



Decision and Reasons for Decision

Citation: *K25 and Queensland Corrective Services [2026] QICmr 81 (22 May 2026)*

Application Number: 318574

Applicant: K25

Respondent: Queensland Corrective Services

Decision Date: 22 May 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - closed-circuit television (CCTV) recording and body worn camera (BWC) footage captured within corrective services facility - reports containing information about other individuals - personal information and privacy - work routine information - government accountability and transparency - whether access to information may be refused under sections 67(1) of the *Information Privacy Act 2009* (Qld) and 47(3)(b) of the *Right to Information Act 2009* (Qld)

DECISION

1. I vary¹ the reviewable decision of Queensland Corrective Services (**QCS**) and find that access to the Information in Issue² may be refused on the ground that access would be, on balance, contrary to the public interest.
2. This means that no further information is to be released to the applicant.
3. My reasons for this decision follow.



A Rickard
Assistant Information Commissioner

Date: 22 May 2026

¹ Under section 123(1)(b) of the *Information Privacy Act 2009* (Qld) (**IP Act**) as a delegate of the Information Commissioner under section 139 of the IP Act.

² As described at paragraph 14 below.

REASONS FOR DECISION

Summary

4. The applicant applied³ to QCS under the *Information Privacy Act 2009* (Qld) (**IP Act**)⁴ for access to documents relating to an incident that occurred at a particular corrective services facility (**Correctional Centre**) involving the applicant, including closed-circuit television (**CCTV**), body worn camera (**BWC**) footage, incident reports, and case notes.
5. QCS located 21 pages and one CCTV recording responsive to the application and decided to refuse access to all information on the basis that disclosure would, on balance, be contrary to the public interest.⁵
6. The applicant then applied to the Office of the Information Commissioner (**OIC**) for external review of QCS's decision, seeking access to the refused information. The applicant also raised concerns that QCS's searches had not located certain documents – and specifically that '[there] *should have been body camera footage from the date/incident [sic]*' and '*a copy of CCTV that i had my lawyer send me for court [and that] the CCTV has the first 30 seconds to a minute edited with a completely different room edited over the CCTV wich show also on the bottom of the recording near the date [...] meaning the CCTV is tainted [sic]*'.⁶
7. During this review, OIC conveyed a preliminary view⁷ to QCS. In response, QCS:
 - conducted further searches and located a BWC recording
 - agreed to release part of a four-page Integrated Offender Management System report (**IOMS Report**) which formed part of the 21 pages initially located; and
 - released a copy of the IOMS Report to the applicant.⁸
8. OIC then conveyed a preliminary view⁹ to the applicant that:
 - a BWC footage had been located, however access to it could be refused on the ground that disclosure would, on balance, be contrary to the public interest
 - from the evidence before OIC, including the IOMS Report, all BWC footage has now been located and provided to OIC and, therefore, any further BWC footage may be refused on the basis it is nonexistent¹⁰
 - insofar as the applicant contended that a further, unedited CCTV recording should have been located by QCS, such a version may be refused on the ground it is nonexistent or unlocatable; and
 - the remaining refused information¹¹ may be refused on the ground it comprised information the disclosure of which would, on balance, be contrary to the public interest.¹²

³ Access application dated 18 February 2025.

⁴ 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 RTI Act. As the applicant's application was made before this change, the RTI Act as in force prior to 1 July 2025 remains applicable to it. This is in accordance with transitional provisions in Chapter 7, Part 9 of the RTI Act. Accordingly, references to the RTI Act in this decision is to that Act as in force prior to 1 July 2025.

⁵ Decision letter from QCS to the applicant dated 1 April 2025. This is the *reviewable decision* in this external review.

⁶ External review application dated 10 April 2025, received on 17 April 2025.

⁷ Via email on 12 August 2025.

⁸ Applicant confirmed receipt of these documents in a letter to OIC dated 18 November 2025.

⁹ Letter from OIC to the applicant dated 1 December 2025.

¹⁰ Section 67(1) of the IP Act and sections 47(3) and 52(1) of the RTI Act.

¹¹ 17 pages and the CCTV recording.

¹² OIC explained that the remaining information comprised statements made by various individuals falling outside the realm of 'work routine information' (as outlined in *Kiepe and the University of Queensland* (Unreported, Queensland Information Commissioner, 1 August 2012) at [19]) and CCTV footage the disclosure of which would prejudice the security and good order of a corrective service facility.

Issues for determination

9. The applicant's initial concern that QCS had failed to locate relevant documents was addressed by QCS locating the BWC recording, and QCS's explanation that a further, unedited version of the CCTV recording no longer existed due to QCS's retention and disposal of documents practices as well as the passage of time.¹³
10. The applicant's legal representative initially sought access to the BWC recording by inspection, however this request was subsequently withdrawn.¹⁴
11. The applicant's legal representative contests the refusal of access of the BWC recording, the remaining 17 pages, and the CCTV recording.
12. Therefore, the issue for determination in this review is whether QCS was entitled to refuse access to the BWC and CCTV recordings, and the remaining 17 pages.
13. In assessing the issues for determination and reaching my decision, I have taken into account evidence, submissions, legislation and other material as set out in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information¹⁵ and have acted in accordance with section 58(1) of the HR Act.¹⁶

Information in Issue

14. The Information in Issue in this review comprises 17 pages, one CCTV recording and one BWC recording. The Information in Issue can be generally described as:
 - information relating to the security and good order of a correctional centre; and
 - information about law enforcement officers who responded to or were involved in the incident, including their statements.

Contrary to the public interest information

Relevant law

15. Under the IP Act, an individual has a right to be given access to documents in the possession or under the control of an agency to the extent that they contain their personal information.¹⁷ While the legislation is to be administered with a pro-disclosure bias,¹⁸ the right of access is subject to certain limitations, including grounds for refusing access, as

¹³ The applicant's legal representative did not address this issue in their letter dated 9 January 2026. Accordingly, by letter dated 29 January 2026, OIC confirmed it would proceed on the basis the applicant no longer maintains that this further version exists.

¹⁴ In relation to the BWC recording, on 9 January 2026, the applicant's legal representative submitted on his behalf that, '[w]here access to copies of any footage is still refused, we request consideration be given to permitting us [...] to inspect the footage...'. In furtherance of OIC's obligation to explore information resolution opportunities under section 103(1) of the IP Act, OIC asked QCS if it would agree to access via inspection of the BWC recording and the CCTV recording. Whilst QCS agreed to the proposal, on 5 March 2026, the applicant's legal representatives advised that the applicant was no longer seeking access via inspection and requested 'that the review proceed to a final decision on the basis that it is a review of the decision not to disclose copies of the requested footage.'

¹⁵ Section 21 of the HR Act.

¹⁶ 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].

¹⁷ Section 40 of the IP Act.

¹⁸ Section 64 of the IP Act.

set out in the IP Act and RTI Act.¹⁹ Relevantly, access to information may be refused where its disclosure would, on balance, be contrary to the public interest.²⁰

16. 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, 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.²¹
17. The RTI Act explains the steps that the decision-maker must take in deciding the public interest²² and identifies factors in Schedule 4 that may be relevant to deciding the balance of the public interest test. I have considered all these factors, together with other relevant information in reaching my decision, and discuss relevant factors below.

Submissions from the applicant

18. Throughout the external review, the applicant has made submissions independently and via his legal representative. In relation to the issues for determination in this review, he has submitted²³ that the public interest favours the release of the Information in Issue for reasons including:
 - '[the applicant] *is in the custody of the State and vulnerable to exploitation and abuse within a closed environment [which] heightens the stakes of any request for his personal information and the treatment of him by public service employees while in custody*';
 - in relation to the CCTV recording, *'the factors in respect of government accountability and transparency should be afforded their ordinary weight, and not less because the footage has previously been disclosed'*;
 - he has previously viewed the CCTV recording through unrelated proceedings and considers that it depicts misconduct or serious misconduct by law enforcement officials, which would allow him to take legal action in relation to purported mistreatment;
 - similarly, that the 17 pages also contain evidence of misconduct on the part of law enforcement officials involved in the incident – specifically, the 17 pages *'obviously shows that what [law enforcement officials] inappropriately done and is being covered up [sic]'*; and
 - the statements of corrective service officers *'falls squarely within the meaning of routine personal work information [...] is a routine part of corrective service officers' employment to respond to incidents and prepare reports in response...'*; and
 - *'the preliminary view described the BWC footage as being "created for the purpose of surveillance, security and protection of persons in a correctional facility." That is not a relevant factor when considering disclosure and in any case should not prevent its disclosure. Presumably, the footage was also created to capture information about our client and the way in which he has been treated in response to his conduct'*.

¹⁹ Section 67(1) of the IP Act and section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly: see section 67(2) of the IP Act.

²⁰ Sections 47(3)(b) and 49 of the RTI Act.

²¹ However, there are some recognised public interest considerations that may apply for the benefit of an individual.

²² Section 49(3) of the RTI Act.

²³ Submissions from the applicant dated 10 April 2025, 27 August 2025, 18 November 2025 and submissions from the applicant's legal representative dated 9 January 2026.

Submissions from QCS

19. In relation to the CCTV recording, QCS submitted '[t]he video footage captures secure areas within [the] Correctional Centre' and that '*due to the important security function which video recording systems perform in correctional facilities this factor carries significant weight in favour of nondisclosure.*'²⁴
20. In relation to the BWC recording, QCS submitted²⁵ that disclosure should not occur as it was information brought into existence for ensuring security or good order of a corrective services facility and, therefore, disclosure would cause a public interest harm.²⁶
21. As to the Information in Issue generally, QCS acknowledged it '*relates to the incident [the applicant was] involved in at [the] Correctional Centre*' and that the information they collected '*is information used to protect the security of the correctional centre as well as the offenders and staff within that centre.*'²⁷ QCS submitted that release of this information '*would jeopardise the security or good order of a corrective services facility*'²⁸ and, therefore, should not be disclosed.

Findings

Irrelevant factors

22. I confirm that I have not taken any irrelevant factors²⁹ into account in reaching the findings detailed below.

Factors favouring disclosure

23. The RTI Act recognises that a public interest factor favouring disclosure will arise where the information is the applicant's personal information.³⁰ As the applicant was involved in certain interactions with law enforcement officials, the applicant's personal information appears within the Information in Issue. I therefore afford this factor significant weight. However, this needs to be balanced against the factors favouring nondisclosure, which are discussed below.³¹
24. In terms of enhancing QCS's accountability and transparency in how it manages prisoners,³² I consider disclosure of the Information in Issue would promote the relevant factors to the extent that it would provide the applicant further context. However, the Information in Issue would not reveal the actions taken by QCS in response to the incident. Given this position, whilst I acknowledge the applicant's submission about being '*vulnerable to exploitation and abuse within a closed environment*',³³ I consider that release of the Information in Issue would advance these factors, but only to a limited extent. In this regard, I have taken into account the nature of the Information in Issue – primarily personal information of other individuals. I have also noted that the applicant was present during the incident, and his submission that a court proceeding has already occurred and he has already viewed the CCTV recording.³⁴ I have also considered that,

²⁴ QCS referred to the decision in *Beale and Department of Corrective Services* (Queensland Information Commissioner, Unreported, 11 May 2012) (*Beale*) in this regard.

²⁵ Email dated 21 May 2025.

²⁶ Schedule 4, part 1, item 5 of the RTI Act.

²⁷ QCS decision dated 1 April 2025.

²⁸ Ibid.

²⁹ Schedule 4, part 1 of the RTI Act.

³⁰ Schedule 4, part 2, item 7 of the RTI Act.

³¹ Paragraphs 29-41.

³² Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

³³ Submission made by the applicant's legal representative on 9 January 2026.

³⁴ Submission dated 1 April 2025.

as part of informal resolution efforts, the applicant's legal representative had the opportunity to view the CCTV and BWC recording but declined that offer after proposing it.³⁵ In these circumstances, I afford these factors low weight.

25. The public interest will also favour disclosure of information if it could reasonably be expected to allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official, or assist in revealing misconduct, negligent or improper or unlawful conduct.³⁶ The applicant claims the Information in Issue contains evidence of misconduct of a number of public service officers. I accept that the applicant's allegations are serious and recognise the importance of holding such officers accountable for the proper discharge of their functions and performance, and I accept that disclosure of the Information in Issue could assist the applicant to inquire into possible deficiencies of such conduct. For these reasons, I afford this factor favouring disclosure moderate weight.
26. However, having carefully examined the Information in Issue, I am unable to identify any information that would evidence or support the applicant's allegations noted at paragraph 18 above. Accordingly, I find that the factor favouring disclosure relating to revealing or substantiating that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct³⁷ does not apply. If I am wrong in this regard and it does apply, it warrants no more than low weight, given the particular nature of the Information in Issue.
27. The RTI Act also recognises that public interest factors favouring disclosure will arise where disclosing information could reasonably be expected to advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies and contribute to the administration of justice, including procedural fairness.³⁸ I acknowledge that the applicant seeks disclosure to address alleged unfair or unlawful treatment. However, given the content of the Information in Issue, it is difficult to see how it could reasonably be expected to advance the applicant's fair treatment in dealings with QCS. While I cannot include any detail about the contents of the Information in Issue in this decision,³⁹ I can confirm that it does not contain any new or more detailed information regarding the QCS's decision-making process, or actions beyond that already within the applicant's knowledge, given the applicant's presence at the time the relevant event occurred. Accordingly, I do not consider that disclosure could reasonably be expected to assist the administration of justice in terms of procedural fairness, or otherwise promote fairness for the applicant. However, if either of these factors were considered relevant, taking into account the nature of the Information in Issue, I would afford them only low weight.
28. I have carefully considered all the other factors listed in schedule 4, part 2 of the RTI Act. Having done so, and given the nature of the Information in Issue, I cannot identify any other public interest considerations favouring disclosure of the Information in Issue.

Factors favouring nondisclosure

29. The RTI Act recognises a public interest harm in disclosing information brought into existence for the security or good order of a corrective services facility.⁴⁰ Specifically, the RTI Act identifies this harm arises in relation to information that is:

³⁵ Proposed by the applicant's legal representative on 9 January 2026 and declined via email dated 5 March 2026.

³⁶ Schedule 4, part 2, item 5 of the RTI Act.

³⁷ Schedule 4, part 2, item 6 of the RTI Act.

³⁸ Schedule 4, part 2, items 10 and 16 of the RTI Act.

³⁹ Section 121(3) of the IP Act.

⁴⁰ Schedule 4, part 4, section 5 of the RTI Act.

- in the possession of, or brought into existence by, QCS; and
 - a telephone, audio or visual recording made in or of a corrective services facility or part thereof, or a document to the extent it contains or refers to same.⁴¹
30. The cognate of this public interest harm factor⁴² in the RTI Act's predecessor was also specific in its focus on the relevance of recordings to maintaining the security and good order of corrective services facilities.⁴³
 31. The RTI Act also includes a related, broader factor favouring nondisclosure: disclosure could reasonably be expected to prejudice the security or good order of a corrective services facility.⁴⁴
 32. The content of the CCTV and BWC recordings capture internal areas within the Correctional Centre and response procedures relative to incidents that pose risks to the security and good order of correctional facilities, including that which the applicant was involved in (as mentioned at paragraph 4 above). The recordings depict areas of the Correctional Centre where the incident occurred, as well as other areas traversed by the applicant and QCS officers while the applicant was relocated to a cell, including areas of the Correctional Centre which the public are not permitted to access. Specifically, they include information about the layout of the Correctional Centre, work routine of QCS officers, and general response procedures followed by officers involved.
 33. In my view, the public interest in maintaining secure custodial environments is significant. Corrective services facilities, including the Correctional Centre, must operate in a controlled and secure manner to ensure community safety. Noting that information released under the RTI Act is done so on the basis that there can be no control over or limitation placed on its further dissemination,⁴⁵ I consider that the release of information relating to the Correctional Centre's layout, security protocols and procedures, as captured by the CCTV and BWC recordings, could reasonably be expected to undermine the effectiveness of incident responses and impair the security and good order of correctional facilities more generally.
 34. Consequently, with respect to the CCTV and BWC recordings, I assign significant weight to both the harm factor and the factor favouring nondisclosure.
 35. As to the 17 pages, the harm factor cannot apply, because the refused information is not a telephone, audio or visual recording, and does not refer to or contain same.⁴⁶ However, I again afford the factor favouring nondisclosure significant weight. In this regard, I consider that disclosure would release information relating to security protocols and procedures, which again could reasonably be expected to prejudice the effectiveness of incident responses and the security and good order of correctional facilities more generally.
 36. The RTI Act also recognises that disclosing an individual's personal information to someone other than that individual will cause a public interest harm.⁴⁷ In addition, if

⁴¹ See *Beale* at [27]-[28].

⁴² Schedule 4, part 4, section 5 of the RTI Act.

⁴³ See *Explanatory Notes to the Corrective Services Bill 2006* (Qld) which inserted a provision with the same wording as section 42AA of the now repealed *Freedom of Information Act 1992* (Qld).

⁴⁴ Schedule 4, part 3, item 10 of the RTI Act.

⁴⁵ *FLK and Information Commissioner* [2021] QCAT 46 at [17].

⁴⁶ As such, the 17 pages do not comprise any type of information listed in schedule 4, part 4, section 5(1)(b) of the RTI Act.

⁴⁷ Schedule 4, part 4, section 6 of the RTI Act.

disclosing information could reasonably be expected to prejudice the protection of an individual's right to privacy, a public interest factor favouring nondisclosure will arise.⁴⁸

37. While the CCTV and BWC recordings comprises the personal information of the applicant, they also contain images of law enforcement officers, including QCS officers, who were involved in and/or present during the incident. This information is intertwined in a way that cannot be separated.
38. The 17 pages comprise QCS officers' statements and recollections related to the incident and therefore record their opinions, their timeline of events, and other related material. Again, while the 17 pages also contain the applicant's personal information, this information is intertwined with the personal information of the QCS officers in such a way that it cannot be separated.
39. Relevant to the CCTV and BWC recordings and the 17 pages, the applicant's submissions, as outlined at paragraph 18 above, include the contention that the Information in Issue *'falls squarely within the meaning of routine personal work information [...] is a routine part of corrective service officers' employment to respond to incidents and prepare reports in response'*. I acknowledge that may be so regarding some incidents. It is not, however, the case regarding the incident recorded in the Information in Issue.
40. While I cannot provide detail about the incident in this decision,⁴⁹ I can confirm that the specific nature of the incident, the manner in which particular officers were involved, and the outcomes of the incident in relation to them, are such that the incident falls outside routine day to day work duties and responsibilities. It follows that the Information in Issue about the incident is not routine personal work information; rather it is relatively sensitive and the extent of prejudice to privacy and public interest harm that could be anticipated from disclosure is quite significant. Also, as there can be no limitation on its further dissemination when information is disclosed under the RTI Act,⁵⁰ this lends further weight to the public interest harm and prejudice to privacy.
41. In the circumstances, I afford moderate to significant weight to the protection of other individuals' privacy and the harm factor.

Balancing the public interest factors

42. In summary, I am satisfied that there are several public interest factors favouring disclosure of the Information in Issue, including the applicant accessing his own personal information. I am satisfied that this factor should be afforded significant weight. I also recognise that releasing the Information in Issue may further enhance government accountability and transparency to some extent and have therefore afforded low weight to this factor.
43. I am satisfied that disclosure of the Information in Issue may also assist with inquiry into possible agency deficiencies and give this factor moderate weight. Given the contents of the Information in Issue, I do not consider that factors relating to revealing misconduct or negligence, or advancing fair treatment or administration of justice, apply; should they apply, however, they warrant only low weight.

⁴⁸ Schedule 4, part 3, item 3 of the RTI Act.

⁴⁹ Section 121(3) of the IP Act.

⁵⁰ Above n 45.

44. Balanced against these are the public interest factor favouring nondisclosure and the public interest harm factor attaching to recordings of corrective services facilities. These carry substantial weight regarding the CCTV and BWC recordings. Similarly, the factor favouring nondisclosure carries significant weight regarding the 17 pages.
45. Given the particular nature of the incident, and therefore the information about law enforcement officers intertwined with the applicant's information within the Information in Issue, I am also satisfied that there is a strong public interest in protecting the privacy of officers involved and their personal information. In the circumstances, this warrants moderate to significant weight.
46. On balance, I am satisfied that the public interest factors favouring nondisclosure of the Information in Issue outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Information in Issue would, on balance, be contrary to the public interest and access may be refused on that basis.⁵¹

Conclusion

47. These are the reasons for my decision at paragraph 1 above.
48. I have made this decision under section 123 IP Act as a delegate of the Information Commissioner under section 139 of the IP Act.

⁵¹ Section 47(3)(b) of the RTI Act.