



Decision and Reasons for Decision

Citation: *Z81 and Department of Transport and Main Roads [2025]*
QICmr 104 (22 December 2025)

Application Number: 317757

Applicant: Z81

Respondent: Department of Transport and Main Roads

Decision Date: 22 December 2025

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST INFORMATION - personal information of other individuals - personal information of employees of entity contracting with Government - whether disclosure would, on balance, be contrary to the public interest - whether access may be refused under section 67(1) of the Information Privacy Act 2009 (Qld) and section 47(3)(b) of the Right to Information Act 2009 (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - IRRELEVANT INFORMATION - request for information about participation in alcohol ignition interlock program - whether information may be excluded on the basis it is irrelevant to the scope of the application - section 88 of the Information Privacy Act 2009 (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT OR UNLOCATABLE - applicant submits agency did not locate all relevant documents - when agency has conducted searches - whether all reasonable steps have been taken - when agency has provided explanation - whether explanation is reasonable - whether access to further metadata is reasonably practicable - section 48 of the Information Privacy Act 2009 (Qld) - whether access to further documents may be refused on the basis they are nonexistent or unlocatable - section 67(1) of the Information Privacy Act 2009 (Qld) and sections 47(3)(e) and 52(1) of the Right to Information Act 2009 (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied to the Department of Transport and Main Roads (**Department**) under the *Information Privacy Act 2009* (Qld)¹ (**IP Act**) for access to five categories of documents in relation to alcohol ignition interlock devices (**interlocks**) installed in his motor vehicle.^{2,3}
2. The Department located 193 pages responding to the terms of the access application and decided⁴ to:
 - refuse access to documents relevant to part of items 2⁵ and 5 of the application on the ground they are nonexistent⁶
 - give the applicant full access to 163 pages and partial access to 30 pages; and
 - for the 30 pages to which partial access was given, refuse some information on the ground its disclosure would, on balance, be contrary to the public interest⁷ and delete other information on the basis it was irrelevant to the application.⁸
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision.⁹ On external review, further information was located and released to the applicant, and he raised further information that he considered should be located and released to him.
4. For the following reasons, I vary the Department's decision and find:
 - access to certain redacted information may be refused on the ground its disclosure would, on balance, be contrary to the public interest¹⁰
 - the remaining redacted information may be deleted on the basis it is irrelevant to the application,¹¹ and
 - in terms of the further information raised by the applicant –
 - some of this information falls outside the scope of the application;
 - otherwise, access to the information may be refused on the ground it is nonexistent or unlocatable.¹²

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 *Right to Information Act 2009* (Qld) (**RTI Act**). As the applicant's application was made before this change, the IP Act and RTI Act **as in force prior to 1 July 2025** remain applicable to it. This is in accordance with transitional provisions in chapter 8, part 3 of the IP Act and chapter 7, part 9 of the RTI Act, which require that applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted. Accordingly, references to the IP Act and RTI Act in this decision are to those Acts **as in force prior to 1 July 2025**.

² The date range for the application was 25 April 2023 to 30 October 2023.

³ The application was lodged on 30 October 2023, but not made compliant until 9 November 2023. The Department reworded the scope in the decision but did not materially change what the applicant was seeking. The main change was to the numbering of the items and affects the numbering of the items that precede item 2. In his external review application, the applicant refers to the scope being amended and made a submission consistent with the numbering of the original scope. For ease of reference, this decision will refer to the scope as set out in the application.

⁴ Decision dated 18 December 2023.

⁵ The part of item 2 the Department refused access to was:

A copy of the following records/data collected by the department associated with [the applicant's] participation in the program:

• *images/recording*

• *meta-data associated with the images/recording*.

⁶ Section 67(1) of the IP Act and sections 47(3)(e) and 52(1)(a) of the RTI Act.

⁷ Section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

⁸ Mobile telephone numbers and signatures were also deleted from these pages. The applicant did not raise any objection to the deletion of this information with the Department or on external review.

⁹ The application was received on 4 January 2024.

¹⁰ Under section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

¹¹ Section 88 of the IP Act.

¹² Under section 67(1) of the IP Act and sections 47(3)(e) and 52(1) of the RTI Act.

Background

5. This is one in a series of applications the applicant has made to various government departments and agencies seeking access to any information held about him.
6. The applicant has made two applications to the Department seeking information about his participation in an Alcohol Ignition Interlock Program (**Program**).¹³
7. The **First Application** was made compliant on 17 April 2023. A decision was issued by the Department on 24 May 2023 and the applicant sought external review. During the external review, the Department's position was that customer interlock data was owned by each entity which installed and serviced an interlock (**Interlock Provider**), not the Department. It made submissions to this effect which were clarified and accepted by OIC. On 2 July 2024, OIC issued its decision in relation to the First Application.
8. This decision relates to the **Second Application**. During this external review, OIC sought further information from the Department about its possession or control of the customer interlock data.¹⁴ Contrary to its submissions regarding the First Application, it advised that it was entitled to access this data from the Interlock Providers.¹⁵
9. I wrote¹⁶ to the applicant to advise him of this change in position. I confirmed:
 - the Department's entitlement to access customer interlock data means that it is a document of the Department for the purpose of the IP Act and the RTI Act¹⁷
 - this entitlement affects both the First Application and the Second Application
 - the circumstances described in OIC's decision on the First Application were based on incorrect facts provided by the Department and OIC had relied on this information to be satisfied that relevant documents were not in the possession or control of the Department
 - in terms of the First Application (which had by this time been appealed¹⁸), the Department had agreed to extract the data responding to point one of that application and release it administratively to the applicant; and
 - in terms of the Second Application, the Department had agreed to extract the data in response to the Second Application and provide this to OIC for consideration.
10. OIC has proceeded with this external review regarding the Second Application on the basis that customer interlock data is in the Department's possession or control.¹⁹
11. During the external review, the applicant raised concerns about information deleted on some pages²⁰ and made submissions about further information he considered should be located and released. OIC requested that the Department undertake further searches for information relevant to the Second Application and over 2500 additional pages were located. The Department has agreed to release these pages to the applicant²¹ except for a small amount of irrelevant information and personal information of other

¹³ Paragraphs 7 to 11 of OIC's decision on the First Application (*P25 and Department of Transport and Main Roads [2024] QICmr 30* (2 July 2024)) (**P25**) includes relevant background about an alcohol ignition interlock device and the Program.

¹⁴ Letter from OIC to the Department dated 12 June 2024.

¹⁵ Email from OIC to the Department on 17 July 2024.

¹⁶ Email from OIC to the applicant dated 9 August 2024.

¹⁷ As defined in section 13 of the IP Act and section 12 of the RTI Act.

¹⁸ As at the date of this decision, the appeal to the Queensland Civil and Administrative Tribunal is ongoing.

¹⁹ For the purpose of section 13 of the IP Act and section 12 of the RTI Act.

²⁰ That is, pages 106-107 and 188-193.

²¹ Over 1700 pages were released to the applicant on 14 May 2025. The remainder will be released to the applicant per my request to the Department at the time this decision is issued.

individuals.²² The applicant maintains that further information including further metadata, exists and should be located by the Department.

12. A significant period of time has elapsed since the applicant sought external review of the Department's decision in relation to the Second Application. This can be attributed to a series of complex issues requiring consideration and, at times, clarification of information provided by the Department and Interlock Providers.

Reviewable decision

13. The decision under review is the Department's decision dated 18 December 2023.

Evidence considered

14. Significant procedural steps taken during the external review are set out in the Appendix.
15. Evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including footnotes and the Appendix). I have taken into account the submissions of the applicant and Department to the extent they are relevant to the issues for determination in this review.²³
16. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.²⁴ A decision-maker will be '*respecting, and acting compatibly with*' that right, and others prescribed in the HR Act, when applying the law prescribed in the IP Act and RTI Act.²⁵ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Information in issue

17. As noted above, the Department did not disclose all the information within the documents it located in response to this application. During the review, I conveyed a preliminary view to the applicant about the undisclosed information. As the applicant did not respond to this part of the preliminary view, for sake of completeness, I have addressed all the undisclosed information in these reasons for decision. That information comprises:
 - information refused on the ground its disclosure would, on balance, be contrary to the public interest (**Category A Information**); and
 - information deleted on the basis it was not relevant to the application (**Category B Information**)

Issues for determination

18. The three issues for determination in this review are:

²² Including other Program participants and individuals who were employed by the Interlock Providers.

²³ The applicant's submissions are contained in his external review application and in his email on 30 May 2025. The Department's submissions are contained in emails on 7 August 2024, 8 August 2024, 30 August 2024, 4 October 2024, 14 March 2025, 28 April 2025, 15 July 2025 and 14 August 2025.

²⁴ Section 21(2) of the HR Act.

²⁵ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573], wherein Bell J observed '*it is perfectly compatible with the scope of that positive right in the Charter for it to be observed by reference to the scheme of, and principles in, the Freedom of Information Act*' on the interaction between equivalent pieces of Victorian legislation; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. I further note that OIC's approach to the HR Act set out in this paragraph was considered and endorsed by the Queensland Civil and Administrative Tribunal (**QCAT**) in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23] (where Justice Member McGill saw '*no reason to differ*' from OIC's position).

- whether access to the Category A Information may be refused on the ground its disclosure would, on balance, be contrary to the public interest
- whether the Category B Information is irrelevant to the applicant and may therefore be deleted; and
- whether access to further documents may be refused on the ground they do not exist or cannot be located.

Category A Information

19. The Category A Information appears on eight pages of the documents initially disclosed to the applicant,²⁶ together with information in some of the further documents disclosed to the applicant.²⁷ While I am limited in the extent to which I can describe the Category A Information,²⁸ it broadly comprises:
 - name, work email address and images of the staff of an Interlock Provider; and
 - bank account details of an Interlock Provider.
20. The Department submitted that disclosure of the Category A Information would, on balance, be contrary to the public interest.²⁹ The applicant provided limited submissions about refused information in his external review application but did not respond to my preliminary view about the Category A Information.

Relevant law

21. An individual has a right to be given access to documents of a Queensland Government agency, to the extent they contain the individual's personal information.³⁰ However, this right is subject to some limitations, including the grounds on which access to information may be refused.³¹
22. One ground of refusal is where disclosing information would, on balance, be contrary to the public interest.³² 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, 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 concerning purely private or personal interests.³³
23. In deciding whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker is required to:³⁴

²⁶ Pages 106-107 and 188-193.

²⁷ These appear on the following pages:

- Pages 1, 2, 3, 323, 324, 325, 326, 373, 634, 635 and 636 in '1. [Interlock Provider 1] data 18.5.23-10.7.23'.
- Pages 2 in 'Page 84 – 6 July RE_[Applicant's name] – Access request.pdf'.
- Pages 2, 8, 12, 17, 18-19, 21-22, 24 and 28 in 'RTI-3852 EXT Additional documents – FAS – TMR – updated.pdf'.
- Page 1 in '25644778-01_20230821131900.client.AUS_ST_O.Events_Redacted'.
- Page 1 in '25644778-01_20230925104957.client.AUS_ST_O.Events_Redacted'.
- Page 1 in '25644778-01_20231012090846.client.AUS_ST_O.Events_Redacted'.
- Page 1 in '25644778-01_20231017094804.client.AUS_ST_O.Events_Redacted'; and
- Pages 4-7 in 'pg 1 20.06.23 -11.07.23'

²⁸ Section 121(3) of the IP Act, which relevantly prevents OIC from revealing information claimed to be contrary to the public interest information.

²⁹ The Department's decision dated 18 December 2023. The Department also submitted that information should be redacted from these documents in its emails dated 30 August 2024, 4 October 2024, 13 March 2025, 16 April 2025 and 14 August 2025.

³⁰ Section 40 of the IP Act.

³¹ Section 67(1) of the IP Act provides that access may be refused to information in the same way and to the same extent as information may be refused under the RTI Act. The grounds on which access can be refused are set out in section 47(3) of the RTI Act.

³² Sections 47(3)(b) and 49 of the RTI Act.

³³ However, there are some recognised public interest considerations that may apply for the benefit of an individual.

³⁴ Section 49(3) of the RTI Act.

- 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.

24. Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of the public interest lies in a particular case. I have considered these lists, together with all relevant information, in reaching my decision. I have also kept in mind the IP Act's pro-disclosure bias.³⁵

Findings

25. I do not consider that any irrelevant factors arise and I have taken none into account.

26. The applicant submitted:³⁶

...The redactions I am concerned with have occurred at pages 106-107, and 188-193 of the released documents document. The subject heading of these communications suggests the matter in question all relate to invoicing...I was incorrectly charged a servicing fee by [Interlock Provider 3] and despite multiple attempts to be reimbursed for that incorrect fee, [Interlock Provider 3] has not refunded me the money. Invoicing related to my account directly relates to myself, and the correspondence in question surely contains my personal information...

27. As explained at paragraph 19, the Category A Information includes full name, work email address and images of staff who work for an Interlock Provider – it does not relate to the applicant's account nor is it about the applicant.

28. I acknowledge there is a strong public interest in disclosing information about services performed for government by contracted providers. However, in my view, the information already disclosed to the applicant in this instance does not significantly enhance Government accountability, and I do not consider that releasing the Category A Information would further this public interest at all. The bulk of the Category A Information simply reveals personal information about staff of an Interlock Provider performing work under a contract with Government. I am satisfied that, in this case, a distinction can be drawn between the Interlock Provider, as the entity which contracted with government to provide a service, and their individual employee, whose identity has no apparent bearing on their employer's performance, and who has no direct contractual relationship with government themselves. In terms of the remaining Category A Information, I again cannot see how disclosing an Interlock Provider's bank account details could enhance Government accountability. On this basis, I have afforded this factor³⁷ no weight.

29. I have also considered the remaining factors in schedule 4, part 2 of the RTI Act, and cannot identify any other relevant factors favouring disclosure of the Category A Information. For example, I cannot see how disclosure could reasonably be expected to inform the community of the Government's operations.³⁸

³⁵ Section 64(1) of the IP Act. I have also noted Parliament's requirement that grounds for refusing access to information be interpreted narrowly (section 67(2)(a) of the IP Act).

³⁶ External review application dated 4 January 2024.

³⁷ Schedule 4, part 2, item 1 of the RTI Act.

³⁸ Schedule 4, part 2, item 3 of the RTI Act.

30. I also consider the fact an individual works for a private business is their personal information, and this raises a factor favouring nondisclosure.³⁹ Where this factor arises, it is relevant to consider the extent of the harm which may result from disclosure.⁴⁰ I accept there will be some instances in which the right to privacy may be reduced.⁴¹ However, in this case, the staff concerned are not in senior/managerial roles and there is no information before me to indicate that their employment details are publicly available. Accordingly, I am satisfied the personal information and privacy factors favouring nondisclosure carry significant weight.
31. The Interlock Provider's bank account details comprise the business, commercial and financial information of the Interlock Provider. This information is not published by the Interlock Provider but appears in invoices sent to the Department. Disclosing this information would reveal business, commercial and financial information⁴² of the Interlock Provider in circumstances where there is no restriction or limitation on the use, dissemination or republication of that information.⁴³ For these reasons, I am satisfied this factor also carries significant weight.
32. I am satisfied the interest in safeguarding other individuals' personal information, protecting their privacy, and protecting business, commercial and financial information of a private business carry significant weight in favour of nondisclosure. I am satisfied these factors outweigh the pro-disclosure bias regarding information held by government agencies.⁴⁴ Therefore, I find it would, on balance, be contrary to the public interest to disclose the Category A Information.

Category B Information

33. The Category B Information appears on eight pages of documents initially disclosed to the applicant⁴⁵ together with information on some of the further documents disclosed to the applicant.⁴⁶ The Category B Information includes:
 - the full name, driver licence information, date of birth, location, client identification, registration information and details of financial assistance approval and fitment information of other Program participants; and
 - internal checks of invoices, requests and approvals of invoices.
34. Section 88 of the IP Act permits an agency to delete information that is not relevant to the access application from a copy of an otherwise relevant document before giving access to the document. This is not a ground for refusal of access, but a mechanism to allow irrelevant information to be deleted from documents which are identified for release to an applicant.⁴⁷ 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.⁴⁸

³⁹ Schedule 4, part 3, item 3 of the RTI Act.

⁴⁰ Schedule 4, part 4, item 6 of the RTI Act.

⁴¹ For example, where the individual concerned is a senior manager of the business and their name, title and contact details are accessible through the business website, this may reduce the privacy attaching to an individual's private sector employment information.

⁴² Schedule 4, part 3, item 2 of the RTI Act.

⁴³ *FLK v Information Commissioner* [2021] QCATA 46 at [17].

⁴⁴ Section 64(1) of the IP Act.

⁴⁵ Pages 106-107 and 188-193.

⁴⁶ These appear on the following pages: 1-18, 20-24 and 26-28 in 'RTI-3852 EXT Additional documents – FAS – TMR – updated.pdf'.

⁴⁷ *Wyeth and Queensland Police Service* [2015] QICmr 26 at [12].

⁴⁸ *Van Veenendaal and Queensland Police Service* [2017] QICmr 36 (28 August 2017) at [12], citing with approval *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [52].

35. As explained at paragraph 33, the Category B Information is not about the applicant nor his accounts with any of the Interlock Providers.
36. Having considered the terms of the application and the nature of the Category B Information, I am satisfied none of the Category B Information is relevant to the application. I therefore find that the Category B Information was validly deleted from the documents disclosed to the applicant.⁴⁹

Documents nonexistent or unlocatable

Relevant law

37. Under section 40 of the IP Act, an individual has a right to be given access to documents of an agency to the extent they contain the individual's personal information.⁵⁰ This right is subject to limitations, including grounds for refusal of access.
38. The Information Commissioner's external review functions include investigating whether agencies have taken reasonable steps to identify and locate documents applied for by applicants.⁵¹ However, access may be refused in circumstances where a document is nonexistent or unlocatable.⁵²
39. A document will be *nonexistent* if there are reasonable grounds to be satisfied it does not exist.⁵³ To be satisfied a document does not exist, the Information Commissioner has previously had regard to various key factors, including an agency's record keeping practices and procedures (including, but not limited to, its information management approaches).⁵⁴ By considering relevant factors, the decision maker may conclude a particular document was not created because, for example, the agency's processes do not involve creating that specific document. In such instances, it is not necessary for the agency to search for the document. Rather, it is sufficient the relevant circumstances to account for the nonexistent document are adequately explained by the agency.
40. The Information Commissioner may also take into account the searches and inquiries conducted by an agency in determining whether a document is nonexistent. The key question then is whether those searches and inquiries amount to '*all reasonable steps*'.⁵⁵ What constitutes reasonable steps will vary from case to case, as the search and inquiry process an agency will be required to undertake will depend on which of the key factors are most relevant in the particular circumstances. Such steps may include inquiries and searches of all relevant locations identified after consideration of relevant key factors.⁵⁶

⁴⁹ Under section 88 of the IP Act.

⁵⁰ 'Personal information' is defined in section 12 of the IP Act as '*information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion*'.

⁵¹ Section 137(2) of the IP Act. The Information Commissioner also has power under section 115 of the IP Act to require further searches to be conducted during an external review. QCATA 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.

⁵² Sections 47(3)(e) and 52(1) of the RTI Act. A document is nonexistent if there are reasonable grounds to be satisfied the document does not exist—section 52(1)(a) of the RTI Act. A document is 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—section 52(1)(b) of the RTI Act.

⁵³ Section 52(1)(a) of the RTI Act. For example, a document has never been created.

⁵⁴ *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) (*Pryor*) at [19] which adopted the Information Commissioner's comments in *PDE and University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) (*PDE*) at [37]-[38]. *PDE* addresses the application of section 28A of the repealed *Freedom of Information Act 1992* (Qld). Section 52 of the RTI Act is drafted in substantially the same terms as the provision considered in *PDE* and, therefore, the Information Commissioner's findings in *PDE* are relevant.

⁵⁵ As set out in *PDE* at [49].

⁵⁶ As set out in *PDE* at [38].

41. A document is *unlocatable* if it has been or should be in the agency's possession and all reasonable steps have been taken to find it, but it cannot be found. In determining whether a document is unlocatable, it is necessary to consider the specific circumstances of each case,⁵⁷ and in particular, whether:⁵⁸
 - there are reasonable grounds to be satisfied the requested document has been or should be in the agency's possession; and
 - the agency has taken all reasonable steps to find the document.
42. In assessing an agency's searches, the Information Commissioner has confirmed the relevant question is whether the agency has taken *all reasonable steps* to identify and locate documents, as opposed to *all possible steps*.⁵⁹
43. Also, if the access application in question expressly seeks metadata about requested documents, and the applicant considers further steps are required in order to take 'all reasonable steps' regarding such metadata, it becomes relevant to consider whether giving access to the metadata is reasonably practicable.⁶⁰
44. The agency that made the decision under review has the onus of establishing the decision was justified, or the Information Commissioner should give a decision adverse to the applicant.⁶¹ However, where an external review involves the issue of missing documents, the applicant bears a practical onus to establish reasonable grounds which demonstrate the agency has not discharged its obligation to take all reasonable steps to locate the requested documents. Suspicion and mere assertion will not satisfy this onus.⁶²

Discussion

45. As explained at paragraph 9, the Department agreed to obtain information in response to this application (and the First Application). Initially, over 1700 pages were located and released to the applicant in response to the Second Application.⁶³ The Department also provided information about its searches and inquiries to locate responsive documents.
46. After considering the information provided by the Department, I wrote to the applicant and explained the internal and external searches and inquiries made by the Department (including with the Interlock Processing Unit (IPU) and the Legislation, Contracts and Security Systems Team in the Department and the Interlock Providers) and the reasons for my preliminary view that the Department had conducted all reasonable steps to locate relevant documents and that further documents are nonexistent or unlocatable.⁶⁴
47. The applicant did not accept my preliminary view and provided a submission.⁶⁵ He contended the Department had not discharged the onus upon it to take all reasonable steps to locate responsive documents and requested that further steps be taken.

⁵⁷ *Pryor* at [21]. See also, *F60XCX and Office of the Queensland Parliamentary Counsel* [2016] QICmr 42 (13 October 2016) at [84] and [87], and *Underwood and Minister for Housing and Public Works* [2015] QICmr 27 (29 September 2015) at [33]-[34] and [49].

⁵⁸ Section 52(1)(b) of the RTI Act.

⁵⁹ See *Webb v Information Commissioner* [2021] QCATA 116 at [6], cited in *S55 and Queensland Police Service* [2023] QICmr 3 (30 January 2023) at [23] and *W55 and Brisbane City Council* [2024] QICmr 13 (17 April 2024) at [19].

⁶⁰ Section 48 of the IP Act.

⁶¹ Section 100(1) of the IP Act.

⁶² *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].

⁶³ On 14 May 2025.

⁶⁴ Letter from OIC to the applicant dated 12 May 2025.

⁶⁵ Letter from the applicant to OIC dated 30 May 2025.

48. I considered that some of the points raised in the applicant's submission were sufficient to give rise to a reasonable expectation of further documents in the possession or control of the Department, and requested that the Department make further enquiries. As a result, more than 800 additional pages of information were located by the Department and the Department agreed to release these to the applicant.⁶⁶ The following comprises my consideration of the points made in the applicant's submissions regarding whether access to further documents may be refused on the basis they do not exist or cannot be located.⁶⁷ As the applicant's submission addressed item 2 of the application, then items 5, 1 and 4 in turn, for ease of reference I will follow the same order. I will then address item 3 as part of a general consideration of the Department's searches.

Further information responsive to item 2

49. Item 2 of the application requested:

2. *Records / data collected by the department associated with my participation in the program:*
 - *Images / Recordings.*
 - *Meta-data associated with the Images / Recordings.*
 - *Records / data provided to the department by the interlock providers regarding the device, my operation of the device and overall compliance with the program (e.g. event summaries, compliance logs, program reports).*

Information of Interlock Provider 1

50. On the material before me, it is my understanding that Interlock Provider 1 provided the applicant with an interlock from 25 April 2023 to 12 May 2023. In terms of data of Interlock Provider 1, the applicant has submitted that further metadata should be located and released to him.⁶⁸

51. The applicant's submission raises '*interlock data from the period 05.04.25 to 24.04.25*'. However, the application that is the subject of this review covers the date range 25 April 2023 to 30 October 2023. The requested data is outside the date range of the application and cannot be considered in this review. This would be so even if the applicant's references to 2025 are in error and he intended to refer to 2023 (being the year he made both the First and Second Applications).

⁶⁶ These pages will be released to the applicant per my request to the Department at the time this decision is issued.

⁶⁷ There were some issues raised by the applicant in his external review application that are not addressed in these reasons for decision either because he has received the documents he asked for or it is not clear from his submission what information he considers the Department has not located:

- Duplicate content: The applicant stated '*there is a lot of duplicate content in these sections and that leads me to believe that there are other documents that were supposed to be included in the duplicates place. I need the Department to review their response and confirm that they have included the correct documents in the outcome*'. I responded to this submission in my letter dated 12 May 2025 and explained '*...It is not entirely clear to me what you consider is missing from these pages. As many of these pages contain email chains, there will be some degree of duplication in respect of emails that form part of the chain. Unless you can be more specific about the information you consider the Department has not located, I will not consider this submission further.*' As the applicant did not respond to this, I have not addressed it in this decision.
- Attachments: The applicant also stated that all email attachments in correspondence between the Department and the Interlock Providers has been omitted. I also responded to this in my letter dated 12 May 2025 and explained '*...From my review of this information, I have identified attachments missing from the following pages: 65, 84, 102, 110 and 136. The Department has located the missing attachments to these emails and these will be released to you by 16 May 2025 excluding full name and direct contact details of employees from the [Interlock Providers]. I can also confirm that the attachments on the following pages: 33, 37, 47, 54, 67, 77, 100, 106, 108, 113, 164 and 188 are image attachments (i.e., images from advertising banners in the email chain).*' As the applicant also did not respond to this, I have not addressed it in this decision.

⁶⁸ Letter from the applicant to OIC dated 30 May 2025.

52. Similarly, the applicant's submission raises 'image metadata' from 7 October 2022 to 25 April 2025' – but also states '[t]he [Interlock Provider 1] metadata I have received is the image metadata created during the period of 25.04.25 to 12.05.25'. Noting the latter statement along with the rest of the material before me, I am satisfied the applicant has been given metadata of images from the interlock provided by Interlock Provider 1 for the portion of the application's date range when that interlock was in the applicant's motor vehicle (from 25 April 2023 to 12 May 2023). To the extent the applicant seeks image metadata prior to 25 April 2023, this data is outside the date range of the application and cannot be considered in this review. To the extent the applicant may seek such data after 30 October 2023, this is also the case.

53. The applicant's submission also requests that images be provided to him in their 'original format'. Images taken of the applicant by the interlock device were released to him in a 'printed' format.⁶⁹ Section 83(3) of the IP Act provides 'if an applicant has requested access in a particular form, access must be given in that form'. Further, a 'reviewable decision' is defined as including 'a decision giving access to documents in a form different to the form applied for by the applicant'.⁷⁰ The application did not specify that the images be provided in a particular form.⁷¹ In any event, section 83(1) of the IP Act provides for access to a document to be given in five forms, one of which is copies. Both printed and digital formats constitute the same form of access—that is, copies. The applicant has received printed copies on a digital device; therefore, his request for the images to be provided in their 'original' format is not an issue the Information Commissioner has jurisdiction to address.

54. The applicant's submission also raises:

- 'image metadata in its raw form' regarding 'the image metadata created during the period of 25.04.25 to 12.05.25' which the applicant acknowledges receiving
- 'raw data files' regarding the interlock, based on his view that Interlock Provider 1 has provided 'a filtered document that does not contain all recorded events and fields of information'; and
- 'application logs, security logs, audit logs, network logs and error logs associated with my use of the device'.⁷²

55. The 'filtered document' referred to by the applicant is a report containing data in relation to the applicant's use of Interlock Provider 1's interlock that was downloaded by the Department from Interlock Provider 1's service provider portal.⁷³ The applicant has not explained what 'events and fields of information' he considers to be missing from this report, or what further interlock data or image metadata he seeks. The Department has confirmed that what was released to the applicant is Interlock Provider 1's raw data.⁷⁴

56. I note that the 'filtered document' report shows the date, time and description of each event (i.e. ignition: on and off, camera picture request and image, initial test result and blood alcohol content read, motor running, time until retest, motor stopped, sleep state

⁶⁹ In a data report provided as a .pdf file (ie in portable document format).

⁷⁰ '... [U]nless access in the form applied for would involve an infringement of the copyright of a person other than the State'—see definition of 'reviewable decision' in schedule 5 of the IP Act.

⁷¹ Rather, when making the application, he requested that he be given the opportunity to inspect the Department's IT systems.

⁷² The applicant indicates these have been requested because 'it is unclear what information is contained within the events that haven't been included in the released interlock data system logs', and because they 'contain information collected from me and information that describes the information collected from me (i.e. metadata)'.

⁷³ Created and provided under section 83(1)(e) of the IP Act.

⁷⁴ Email from Department to OIC dated 4 October 2024.

and information about disconnection and connection of the device) during the period in which the interlock was installed in his motor vehicle.

57. I also note the applicant has been provided with the following metadata for each of the images: the internal ID number for the program associated with the image; the camera internal index ID for the image; image timestamp (generated by the camera); and image length (file size).
58. In terms of metadata, an access application for a document is taken *not* to include an application for metadata about the document *unless* the application expressly states that it does.⁷⁵ The IP Act provides that '**metadata, about a document, includes information about the document's content, author, publication date and physical location**'.⁷⁶ Generally, metadata is information about data, especially in relation to its structure and organisation.⁷⁷ It is commonly termed data about data – that is, data which describes the characteristics of other data points or data sets.
59. As apparent at paragraph 49 above, the documents / information requested at item 2 of the application were described in broad terms – i.e., '**[r]ecords / data**' and '**Images / Recordings**'. Metadata was only mentioned insofar as item 2 included '**[m]eta-data associated with the Images / Recordings**' generally. The specific types of metadata now raised by the applicant – that is, '**raw data files**', '**application logs, security logs, audit logs, network logs and error logs**' and '**image metadata in its raw form**' – were not mentioned.
60. Without making any findings regarding their existence, I am satisfied that these specific types of metadata do not fall within the scope of item 2. Specifically:
 - In terms of the '**raw data files**' and '**application logs, security logs, audit logs, network logs and error logs**' – I note that the applicant has raised these in relation to his request for '**[r]ecords / data**'. It is my understanding that the applicant's request for '**[r]ecords / data**' does not seek 'metadata about a document', which is addressed by section 48 of the IP Act. Rather, the applicant's request seeks information akin to metadata in and of itself. Consequently, in accordance with the form of access contemplated by section 83(1)(e) of the IP Act, the Department created a written document containing data in relation to the applicant's use of the interlock (i.e., the '**filtered document**' report) and gave the applicant access to the data in this form. I do not consider that a reasonable person would contemplate that the further data about this provided data, only expressly raised by the applicant on external review, falls within item 2's request for '**[r]ecords / data**'.
 - In terms of the '**[m]eta-data associated with the Images / Recordings**' – I consider it was reasonable for the Department to focus its searches on locating the metadata regarding the '**Images / Recordings**', as provided to the applicant.⁷⁸ I do not consider that the specific type of metadata only expressly raised on external review (i.e., '**image metadata in its raw form**') falls within item 2's general request for '**[m]eta-data associated with the Images / Recordings**'.
61. If I am wrong in this regard, and these types of metadata are within the scope of item 2, I consider that the lack of detail and specificity in the terms of item 2 become relevant to assessing the reasonableness of the Department's searches. Within this context, I have considered the records and metadata already located and released, and the amount of

⁷⁵ Section 48(1) of the IP Act.

⁷⁶ Section 48(3) of the IP Act.

⁷⁷ Macquarie Dictionary Online (Ninth Edition).

⁷⁸ As noted at paragraph 57 above.

work required of the Department, including the extent of its liaison with the relevant Interlock Provider, to achieve this.⁷⁹ I consider that these circumstances support a conclusion that access to the further metadata need not be given as it is not reasonably practicable.⁸⁰ Consistent with this, I also cannot identify any further searches or inquiries it would be reasonable to ask the Department to undertake, and I am therefore satisfied the steps taken by the Department comprise all reasonable steps.

Information of Interlock Provider 2

62. On the material before me, it is my understanding that Interlock Provider 2 provided the applicant with an interlock from 18 May 2023 to 14 August 2023. In terms of data of Interlock Provider 2, the applicant has submitted that further metadata should be located and released to him.⁸¹
63. In relation to the applicant's submission about File 01 and 02, the Department has agreed to release the images that were missing from these pages to the applicant.⁸²
64. In relation to the applicant's submission about File 03, I understand this information is a summary of the entire program and will only show events that are considered a violation.⁸³
65. In relation to the applicant's request that images be provided in their '*original format*', for the reasons explained at paragraph 53, I am satisfied the Information Commissioner has no jurisdiction to address the applicant's request.
66. In relation to File 04 (the 'Events Log File Full Report'), the applicant raises '*raw interlock data*'. In this regard, he states that File 04 is incomplete,⁸⁴ but has not explained what he considers to be missing from it. The applicant also raises '*system logs, application logs, security logs, audit logs, network logs and error logs*'. I have considered the information in File 04, as created and given to the applicant,⁸⁵ and have again noted that item 2 of the application was framed in broad terms: '[r]ecords / data' were not defined, and '[r]aw interlock data' was not mentioned. In the circumstances, I am satisfied my reasons about further metadata at paragraphs 60 and 61 above are apposite.
67. In relation to a submission by the applicant about byte streams and '*image metadata / raw image*', I requested that the Department obtain a response from Interlock Provider 2. In response, Interlock Provider 2 stated:

The official answer from our IT team is that while meta data is created, the photos are then saved in a byte stream and then log the account number, created and uploaded date and time, account info i.e. first and last name and other unique identifiers, and the photo contrast...

In no way does our camera record video, it is only capable of taking images.

68. A staff member from OIC spoke with a senior staff member from Interlock Provider 2 to confirm the accuracy of the above information.⁸⁶ Following this conversation, Interlock Provider 2 provided the following metadata for the images taken and this was released

⁷⁹ The steps taken by the Department are referred to in emails from Department to OIC dated 7 August 2024, 30 August 2024, 13 March 2025, 15 July 2025 and 14 August 2025.

⁸⁰ And therefore need not be given – see section 48(2) of the IP Act.

⁸¹ Letter from the applicant to OIC dated 30 May 2025.

⁸² These will be released to the applicant per my request to the Department at the time this decision is issued

⁸³ Email from the Department to OIC dated 15 July 2025.

⁸⁴ File names: '[Interlock Provider 2] data 18.5.23 – 10.7.23' and '[Interlock Provider 2] data 11.7.23 – 14.8.23'.

⁸⁵ In accordance with section 83(1)(e) of the IP Act.

⁸⁶ The outcome of these calls is recorded in an email from OIC to the Department dated 24 July 2025.

to the applicant: account number; serial number; photo created date and time; photo uploaded date and time; camera make; camera model; file size; and dimensions.

69. The senior staff member from Interlock Provider 2 indicated there may be other 'image metadata' stored by Interlock Provider 2; however, it would take a significant amount of time to obtain this information due to the location of their IT team in another country and staff access restrictions. In these circumstances, to the extent that further metadata comprising Interlock Provider 2's "*image metadata / raw image*" may exist, my reasoning and conclusions about further metadata at paragraphs 60 and 61 above are apposite, and I repeat and rely on these.

Information of Interlock Provider 3

70. On the material before me, it is my understanding that Interlock Provider 3 provided the applicant with an interlock from 21 August 2023 to 17 October 2023. In terms of data of Interlock Provider 3, the applicant has submitted that further metadata should be located and released to him.⁸⁷

71. The applicant's submission asserts that Interlock Provider 3's released data '*omits recorded events and displays a limited number of data fields*'. Given event numbers in the data were non-consecutive, I asked the Department to make further inquiries with Interlock Provider 3 about this.⁸⁸ Interlock Provider 3 explained that the report released to the applicant was a 'summary' and only events pertaining to the applicant were provided. I asked the Department to obtain a complete download of all prompts in relation to the applicant's device from Interlock Provider 3. Interlock Provider 3 agreed to disclose this information with technician names removed, as did the Department.⁸⁹

72. In terms of interlock data, the applicant again raises 'raw interlock data' and 'application logs, security logs, audit logs, network logs and error logs associated with [the applicant's] use of the device'. I note the Department has created an 'event log report' in relation to the applicant's interlock usage for the specified period⁹⁰ and given this to him.⁹¹ Similar to the documents created and provided by the other Interlock Providers, Interlock Provider 3's report includes the date, day, time, event description (including ignition on/off, 'ready for breath test' cue, test/retest requests, engine run and vehicle movement and control box power mode information) and event data (including blood alcohol content read, breath temperature and vehicle voltage) – that is, a 'complete download of all prompts' in relation to his interlock.⁹² Given this, and also noting that item 2 of the application was framed in broad terms, and did not define '[r]ecords / data' nor mention 'raw interlock data', I repeat and rely on my reasons and conclusions about further metadata at paragraphs 60 and 61 above regarding any such further metadata.

73. The applicant's submission also questions why the only image of him which Interlock Provider 3 had located and released was an original reference image. I asked the Department to obtain further information from Interlock Provider 3 about this. In response, Interlock Provider 3 stated:

The parameter settings as per the requirements set by the Department of Transport and Main Roads do not stipulate an image needs to be stored on a passed initial or passed retest. Please refer to the image below showing the camera settings for the [Program]:

⁸⁷ Letter from the applicant to OIC dated 30 May 2025.

⁸⁸ Email from OIC to the Department dated 26 June 2025.

⁸⁹ These pages will be released to the applicant per my request to the Department at the time this decision is issued.

⁹⁰ Created and provided under section 83(1)(e) of the IP Act.

⁹¹ In accordance with section 83(1)(e) of the IP Act.

⁹² Email from the Department to OIC on 24 July 2025.

[image of settings provided by Interlock Provider 3]

Although the data indicates a picture is taken, if the breath test is passed, the pictures are not recorded in the device as the passed setting is not ticked. The only time an image is stored is when there is a failed breath test. The client had no fails recorded so not images have been recorded. As a result, other than the initial reference picture, [Interlock Provider 3] has no further picture/image data for breath tests undertaken by the participant.

Please note that an untested engine run is when the interlock has detected movement before a breath sample was provided. The interlock control box has a motion sensor, if the motion sensor detects movement and no initial test has been provided the interlock will record a violation. E.g. participant may try to roll start the vehicle or have the vehicle towed. The camera is triggered to capture an image when this violation is recorded.

74. On this basis, I am satisfied that no further images are held by Interlock Provider 3.
75. The applicant's submission also requests '*image metadata*'. I note that, for Interlock Provider 3, the Department released the following metadata for the original reference image: client number; program ID; program length; start and removal dates; FAS approval date; concession confirmation, type and number; the applicant's full name, date of birth, mobile number, email and postal address, timezone and state; reference picture path; and '*change log*' which included users email address, timestamp and change type. In circumstances where item 2 of the application includes but does not define '*[m]etadata associated with the Images / Recordings*', I repeat and rely on my reasons and conclusions about further metadata at paragraphs 60 and 0 regarding any further '*image metadata*' now identified by the applicant.

Further information responsive to item 5

76. Item 5 of the application requests:
 5. *Access Details:*
Requests made to access my personal information (e.g. requests from government agencies, the courts, third-party service providers, internal departmental units, etc.).
 - *Details regarding the disclosure of my personal information (i.e. disclosure logs).*
 - *Any known incidents of unauthorized access.*
77. The Department explained that its Legislation, Contracts and Security Systems Team reviewed all instances of access to the applicant's customer record within the Department's Transport Regulation and Integrated Licensing System (known as **TICA/TRAILS**) for the relevant period (25 April 2023 to 30 October 2023). Having examined the audit log⁹³ associated with this record, the Department confirmed:
 - any access to the applicant's information during this period was made by:⁹⁴
 - authorised staff from the Department
 - Queensland Police Service's ICT system which interfaces with TICA/TRAILS
 - Interlock Provider 1
 - Interlock Provider 2
 - Interlock Provider 3; or
 - the applicant (through online web services or a digital licence mobile application); and

⁹³ TICA/TRAILS is the primary computing system used by the Department to administer its registration and licensing schemes in Queensland and the participation of individuals and organisations in those schemes. The audit log is the log content for instances of access to the applicant's customer record in TICA/TRAILS.

⁹⁴ Letter from OIC to the applicant dated 12 May 2025.

- the log did not identify any access by third parties to the applicant's information during his participation in the Program.

78. This information was conveyed to the applicant.⁹⁵ In response, the applicant stated:⁹⁶

While the department may have searched its records for item 5 type documents, no enquiries have been made with the service providers. It should be noted that each of the privacy complaints I made about the service provider's non-compliance with IPP6 were dismissed on the basis the department would/could process my applications on behalf of the service providers, and therefore, I would appreciate the department conducting enquiries with the service providers for item 5 type documents.

79. I am not privy to information about the privacy complaints referred to by the applicant; however, I understand the applicant is referring to OIC's decisions declining to deal with privacy complaints received from the applicant against the three Interlock Providers, for breaching then Information Privacy Principle 6,⁹⁷ under which the applicant requested that the three Interlock Providers give him access to his personal information which they had control of. The decisions were subsequently quashed on appeal.⁹⁸

80. The applicant appears to expect that enquiries with the three Interlock Providers are necessary because OIC dismissed the applicant's privacy complaints '*on the basis the department would/could process [his] applications on behalf of the service providers*'. However, such enquiries are not automatically required – they are contingent on being necessary in order to take all reasonable steps to locate responsive documents, and therefore dependent on the terms of the specific application, and the searches already conducted regarding that scope.

81. I have carefully considered the wording in item 5 of the application. The Department has advised that its system known as TICA/TRAIALS identifies the Interlock Provider for an installed interlock through the 'List Nominations' screen in the 'Driver Licence Hub' in TICA/TRAIALS, that access is restricted to authorised operators and all information requests are processed in accordance with legislative requirements.⁹⁹ The applicant has not explained the circumstances in which he envisages '*government agencies, the courts, third-party service providers, internal departmental units, etc*' would request his personal information. Assuming, for sake of argument, this may occur, it is unclear how such entities would be aware that a particular Interlock Provider's interlock was installed in the applicant's motor vehicle – and thus unclear how such entities would be in a position to approach the relevant Interlock Provider, rather than the Department, to make their request. It follows that it is also unclear how the Interlock Providers would be in a position to record '*[d]etails regarding the disclosure of [the applicant's] personal information*' in response to such requests or '*[a]ny known incidents of unauthorized access*' regarding such requests.

82. The outcome of the Department's enquiries, as set out at paragraph 77 above, indicates no contact whatsoever with such entities. I consider it reasonable to expect that the Department's enquiries and/or searches¹⁰⁰ would have identified responsive documents received or provided by the Interlock Providers, or at least further avenues of search or inquiry, were such documents to exist.

⁹⁵ Letter from OIC to applicant dated 12 May 2025.

⁹⁶ Letter from the applicant to OIC dated 30 May 2025.

⁹⁷ As in force prior to changes to the IP Act effected by the IPOLA Act.

⁹⁸ Given this decision is de-identified, I have not referenced the citation for the appeal decision, as it includes the applicant's name.

⁹⁹ Email from the Department dated 24 November 2025.

¹⁰⁰ Set out under the heading 'Searches conducted by the Department' [sic].

83. While I accept it could be said that the wording of item 5 is broad enough to include documents held by the Interlock Providers, there is nothing before me, other than the applicant's assertions, to suggest that the Interlock Providers would receive and respond to requests for his personal information – and it follows that there is nothing before me to suggest the existence of information comprising same, or recording unauthorised access to such information. Given this, while it remains *possible* to ask the Interlock Providers to search for information responsive to item 5, I do not consider it would be *reasonable*. I am satisfied the steps taken by the Department comprise all reasonable steps to find this information.

Further documents responsive to item 1

84. Item 1 of the application requests:

1. *Any documents received or authored by the Department of Transport & Main Roads (the department) regarding my participation in the Alcohol Ignition Interlock Program (the program); including those which specify the terms or requirements of my participation in the program (e.g. court orders, internal departmental directions, governmental directions, etc.).*

85. The applicant stated the Department has not located:¹⁰¹

documents pertaining to program terms or requirements which legislation itself cannot explain (e.g. court orders, internal departmental directions, governmental directions, correspondence, etc.).

86. He further stated:¹⁰²

As I have outlined numerous times to the department, legislation does not require participants to have interlock devices with camera's, Wi-Fi or GPS installed in their vehicles. I always insisted on not having these technologies installed, however the department basically said I would not be able to drive without an approved interlock in my car. It is important to note that these features are add-ons, and that the devices would have functioned properly without them enabled or installed. These are the same issues raised in the external review 317431, however the timelines are different, thus affecting what the scope has the ability to capture.

A newer issue, not mentioned in external review 317431, is the fact that [Interlock Provider 3's] camera didn't even seem to be a photo-optic device. There was no lens and the section where the lens ought to have been was opaque (you could not see through it). Having perused [Interlock Provider 3's] product catalogues, it seems as though they installed a thermal imaging camera in my vehicle; they manufacture these devices and I have never seen a conventional camera without a lens. It is important to note that I have lived in my car for quite some time; the department and the interlock providers were fully aware of this. I did not want, nor consent to, the installation of these technologies in my vehicle. The department has shown absolutely no concern for the privacy implications I have raised, or the legality of what they have required me to submit to. The point I am making is the department and the interlock providers installed all these technologies in my vehicle without my consultation, consent, and it would seem, without a legal basis. Given they cannot show me the legislation which would explain their actions, my question is: where are the documents that would enable them to do this to me?

87. During the external review, I wrote to the applicant and explained:¹⁰³

...You do not dispute that an approved interlock was installed in your vehicle, however, I understand your concern is that technology (including cameras, wifi or gps) were installed in

¹⁰¹ External review application dated 4 January 2024.

¹⁰² External review application dated 4 January 2024.

¹⁰³ Letter from OIC to applicant dated 12 May 2025.

your vehicle (as an 'add on' to an approved device) without your consultation, consent or a legal basis.

Your application was made under the IP Act. The documents you are seeking do not fall within the scope of your application—that is, you are not seeking documents that could reasonably be expected to contain your personal information. ...

88. In response, the applicant stated:¹⁰⁴

While you have stated that these documents would not contain my personal information, court orders and/or departmental/governmental directives relating to the use of a specific technology in a participant's vehicle would require that person to be identified. It cannot be said that such documents wouldn't contain personal information and therefore further searches need to be conducted within the department and by the service providers.

89. In my decision on the First Application, I noted the Department's advice that '*court orders do not contain any details about interlocks, as [they are] legislated for licensing and not court ordered*' and its confirmation that its IPU does not hold copies of court orders.¹⁰⁵ I also observed that it was clear from the applicable legislation¹⁰⁶ that, when a person is convicted of certain drink driving offences, an interlock is required by legislation - not by '*court orders, internal departmental directions [or] governmental directions*'.

90. I acknowledge the applicant's view that the '*legislation does not require participants to have interlock devices with camera's, Wi-Fi or GPS installed in their vehicles*'. Whether or not this is correct,¹⁰⁷ there is nothing before me, other than his assertions, to support his contention that '*use of a specific technology [such as a camera, Wi-Fi or GPS] in a participant's vehicle would require that person to be identified*' in '*court orders and/or departmental/governmental directives*'. The material before me suggests simply that the legislation lists various interlocks which are approved¹⁰⁸ and those interlocks are then provided to Program participants. This appears to be the case for the applicant: the information located in response to the application¹⁰⁹ includes mention of some of the interlocks approved under the legislation, and confirms their installation in his motor vehicle at different times. There is nothing to indicate the existence of any '*court orders, internal departmental directions [or] governmental directions*' etc. As such, while it remains possible to ask the Department to search for such information, I do not consider it would be *reasonable*. I am satisfied the steps taken by the Department comprise all reasonable steps to find this information.

Further documents responsive to item 4

91. Item 4 of the application requests:

4. *Documents and / or communications relating to any issues, incidents or concerns raised by the Interlock providers and / or their delegated service agents where those documents and / or communications pertain to me. This might be in relation to:*

- Their interactions with me.*
- Their implementation of the program.*
- Who had access to their systems.*

¹⁰⁴ Letter from applicant to OIC dated 30 May 2025.

¹⁰⁵ P25 at [30]-[32].

¹⁰⁶ Including chapter 5, part 3B of the *Transport Operations (Road Use Management) Act 1995* (Qld), chapter 12 of the *Transport Operations (Road Use Management – Driver Licensing) Regulation 2021* (Qld) (**Driver Licensing Regulation**) and part 4 of the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* (Qld)

¹⁰⁷ It is beyond the remit of this review to consider the use of cameras, Wi-Fi and GPS in interlocks under the Program.

¹⁰⁸ At section 334 of the *Driver Licensing Regulation*.

¹⁰⁹ For example, correspondence between the applicant and the Department / relevant Minister regarding the applicant's concerns about some of the interlocks, which appears among the information released to the applicant pursuant to the Department's decision under review.

- Who was responsible for the data collected by the systems.

92. Initially, the applicant stated:¹¹⁰

I have read through the receipts of information, and believe there should be additional documents relating to:

...
f. Correspondence between the department and the interlock providers relating to special requirements imposed on me throughout the program: This concerns any program / device requirements that are not required by law (e.g. camera's, Wi-Fi, GPS and thermal-imaging technologies)

93. In subsequent submissions, the applicant stated:¹¹¹

The department has not explained where it undertook searches for correspondence relating to special program requirements or whether it made enquiries with the service providers for documents of that nature. As I have noted, [Interlock Provider 3's] camera appeared to be a thermal imaging device and while they have provided a reference image, I am not convinced of its authenticity. I have never seen an image been taken through a lens you can't see through and [Interlock Provider 3's] excuses about the non-existence of images is inconsistent with its contractual obligations.

94. The Department has confirmed that its records indicate that the applicant was not subject to any special requirements during his participation in the Program.¹¹² This is consistent with the information located in response to the application – for example, information which indicates the interlock of Interlock Provider 3 (regarding which the applicant has particular concerns about the camera) is one of those approved under regulation,¹¹³ and invoices which do not indicate any differential treatment of the applicant.¹¹⁴ In the absence of any information, apart from the applicant's assertions, to suggest that he was subject to special program requirements, there is nothing to support the existence of correspondence about such requirements. Regardless, if any such correspondence were to exist, the searches conducted by the Department¹¹⁵ could reasonably have been expected to locate this, or at least identify further avenues of search or inquiry. I am unable to identify any further searches or inquiries it would be reasonable to ask the Department to undertake in an effort to locate this correspondence.

Searches conducted by the Department

95. The remaining item in the application – item 3 – requests:

3. *Documents, reports or data pertaining to the problems I experienced with the interlock providers and their devices.*

[Interlock Provider 1]:

- Any documents held by the department relating to the issues I raised about [Interlock Provider 1] (e.g. departmental notes / reports).
- Communications between the department and [Interlock Provider 1] regarding the issues I had reported.

[Interlock Provider 2]:

¹¹⁰ External review application dated 4 January 2024.

¹¹¹ Letter from applicant to OIC dated 30 May 2025.

¹¹² Email from Department to OIC dated 30 August 2024.

¹¹³ At section 334 of the *Driver Licensing Regulation*.

¹¹⁴ In terms of these invoices, it should be noted that I am able to see information deleted by the Department on the basis it is irrelevant to the application, whereas the applicant cannot.

¹¹⁵ Set out under the heading 'Searches conducted by the Department'.

- *Any documents held by the department relating to the issues I raised about [Interlock Provider 2] (e.g. departmental notes / reports).*
- *Communications between the department and [Interlock Provider 2] regarding the issues I had reported.*
- *Documents, reports and / or data regarding any investigations / enquiries made by the department regarding the issues I reported about [Interlock Provider 2] and their devices.*

96. Given the applicant did not address item 3 in his submission,¹¹⁶ it appears he may consider the Department has taken all reasonable steps to locate documents responsive to that item. For sake of completeness regarding item 3 – and also with respect to the rest of the application – I will now address the searches conducted by the Department.

97. The Department provided a copy of its search records which show that searches were conducted by the IPU by a senior staff member. The IPU is responsible for:

- interlock exemption applications
- interlock-related show cause processes
- monitoring interlock driver records
- Financial Assistance Scheme applications; and
- interstate licence transfers.¹¹⁷

98. The following locations were searched because they comprise the systems used by the Department to manage participants in the Program:

- DMS (Document Management System)
- DocTrak
- TICA (Transport Information Customer Access)
- PDS Hub
- G:Drive
- the email inbox for the IPU
- relevant staff email accounts

using the following search terms: the applicant's first name, surname, reference number and the applicant's email address.¹¹⁸

99. A separate folder was created within the IPU inbox to capture correspondence about the applicant. The Department advised it had also done searches in this folder to locate relevant documents.

100. As a result of these searches and the abovementioned enquiries with the Interlock Providers, more than 1700 pages were initially located and released; and, following consideration of the applicant's submissions on review, over 800 additional pages were located and will be released shortly.

101. I have carefully weighed whether the applicant should be given the opportunity to consider the latter and make further submissions about any information they contain which, in his view, suggests the existence of further responsive documents. However, having perused the pages in question, I cannot see any information which could

¹¹⁶ Letter from applicant to OIC dated 30 May 2025.

¹¹⁷ P25 at [30].

¹¹⁸ Submission dated 30 August 2024.

reasonably support the existence of further responsive documents. In such circumstances, the following observation is apt:¹¹⁹

Procedural fairness is not like a potentially endless game of tennis where every submission...hit over the net had to be returned...[n]or is procedural fairness to be equated with a duty of unlimited discovery.

102. I also note that, even if the applicant were able to find some indication of the existence of further responsive documents, taking into account the extent of the searches and enquiries to date, it is likely that searches for such documents would extend beyond what is reasonable. The applicant could, of course, consider making a fresh access application focussed specifically on any such documents.
103. Having carefully reviewed the terms of the application, the more than 2500 responsive pages that the applicant has or will receive, and the applicant's and Department's submissions, I am satisfied the Department has conducted comprehensive and appropriately targeted searches of locations where it would be reasonable to expect the documents requested in the application would be stored.
104. I am also satisfied the Department's searches and enquiries were conducted by individuals with knowledge of requisite systems who were well placed to understand where relevant documents may be located. I consider these searches and enquiries could reasonably have been expected to locate responsive documents, or at least identify further avenues of search or inquiry, if such documents existed. I am unable to identify any further searches or inquiries it would be reasonable to ask the Department or the Interlock Providers to undertake in an effort to locate any further responsive documents.

Summary

105. The following summarises my above reasons about further information responsive to the Second Application and records, for completeness, my ancillary findings:

- For further metadata responsive to item 2 of the application raised by the applicant, I am satisfied –
 - the applicant's request to receive images in a different format is not an issue that can be considered in this review
 - some metadata raised by the applicant is outside the date range of the application
 - the Department has provided reasonable explanations as to why some further metadata does not exist; and
 - otherwise, the further metadata raised by the applicant does not fall within the scope of item 2 of the application; however, if I am wrong in this regard, I am satisfied the Department has taken all reasonable steps to locate this metadata.¹²⁰
- For the further information and documents responsive to items 5, 1 and 4 of the application raised by the applicant – I am satisfied the steps taken by the Department to locate responsive material comprise all reasonable steps.

¹¹⁹ *Calardu Penrith Pty Ltd v Penrith City Council* [2010] NSWLEC 50 at [180]; accepted in *Vega Vega v Hoyle & Ors* [2015] QSC 111 at [176].

¹²⁰ Alternatively, I consider that the circumstances also support a conclusion that access to the further metadata is not reasonably practicable and therefore access need not be given under section 48(2) of the IP Act.

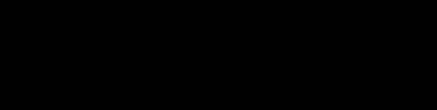
- With reference to both item 3 and the application as a whole, again I am satisfied that all reasonable steps have been taken.

DECISION

106. For the reasons set out above, I vary the Department's decision¹²¹ and find:

- disclosure of the Category A Information would, on balance, be contrary to the public interest and access may be refused on that ground¹²²
- the Category B Information is not relevant to the application and may therefore be deleted;¹²³ and
- in terms of the further information raised by the applicant –
 - some of this information falls outside the scope of the application;
 - otherwise, access to the information may be refused on the ground it is nonexistent or unlocatable.¹²⁴

107. I have made this decision under section 123 of the IP Act as a delegate of the Information Commissioner, under section 139 of the IP Act.



A Rickard
Assistant Information Commissioner

Date: 22 December 2025

¹²¹ Under section 123(1)(b) of the IP Act.

¹²² Under section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

¹²³ Under section 88 of the IP Act.

¹²⁴ Under section 67(1) of the IP Act and sections 47(3)(e) and 52(1) of the RTI Act.

APPENDIX

Significant procedural steps

| Date | Event |
|-------------------|--|
| 4 January 2024 | OIC received the external review application. |
| 29 January 2024 | OIC notified the applicant and the Department that the application for external review had been accepted and requested information from the Department. |
| | OIC received the requested information from the Department. |
| 12 June 2024 | OIC requested further information from the Department. |
| 25 June 2024 | OIC granted an extension of time for the Department to provide the requested information. |
| 17 July 2024 | OIC requested further information from the Department following a telephone call on this date in relation to whether the documents are in the possession or control of the Department. |
| 7 August 2024 | OIC received a response from the Department. |
| | OIC requested confirmation in relation to the possession or control issue and granted an extension of time to the Department to respond to OIC's email dated 25 June 2024. |
| 8 August 2024 | OIC received a response from the Department. |
| 9 August 2024 | OIC notified the applicant that the Department had control over the requested documents and explained that this affected both this review and 317431 (finalised external review). |
| 30 August 2024 | OIC received further information from the Department. |
| 17 September 2024 | OIC requested further information from the Department. |
| 25 September 2024 | OIC granted an extension of time to the Department to respond to OIC's email dated 17 September 2024. |
| 4 October 2024 | OIC received further information from the Department. |
| 11 February 2025 | OIC requested further information from the Department. |
| 26 February 2025 | OIC granted an extension of time to the Department to respond to OIC's letter dated 11 February 2025. |
| 14 March 2025 | OIC received further information from the Department. |
| 10 April 2025 | OIC requested the Department to undertake third party consultation. OIC also requested that the Department provide a marked up copy of the information provided on 14 March 2025. |
| | OIC received a marked up copy of the information provided to OIC on 14 March 2025. |
| 16 April 2025 | OIC received a revised marked up documents from the Department. |
| 28 April 2025 | OIC received further information from the Department. |

| Date | Event |
|------------------|---|
| 12 May 2025 | OIC conveyed a preliminary view to the applicant and invited him to provide a submission if he did not accept the preliminary view. OIC requested the Department release the information it had located on external review. |
| 30 May 2025 | OIC received the applicant's submission. |
| 26 June 2025 | OIC requested further information from the Department. |
| 15 July 2025 | OIC received further information from the Department. |
| 24 July 2025 | OIC requested further information from the Department. |
| 6 August 2025 | OIC granted an extension of time to the Department to respond to OIC's email dated 24 July 2025. |
| 14 August 2025 | OIC received further information from the Department. |
| 19 November 2025 | OIC requested further information from the Department. |
| 24 November 2025 | OIC received further information from the Department. |