



Decision and Reasons for Decision

Citation:	<i>N64 and Queensland Police Service [2026] QICmr 50 (27 March 2026)</i>
Application Number:	318700
Applicant:	N64
Respondent:	Queensland Police Service
Decision Date:	27 March 2026
Catchwords:	ADMINISTRATIVE LAW - INFORMATION PRIVACY - REFUSAL OF ACCESS - EXEMPT INFORMATION - access sought to QPRIME reports concerning the applicant - whether information is exempt - whether disclosure could reasonably be expected to prejudice the effectiveness of a lawful method or procedure - section 67 of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(a), 48 and schedule 3, section 10(1)(f) of the <i>Right to Information Act 2009</i> (Qld). ADMINISTRATIVE LAW - INFORMATION PRIVACY - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - personal information and privacy - whether disclosure would, on balance, be contrary to the public interest – section 67 of the <i>Information Privacy Act 2009</i> (qld) and sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld).

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Queensland Police Service (**QPS**) under the *Information Privacy Act 2009* (Qld) (**IP Act**)² for access to:

Subject: All material relating to myself on QPS QPRIME database, especially 2024-current.

Seeking: All QPRIME material relating to myself.

Search within: 2024 current. Documents may be located: QPRIME. Other details: [DOB supplied].

¹ On 4 March 2025.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) (**IPOLA Act**) came into force, effecting changes to the IP Act and the *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 is in force prior to 1 July 2025 remain applicable to it in accordance with transitional provisions in 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 is to those Acts as in force prior to 1 July 2025. These may be accessed at <https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-014> and <https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013> respectively.

2. QPS located 13 pages of information in response to the application. QPS decided³ to refuse access to 12 full pages and part of one page.
3. By application dated 10 June 2025, the applicant seeks external review of QPS' decision.
4. For the reasons outlined below, I affirm⁴ QPS' decision to refuse access because the information is either exempt or its disclosure would, on balance, be contrary to the public interest.

Reviewable decision

5. The reviewable decision is QPS' internal review decision dated 9 June 2025.

Evidence considered

6. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes). I have taken into account the applicant's submissions to the extent they are relevant to the issues for determination in this review.
7. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.⁵ I consider a decision-maker will be '*respecting, and acting compatibly with*' that right and others prescribed in the HR Act, when applying the law prescribed in the IP Act and the *Right to Information Act 2009* (Qld) (**RTI Act**).⁶ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act. I also note the observations made by Bell J on the interaction between equivalent pieces of Victorian legislation:⁷ '*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.*'⁸

Information in issue

8. The information in issue comprises 12 full pages and part of one page of information from QPS' QPRIME⁹ database.
9. The applicant seeks access to all refused information.¹⁰
10. While I am limited in the detail I can provide about the information in issue,¹¹ it can be described generally as 'street check' reports involving the applicant, where the applicant was either a complainant to QPS, or otherwise sought QPS' assistance.

³ QPS' original decision was dated 13 May 2025. The applicant applied for internal review on 13 May 2025 and QPS' internal review decision was issued on 9 June 2025.

⁴ Under section 123(1)(a) of the IP Act.

⁵ Section 21(2) of the HR Act.

⁶ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573], endorsed in Queensland by *Deemal-Hall v Office of the Director of Prosecutions* [2024] QCATA 131.

⁷ *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

⁸ **XYZ** at [573].

⁹ QPRIME stands for Queensland Police Records and Information Management Exchange. It is the core, centralised operational database for the QPS, introduced in the mid-2000s to replace over 234 disparate systems. It records crime reports, investigations, intelligence, domestic violence orders and offender histories. It is used by police for daily operations, including managing incident reports, storing mug shots, tracking missing persons, and identifying crime trends.

¹⁰ Submission dated 29 August 2025.

¹¹ Under section 121(3) of the IP Act.

Issues for determination

11. The issues for determination are:

- whether access to the 12 fully refused pages (**Category A Information**) may be refused on the grounds that it is exempt information;¹² and
- whether access to part of one page (**Category B Information**) may be refused on the grounds that its disclosure would, on balance, be contrary to public interest.¹³

Applicant's submissions

12. The applicant submitted¹⁴ that QPRIME contains information recorded about them that the applicant believes is '*dishonest and damaging*'. The applicant submitted they are entitled to the information requested in full and that, by withholding information, QPS seeks to protect itself and its officers.

13. During the external review, OIC provided the applicant with a preliminary view that QPS' decision should be affirmed.¹⁵

14. The applicant's submissions on external review raised further concerns about the conduct of a QPS officer, including misuse of QPS resources.¹⁶

15. They also submitted that:

- they have never committed nor been charged with a crime;¹⁷
- obtaining the information would allow them to know if their phone and/or computer was subject to surveillance;¹⁸ and
- while QPS may be using lawful methods to investigate, there was no contravention of the law (by the applicant), and this interpretation is open to abuse if a QPS officer has '*vexatious intent*'.¹⁹

Category A Information

Relevant law

16. An individual has a right, under the IP Act, to be given access to documents to the extent they contain the individual's personal information.²⁰ However, this right is subject to the provisions of the IP and RTI Acts, including grounds for refusing access to information.²¹

17. Access to a document may be refused to the extent it comprises exempt information.²²

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

¹³ Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

¹⁴ Submissions accompanying application for external review dated 10 June 2025.

¹⁵ By email dated 25 November 2025.

¹⁶ Submissions dated 4 and 6 November 2025.

¹⁷ External review application dated 10 June 2025.

¹⁸ Submission dated 4 November 2025.

¹⁹ Submission dated 4 November 2025.

²⁰ Section 40 of the IP Act.

²¹ Section 67(1) of the IP Act provides that an agency may refuse access to a document in the same way and to the same extent it could refuse access to a document under section 47 of the RTI Act were the document to be the subject of an access application under that Act.

²² Section 47(3)(a) and 48 of the RTI Act.

18. 'Exempt information' is defined in section 48(4) of the RTI Act as information which is exempt information under Schedule 3 of the Act.
19. Relevantly, schedule 3, section 10(1)(f) of the RTI Act provides:
- (1) Information is exempt information if its disclosure could reasonably be expected to—*
(f) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law (including revenue law); ...
20. The phrase '*could reasonably be expected*' requires a decision-maker to distinguish '*between what is merely possible*' and '*expectations that are reasonably based*' and for which '*real and substantial grounds exist*'.²³
21. *Harris and Queensland Police Service*²⁴ (**Harris**) identified the following elements which must be shown for information to be exempt under schedule 3, section 10(1)(f):
- there exists an identifiable method or procedure
 - it is a method or procedure for the preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; and
 - disclosure of the information could reasonably be expected to prejudice the effectiveness of that method or procedure.
22. Schedule 3, section 10(2) of the RTI Act sets out exceptions to this exemption where the information consists of:
- (a) matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law; or*
(b) matter containing a general outline of the structure of a program adopted by an agency for dealing with a contravention or possible contravention of the law; or
(c) a report on the degree of success achieved in a program adopted by an agency for dealing with a contravention or possible contravention of the law; or
(d) a report prepared in the course of a routine law enforcement inspection or investigation by an agency whose functions include that of enforcing the law (other than the criminal law or the law relating to corruption under the Crime and Corruption Act 2001); or
(e) a report on a law enforcement investigation that has already been disclosed to the entity the subject of the investigation.
23. The IP Act is to be administered with a pro-disclosure bias²⁵ and it is Parliament's intention that the grounds for refusing access to information are to be interpreted narrowly.²⁶ However, where information satisfies the criteria for any of the categories of exempt information set out in schedule 3 of the RTI Act, Parliament has also determined that the disclosure of this information is contrary to the public interest, and access may therefore be refused without further consideration of public interest arguments.²⁷

Findings

24. The applicant asserted they were entitled to the refused information about themselves, given they had never been charged or convicted of a crime. To this, I note, by its nature, QPRIME contains a wide variety of records beyond the charge or criminal histories of

²³ *Re B and Brisbane North Regional Health Authority* [1994] QICmr 1 at [160], quoting Justice Fox in *News Corporation v NCSC* (1984) 5 FCR 88.

²⁴ [2014] QICmr 10 (18 March 2014) at [11].

²⁵ Section 64 of the IP Act.

²⁶ Section 67(2)(a) of the IP Act and section 47(2)(a) of the RTI Act.

²⁷ Section 48(2) of the RTI Act.

individuals, including records of contact with the public (whether or not complaints were forthcoming) and investigations of potential offences and intelligence reports.

25. The only submission by the applicant which engaged directly with QPS' decision to refuse exempt information was an allegation that QPS' methods for investigating any possible contraventions of the law, raised by or involving them were used in a '*vexatious manner*'.
26. The Category A Information was created for the purpose of collating and recording information to prevent, detect, investigate and/or deal with a contravention or possible contravention of the law.
27. The manner in which information was gathered is of note, and releasing the nature and source of the information could prejudice the effectiveness of that method or procedure, as it would reveal that method to the applicant and the public.²⁸ It would also cause a public interest harm to relevant sources of intelligence.
28. QPS submitted that the information contained in the report records observations gathered, the disclosure of which could reasonably be expected to prejudice the effectiveness of the method or procedure of collating and analysing intelligence. Releasing the information contained in the report might reveal how intelligence is collected and how this data is analysed or linked.²⁹
29. Having considered the relevant pages from QPRIME and with the aid of QPS' submissions, I am satisfied that the information relates to the collection of information by QPS which forms part of QPS' methods and procedures for gathering, assessing and organising intelligence and evidence, and it is employed by QPS for the purpose for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law. The documents contain information which relates to lawful investigative methods and procedures of the QPS. It is apparent that release of this information could reasonably be expected to prejudice those methods and procedures.
30. I do not consider any of the exceptions to this exemption apply. In particular, there is nothing before me, beyond the applicant's assertions that an investigation was used with '*vexatious intent*', to indicate the scope of the relevant investigations exceeded the limits imposed by law in the sense required for the exception at schedule 3, section 10(2)(a) to apply.
31. I find that this information meets the three elements identified in Harris and is exempt from release pursuant to Schedule 3, section 10(1)(f) of the RTI Act.³⁰
32. As mentioned at paragraph [23], Parliament has decided that information falling within the categories set out in schedule 3 of the RTI Act are contrary to the public interest to disclose³¹ and therefore, no further consideration of public interest arguments is permitted on external review.³²

²⁸ Noting there can be no further restriction on the use, dissemination or republication of information released under the IP Act; *FLK v Information Commissioner* [2021] QCATA 46 at [17].

²⁹ Submissions dated 16 December 2025.

³⁰ Section 48 of the RTI Act.

³¹ Section 64(2)(a) of the IP Act.

³² *Dawson-Wells v Office of the Information Commissioner & Anor* [2020] QCATA 60 at [15]-[17].

Category B Information

Relevant law

33. Access to information may be refused if its disclosure would, on balance, be contrary to the public interest.³³
34. The term '*public interest*' is not defined within the RTI Act. The determination of the public interest is a balancing exercise undertaken by the decision-maker in each application. 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.³⁴ This means that, in general, a public interest consideration is one which is common to all members, or a substantial segment, of the community, as distinct from matters that concern purely private or personal interests. However, there are some recognised public interest considerations that may apply for the benefit of an individual.³⁵
35. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must (as a summary):³⁶
- identify factors irrelevant to the public interest and disregard them;
 - identify factors in favour of disclosure of information;
 - identify factors in favour of non-disclosure of information; and
 - decide whether, on balance, disclosure of the information would be contrary to the public interest.
36. 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 these³⁷ together with all other relevant information, in reaching my decision. I have kept in mind the RTI Act's pro-disclosure bias and Parliament's requirement that grounds for refusing access to information be interpreted narrowly.³⁸ In deciding whether disclosure of the Category B Information would, on balance, be contrary to the public interest, no irrelevant factors arise, and I have taken not taken them into account in making my decision.

Findings

37. The applicant was provided access to part of one page, which is a report concerning a separate matter whereby the applicant sought QPS assistance.
38. QPS decided to disclose this page to the applicant following removal of personal information of persons other than the applicant.³⁹ While the applicant did not appear to take particular issue with this, their application for external review sought access to all refused information, including redacted information.
39. The refused information in this category does not include personal information of the applicant. It concerns only the personal information of individuals other than the applicant, including names, addresses and other identifying information.

³³ Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

³⁴ Office of the Information Commissioner, 'How to balance the public interest' <https://www.oic.qld.gov.au/guidelines/for-government/access-and-amendment/decision-making/public-interest-balancing-test>.

³⁵ Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

³⁶ Section 49(3) of the RTI Act.

³⁷ I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed throughout (in relation to each category of documents).

³⁸ Section 47(2) of the RTI Act.

³⁹ QPS' decision dated 9 June 2025.

40. Disclosing Category B Information would provide context to the rest of the document and satisfy the applicant's desire for an unredacted copy. As such, I have identified that disclosure of the information could reasonably be expected to promote open discussion of public affairs and enhance the Government's accountability.⁴⁰ I afford this factor moderate weight.
41. I consider any additional factors favouring disclosure in the public interest arising from the applicant's submissions⁴¹ were aimed at Category A Information. As canvassed above, I find that Category A Information is exempt and therefore, contrary to the public interest to disclose.
42. I have identified the following factors favouring nondisclosure in the public interest:
 - a) disclosure of the information could reasonably be expected to prejudice the protection of an individual's right to privacy;⁴² and
 - b) disclosure of the information could reasonably be expected to prejudice the fair treatment of individuals and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct.⁴³
43. The concept of '*privacy*' is not defined in the RTI Act, nor the IP Act. It can, however, essentially be viewed as the right of an individual to preserve their '*personal sphere*' free from interference from others.⁴⁴
44. The RTI Act also recognises that disclosing an individual's personal information to someone else can reasonably be expected to cause a public interest harm.⁴⁵
45. The Category B Information relates to allegations about another individual and the information before me indicates that those allegations were not pursued by QPS and are therefore, unsubstantiated. While the information may, to a degree, already be known by the applicant, I do not consider this reduces the weight to be afforded these factors favouring nondisclosure in circumstances where there can be no restriction upon the use, dissemination or publication of information released under the IP Act.⁴⁶
46. In my view, if disclosed, the information could reasonably be expected to prejudice the protection of the individual's right to privacy and could reasonably be expected to prejudice their fair treatment. I afford these factors favouring nondisclosure significant weight.
47. In balancing the factors for and against disclosure, I have taken into account the pro-disclosure bias of the IP Act.⁴⁷ However, given the significant weight afforded to nondisclosure factors, on balance, these outweigh the disclosure factors and are

⁴⁰ Schedule 4, Part 2, item 1 of the RTI Act.

⁴¹ Such as Schedule 4, Part 2, items 5, 6 and 12 of the RTI Act.

⁴² Schedule 4, Part 3, item 3 of the RTI Act.

⁴³ Schedule 4, Part 3, item 6 of the RTI Act.

⁴⁴ Paraphrasing the Australian Law Reform Commission's definition of the concept in 'For your information: Australian Privacy Law and Practice' Australian Law Reform Commission Report No. 108 released 12 August 2008, at [1.56]. Cited in *Balzary and Redland City Council; Tidbold* (Third Party) [2017] QICmr 41 (1 September 2017) at [28].

⁴⁵ Schedule 4, part 4, section 6(1) of the RTI Act.

⁴⁶ As Judicial Member McGill SC of QCAT observed '*... the effect of the... [RTI Act] is that, once information has been disclosed, it comes under the control of the person to whom it has been disclosed. There is no provision of that Act which contemplates any restriction or limitation on the use which that person can make of that information, including by way of further dissemination.*': *FLK v Information Commissioner* [2021] QCATA 46 at [17].

⁴⁷ Section 64(1) of the IP Act.

determinative. Accordingly, it is my view that access to the Category B Information may be refused because its disclosure would, on balance, be contrary to the public interest.⁴⁸

Other matters raised by the applicant

48. As noted above, the applicant raised concerns about the conduct of QPS officers, both in response to their complaint and with respect to the outcome of their access application.⁴⁹
49. The Information Commissioner's role is limited to merits review of QPS' decision with respect to access to information under the IP Act. I note there are other, more appropriate avenues for the applicant to pursue with respect to any alleged wrongdoing or maladministration.⁵⁰ It is worth noting the applicant has already made complaints to QPS that have been separately investigated.

DECISION

50. For the reasons set out above, I affirm the reviewable decision⁵¹ and find that:
- access to the Category A Information may be refused because it comprises exempt information;⁵² and
 - access to the Category B Information may be refused because its disclosure would, on balance, be contrary to the public interest.⁵³
51. 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.



Stephanie Davis
Assistant Information Commissioner

Date: 27 March 2026

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

⁴⁹ External review application dated 10 June 2025.

⁵⁰ Such as to the QPS itself via its Ethical Standards Command, or the Crime and Corruption Commission.

⁵¹ Under section 123(1)(a) of the IP Act.

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

⁵³ Section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.