [36].

- personal details about third parties, including their name, date of birth, date of death, address and telephone number; and
- sensitive personal information (e.g. information about a third party's circumstances unrelated to the applicant; and opinions offered by one family member about another person).

Steps involving the applicant and Department

17. During the external review, the Department released additional information that it initially refused to disclose to the applicant.¹²
18. OIC issued a preliminary view to the Department and received its response.¹³ OIC subsequently issued a preliminary view to the applicant that access to the Information in Issue may be refused on the ground that it is exempt from disclosure under schedule 3, section 12(1) of the RTI Act and received her response.¹⁴ Submissions received by OIC from the Department and applicant are addressed in this decision as relevant.

Issues for determination

19. Taking into account the applicant and Department's responses to OIC's preliminary views, the issue for determination is whether disclosure of the Information in Issue is prohibited by section 187(2) of the CP Act, and is therefore exempt information¹⁵ – including consideration of whether the exceptions in section 187(3) or (4) of the CP Act apply such that the prohibition in section 187(2) does not apply.

Relevant law

20. Section 67(1) of the IP Act provides that, for an access application made under the IP Act, access to documents may be refused in the same way and to the same extent as under section 47 of the RTI Act.
21. Section 47 of the RTI Act sets out the grounds on which access to a document may be refused. Section 47(2) of the RTI Act states '[i]t is the Parliament's intention that ... the grounds are to be interpreted narrowly'.
22. Section 47(3)(a) of the RTI Act provides that access to a document may be refused to the extent it contains 'exempt information' under section 48 of the RTI Act.
23. Section 48 of the RTI Act states that schedule 3 of the RTI Act sets out the types of information that comprise exempt information.
24. Schedule 3, section 12(1) of the RTI Act states that information is exempt information if its disclosure is prohibited under section 186 to 188 of the CP Act. Schedule 3, section 12(1) of the RTI Act sets out an exception to this prohibition on disclosure where the relevant information is the personal information of the applicant only.

¹² By email dated 12 November 2025.

¹³ Preliminary view from OIC to the Department dated 21 July 2025 and response from the Department to OIC dated 6 August 2025 and 3 October 2025.

¹⁴ Preliminary view from OIC to the applicant dated 31 October 2025 and response from the applicant to OIC dated 16 January 2026.

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

Child Protection Act

25. The Department's exercise of its child safety functions is governed by the CP Act. The Act provides for the protection of children, promotes the safety of children and, to the extent it is appropriate, supports families caring for children.
26. Section 5 requires the CP Act be administered under the principles stated in that Act. Section 5A states the paramount principle for administering the CP Act is *'the safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life are paramount'*.
27. Section 187(2) of the CP Act prohibits disclosure of certain information acquired by the Department in carrying out its functions under that Act. For this section to apply, the information must:
 - a. be about a person's affairs,¹⁶ as required by section 187(1)(b) of the CP Act (**First Condition**)
 - b. have been acquired by a person performing functions under or relating to the administration of the CP Act, as listed in section 187(1)(a) of the CP Act (**Second Condition**); and
 - c. not be subject to an exception in section 187(3) or (4) of the CP Act (**Third Condition**).
28. If the above three conditions are met, the information will be exempt information under schedule 3, section 12(1) of the RTI Act unless section 12(2) applies. Section 12(2) provides that information is not exempt information under section 12(1) *'if it is only personal information of the applicant'*. If this further exception does not apply, the information is exempt information and access may be refused.

Findings

29. In terms of the First Condition, having reviewed the Information in Issue, I am satisfied it is *'information about another person's affairs'* for the purpose of section 187(1)(b) of the CP Act. Specifically, I am satisfied:
 - a. the Shared Personal Information comprises information about the personal affairs of both the applicant and third parties, including the applicant's family, friends and other individuals involved with the applicant during her time in care; and
 - b. the Third Party Information comprises information about the personal affairs of third parties only and is not the personal information of the applicant.
30. In terms of the Second Condition, for the purpose of section 187(1)(a) of the CP Act, I am satisfied both types of Information in Issue were received or created by Department officers under the CP Act in performing their functions under the CP Act.
31. In relation to the Third Condition, it is necessary to consider whether the Information in Issue is subject to an exception in section 187(3) or (4) of the CP Act, such that disclosure of the information is not prohibited under section 187(2). Each of the exceptions is addressed below.

¹⁶ The term 'person's affairs' is not defined in the CP Act or the *Acts Interpretation Act 1954* (Qld) (**Acts Interpretation Act**). The *Macquarie Dictionary* Online (Ninth Edition) definition of 'affair/s' (matters of interest or concern) (a private or personal concern), adopted in *7CLV4M and Department of Communities* (Unreported, Queensland Information Commissioner, 21 December 2011) at [30].

i. Does the exception in section 187(4)(a) of the CP Act apply?

32. The exception in section 187(4)(a) of the CP Act provides that a person ‘*may disclose the information or give access to the document ... to another person, to the extent that the information or document is about the other person*’. The exception turns on the meaning of this phrase, in particular, the word ‘about’. ‘About’ is not defined in the CP Act, IP Act, RTI Act or the *Acts Interpretation Act 1954* (Qld) (**Acts Interpretation Act**).
33. The Department submits that section 187(4)(a) should be interpreted as meaning ‘only about’, or ‘solely about’ and that amendments made to this provision in 2018 demonstrate this is Parliament’s intention.¹⁷
34. On 29 January 2018, amendments were made to the CP Act, including the insertion of a new section 188C and a note at section 187(4).¹⁸
35. The note at the bottom of section 187(4) of the CP Act states:

Note—

For the disclosure of information that is about the person and a third party, see section 188C.

36. Section 188C of the CP Act provides:

188C Chief executive may give information about third parties

- (1) *This section applies to information, in the chief executive’s possession or control, that is—*
(a) *about a relevant person; and*
(b) *also about someone else.*

- (2) *Subject to subdivision 1, the chief executive may disclose the information to the relevant person.*

Note—

For the disclosure of information that is only about the relevant person, see section 187(4).

- (3) *However, the chief executive must not disclose the information to the relevant person if—*
(a) *the chief executive reasonably believes the disclosure of the information is likely to adversely affect the safety or psychological or emotional wellbeing of any person; or*
(b) *the information—*
(i) *is the subject of legal professional privilege; or*
(ii) *identifies, or is likely to identify, its source and the identification of the source is likely to prejudice the achievement of the purposes of this Act; or*
(iii) *is a record of confidential therapeutic counselling, and the person to whom it relates does not consent to its disclosure; or*
(c) *the disclosure of the information could reasonably be expected to—*
(i) *prejudice the investigation of a contravention or possible contravention of a law in a particular case; or*
(ii) *prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of a law; or*
(iii) *enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of a law, to be ascertained.*

- (4) *The chief executive may authorise the relevant person to use or disclose the information, or give access to the information, to someone else.*

Note—

Under section 188, the person must not use, disclose or give access to the information unless it is authorised by the chief executive under this section.

- (5) *The chief executive may disclose the information subject to any other conditions the chief executive considers appropriate.*

¹⁷ This position aligns with a 2012 OIC decision in which it was determined the exception in section 187(4)(a) of the CP act ‘*only applies where the information is solely about the applicant. Thus where information is simultaneously about the applicant and others, the CP Act exception will not apply*’. See *Hughes and Department of Communities, Child Safety and Disability Services* (Unreported, Queensland Information Commissioner, 17 July 2012).

¹⁸ By clauses 68 and 71 of the *Child Protection Reform Amendment Act 2017* (No. 44) (Qld).

(6) In this section—

relevant person means—

(a) a child in care; or

(b) a person who was in care under this Act or the repealed Children's Services Act 1965;
or

(c) a person who was a State child under the repealed State Children Act 1911.

37. As can be seen in the provision quoted above, Parliament included a note at the end of section 188C(2) which reads:

Note—

For the disclosure of information that is only about the relevant person, see section 187(4).

38. Section 14(4) of the Acts Interpretation Act provides that a note in legislation is taken to be part of the relevant Act.

39. Having carefully reviewed and considered the relevant provisions in the CP Act and the 2018 amendments made to that Act by Parliament, I am satisfied that, as currently drafted, section 187(4)(a) of the CP Act operates to provide an exception to the prohibition on disclosure of personal information acquired by the Department under the CP Act to a person in care or care leaver if the information is about or solely about that person only. As such, section 187(4)(a) does apply to the personal information of a third party (such as the Third Party Information in this review), or information that contains both the personal information of a person in care or care leaver and a third party (such as the Shared Personal Information).

40. While I consider this interpretation to be correct in law, based on the current drafting of the CP Act, in my view it does not sit comfortably with the principles of the CP Act, which are directed to the best interests of a person in care or care leaver. Further, it does not sit comfortably with the pro-disclosure bias under the IP and RTI Acts.

41. Given the nature of child protection matters and their associated files, it will rarely be the case that documents will concern a person in care or care leaver only. In some cases, information concerning other individuals may be sensitive in nature; however in others the information may not be particularly sensitive at all. As currently drafted, section 187(4)(a) of the CP Act operates to limit the information that can be released to a person that concerns them only, and does not provide a decision maker with any discretion as to whether personal information about a third party can be disclosed to them.

42. In relation to section 188C of the CP Act, I am satisfied that, as currently drafted, this provision was inserted by Parliament in 2018 to provide for where information and documents on a child protection file relate to a third party and a person in care or care leaver. I accept section 188C is intended to apply to the shared personal information of both the person in care or care leaver and third party. It provides the Department's chief executive (or a person authorised or delegated by them) with the discretion to determine whether to release this information, including outside a request made under the IP or RTI Act (e.g. under the TICIAS administrative access scheme established by the Department). Accordingly, such a decision is not a 'reviewable decision'¹⁹ that is subject to external review by the Information Commissioner under the IP or RTI Act. The absence of a right of merits review of a decision made under section 188C is significant given the context of a person seeking to access their child protection records.

43. As stated above, this position does not sit comfortably with the principles of the CP Act nor the IP and RTI Acts' pro-disclosure bias. It also is contrary to the rights of persons in

¹⁹ As defined in schedule 5 of the IP Act.

care and care leavers exercisable in other Australian jurisdictions who are able to apply for their child protection files under access to information legislation and receive a decision made on all documents, not just those that are about the person in care or care leaver only and which is subject to a right of review under the relevant access to information legislation.

44. Nevertheless, for the reasons set out above, I find that the exception in section 187(4)(a) does not apply to the Shared Personal Information, or the Third Party Information.

ii. Does the exception in section 187(3)(a) of the CP Act apply?

45. The exception in section 187(3)(a) of the CP Act provides that a 'person' may 'use or disclose the information or give access to the document ... to the extent necessary to perform the person's functions under or in relation to the Act'.

46. In terms of the 'person' referred to in this exception, I note that:

- a. For the purposes of the IP Act, an agency is defined to include a department.²⁰
- b. An access application made to an agency must be dealt with by the agency's principal officer or their delegate.²¹
- c. A department's principal officer is its chief executive.²²
- d. A chief executive is a public service employee.²³
- e. The obligation of confidentiality in section 187(2) of the CP Act applies to persons including a public service employee²⁴ and accordingly applies to the chief executive.

47. Therefore, for the purpose of section 187(3)(a) of the CP Act, I am satisfied that a relevant 'person' is the Department's chief executive and relevant 'functions' include their functions under or in relation to the CP Act.

48. The Department submits:

... the full functions of the CP Act do not extend to the functions of the RTI Team. The RTI Team have a discrete role as information access decision makers, they are not critical life or death child protection decision makers. The RTI Team does not have the same delegations as front-line officers, nor are they sufficiently trained or skilled to perform these functions.

...

RTI decision makers are not performing duties under the CP Act, they are public service employees engaged by the chief executive to perform functions relating to the administration of this Act; RTI decision makers are engaged to perform functions under the information access legislation. The exception in 187(3)(a) of the CP Act does not apply in the formal information access context.²⁵

49. In 2009, the Information Commissioner determined²⁶ that the exception in section 187(3)(a) of the CP Act applied. In doing so, the Commissioner found that, in order to discharge its role as guardian, the Department has a role in imparting personal and family history; and referred to section 75 of the CP Act, which sets out the chief executive's responsibilities to persons who are or were children in care, in terms of their transition to independence.

²⁰ Section 17 of the IP Act.

²¹ Section 50(1) and (2) of the IP Act.

²² See definition of 'principal officer' in schedule 5 of the IP Act.

²³ Section 13 of the *Public Sector Act 2022* (Qld).

²⁴ Section 187(1)(a) of the CP Act.

²⁵ Submission dated 6 August 2025.

²⁶ *OKP and Department of Communities* (Unreported, Queensland Information Commissioner, 9 July 2009) at [144].

50. At the time of that decision, section 75 of the CP Act stated, '[a]s far as practicable, the chief executive must ensure the child or person is provided with help in the transition from being a child in care to independence'.²⁷ The Explanatory Notes for this provision also stated '[t]his assistance may include, for example: providing information about identity and personal history'.²⁸
51. On 29 October 2018, Parliament amended section 75 of the CP Act²⁹ to provide that the chief executive must 'ensure the help is available to the person for the period starting when the person turns 15 and ending when the person turns 25'.³⁰ The Explanatory Notes state that 'as far as reasonably practicable, the chief executive must ensure help is available to assist a child or person in their transition and ensure the help is available from at least when the child is 15 years of age until they are 25'.³¹
52. As amended, section 75 of the CP Act sets out a non-exhaustive list of help, including 'help in accessing information, including information in the chief executive's possession or control, about the person and his or her time in care' and includes a note referring to section 188C of the CP Act, which is discussed above.³²
53. The Department submits in relation to the chief executive's functions under the CP Act:

Although the agency does have responsibilities that relate to transition from independence, the prescriptive and rigid formal access environment is not the place for discharge of these responsibilities. The provision is specifically relevant to information and not documents. A trauma informed approach relies on information delivered with empathy and support, as opposed to mere document release. Any suggestion that the department's obligations under this section are to be met by document release under an access application undermines the purpose of the provisions of the Act to require that the department facilitate and provide life information in a way that is consistent with the best interests of the individual.

For more modern matters, the responsibility to discharge the obligation to help access information, is provided by after care support services, leaving care reports and copies of critical documents to assist individuals on their journey to independence.

For less contemporary matters, including individuals that are more established on their journey to independence but seek further information, the Time in Care Information Access Service (TICIAS) is available. Additionally, for those that qualify, support from the transition from care teams is available. In this specific instance, the applicant has availed herself of the administrative release service and information was provided in June of this year.

*The information access context and any consideration as to whether the department has discharged its obligations to a former child in care regarding transition to independence is beyond the remit of the OIC and the scope of this review.*³³

54. I accept that release of documents via TICIAS provides a mechanism for the chief executive's functions, as referred to in the section 187(3)(a) exception, and noting the operation of sections 187(4)(a) and 188C, as discussed above. Despite my above comments concerning the application of section 188C and operation of TICIAS, and despite the extent and nature of the information the applicant states she received via TICIAS, as noted at paragraph 9 above, I am satisfied it is not 'necessary' for the

²⁷ At section 75(2) of the CP Act.

²⁸ Explanatory Notes to the *Child Protection Bill 1998* (Qld) at page 30.

²⁹ When clause 41 of the *Child Protection Reform Amendment Act 2017* (No. 44) (Qld) commenced.

³⁰ At section 75(2)(b) of the CP Act.

³¹ Explanatory Notes to the *Child Protection Reform Amendment Bill 2017* (Qld) at page 38.

³² At section 75(3)(h) of the CP Act.

³³ Submission dated 6 August 2025.

Department's chief executive to disclose the Information in Issue to the applicant in order to ensure 'help'³⁴ is available to care leavers under section 75 of the CP Act.

55. Further, taking into account the specific functions of the chief executive addressed in the CP Act, including in sections 75 and 188C, I am satisfied the chief executive does not have broader functions beyond those set out in the CP Act. Accordingly, for reasons similar to those set out above in relation to the exception in section 187(4)(a) of the CP Act, I am satisfied the exception in section 187(3)(a) of the CP Act does not apply to the Information in Issue.

iii. Does the exception in section 187(3)(b) of the CP Act apply?

56. The exception in section 187(3)(b) of the CP Act provides that a person may *'use or disclose the information or give access to the document ... if the use, disclosure or giving of access is for purposes related to a child's wellbeing'*.
57. Section 187(3)(b) expressly refers to a 'child's' protection or wellbeing. 'Child' is defined as an individual under 18 years.³⁵ Given the applicant is not a child, I am satisfied this exception does not apply to the Information in Issue.

iv. Does the exception in section 187(3)(c)(iii) of the CP Act apply?

58. The exception in section 187(3)(c)(iii) of the CP Act provides that a person may *'use or disclose the information or give access to the document ... if the use, disclosure or giving of access is otherwise required or permitted under this Act ... or another law'*.
59. I have considered whether access via section 188C of the CP Act may be viewed as access 'permitted' under that Act. However, the fact that disclosure of information *may* occur under section 188C does not, in my opinion, enliven section 187(3)(c)(iii). Disclosure is not permitted unless and until the chief executive exercises their discretion under section 188C, or under similar provisions such as sections 188B and 188D.
60. In these circumstances, I am unable to conclude that disclosure of the Information in Issue is required or permitted under the CP Act. I am satisfied that this exception does not apply to the Information in Issue.

v. Does the exception in section 187(3)(d) of the CP Act apply?

61. The exception in section 187(3)(d) of the CP Act provides that a person may *'use or disclose the information or give access to the document ... to the extent necessary to protect a person from a serious and imminent risk to the person's safety or health'*.
62. The applicant stated to OIC that understanding what occurred when she was a child would benefit her health and wellbeing. She also stated that knowing and being able to provide any family medical information to her doctor would benefit her health.³⁶
63. I acknowledge the applicant's position. However, I do not have any evidence before me to show that disclosure of the Information in Issue is 'required' to protect her from a serious and imminent risk to her safety or health. On this basis, I cannot be satisfied that the exception in section 187(3)(d) applies.

³⁴ The definition of 'help' in the *Macquarie Dictionary Online* (Ninth Edition) includes *'to cooperate effectively with a person; aid; assist'*.

³⁵ Section 8 of the CP Act.

³⁶ Email dated 13 March 2026.

vi. Does the exception in section 187(3)(e) of the CP Act apply?

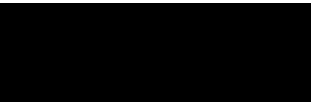
64. The exception in section 187(3)(e) of the CP Act provides that a person may *'use or disclose the information or give access to the document ... if the person to whom the information relates is, or becomes, an adult and consents in writing to the use, disclosure or giving of access'*.
65. The applicant advised³⁷ OIC that, given the circumstances which resulted in her placement in the Department's care and the nature of her relationships with relevant family members over the years, she does not have contact with some family members. Further, others are now deceased. The applicant observed that the availability of this exception to some applicants but not others, based on circumstances beyond their control, seems unfair.
66. While I acknowledge the applicant's individual circumstances, as the applicant did not or was not able to provide any written consents, I am not satisfied the exception in section 187(3)(e) of the CP Act applies.

Conclusion

67. For the reasons outlined above, I am satisfied that none of the exceptions to the prohibition on disclosure under section 187(2) of the CP Act apply with respect to either the Shared Personal Information or Third Party Information. I am also satisfied that the exemption under section 12(2) of the RTI Act does not apply, as it relates to information that is *'only personal information of the applicant'*. As a result, I am satisfied the Information in Issue is exempt information under schedule 3, section 12(1) of the RTI Act and may be refused on the ground it is exempt information under section 187 of the CP Act.
68. During this review, the applicant raised a number of concerns about the Department when explaining her wish to see information in her child protection record.³⁸ I acknowledge these submissions, which may be construed as raising public interest factors favouring disclosure which the applicant considers to be applicable. However, when it is established that information qualifies as exempt information, I have no discretion to consider such factors. Exempt information is information that Parliament considers would, on balance, be contrary to the public interest to disclose in all instances.³⁹

Decision

69. For the reasons set out above, I affirm the reviewable decision⁴⁰ and find that the Information in Issue may be refused on the ground it is exempt information under section 187 of the CP Act.⁴¹



Joanne Kummrow
Information Commissioner
Date: 17 March 2026

³⁷ Email dated 13 March 2026.

³⁸ Email dated 13 March 2026.

³⁹ Section 48(2) of the RTI Act. While section 48(3) of the RTI Act enables the Department to exercise its discretion to give access to exempt information (see section 48(3) of the RTI Act), section 118(2) of the IP Act states that I cannot.

⁴⁰ Under section 123(1)(a) of the IP Act.

⁴¹ Section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the RTI Act.