



Decision and Reasons for Decision

Citation:	94HQWR and Queensland Police Service [2014] QICmr 45 (10 November 2014)
Application Number:	311945
Applicant:	94HQWR
Respondent:	Queensland Police Service
Decision Date:	10 November 2014
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - SCOPE OF ACCESS APPLICATION - IRRELEVANT INFORMATION - information outside the scope or irrelevant to the terms of the access application - diary entries by employees of respondent about work activities unrelated to applicant - whether irrelevant information may be deleted under section 73 of the <i>Right to Information Act 2009</i> (Qld) ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - applicant seeks access to information concerning complaints made to respondent and assessment of complaints by respondent - whether disclosure would reveal information that could reasonably be expected to identify a confidential source of information in relation to the enforcement or administration of the law - whether information is exempt from disclosure under sections 47(3)(a) and 48 and schedule 3, section 10(1)(b) of the RTI Act ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - personal information about person other than applicant - whether disclosure would, on balance, be contrary to the public interest - sections 47(3)(b), 49 and schedule 4 of the <i>Right to Information Act 2009</i> (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied to the Queensland Police Service (**QPS**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) for access to information about allegations made regarding the applicant and the applicant's spouse by members of a particular

community and certain QPS officers.¹ The applicant amended the application² to seek access to further documents – namely, documents about the applicant’s Volunteer in Policing application, certain complaints made against the applicant and the applicant’s child, and information received by particular police stations from members of the public or the applicant’s local government regarding the applicant, the applicant’s spouse and their children.³

2. QPS located 29 pages in response to the applicant’s application and decided to refuse access to all 29 pages in full on the ground that the information was exempt information as its disclosure could reasonably be expected to result in a person being subjected to a serious act of harassment or intimidation.⁴
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the QPS decision. The applicant submitted that the information was not exempt from disclosure on the ground relied on by QPS, and was required for defamation proceedings that the applicant intended to commence. Also, the applicant questioned the adequacy of steps taken by QPS to locate particular documents that were, in the applicant’s view, responsive to the application.
4. During the review, an additional 18 pages were located.⁵ As a result of informal resolution, QPS released some of this information and some of the 29 pages originally located to the applicant.⁶ Further, the applicant accepted OIC’s view that the application did not apply to documents that post-dated the date on which QPS received the application, and that QPS’s additional searches for other documents were sufficient.
5. In relation to the remaining information in issue, for the reasons set out below, I vary QPS’s decision and find that:
 - some information may be deleted on the basis that it is irrelevant to the applicant’s application; and
 - access to the remaining information may be refused on the ground that:
 - the information is exempt information, as its disclosure could reasonably be expected to enable the identities of confidential sources of information, in relation to the enforcement or administration of the law, to be ascertained;⁷ or
 - its disclosure would, on balance, be contrary to the public interest.⁸

Background

6. Significant procedural steps are set out in the Appendix.

Reviewable decision

7. The decision under review is the QPS decision dated 6 February 2014.

¹ By application received by QPS on 12 December 2013.

² Prior to payment of the application fee and therefore prior to being taken to have made a valid application – see sections 24(2)(a) and 33(4) of the RTI Act.

³ By email to QPS on 22 December 2013.

⁴ Sections 47(3)(a) and 48 of the RTI Act and schedule 3, section 10(1)(d) of the RTI Act.

⁵ 15 pages provided by QPS to OIC on 28 March 2014 and 3 pages provided by QPS to OIC on 30 October 2014.

⁶ That is, pages 6, 7 and 20 and parts of pages 10, 11, 19, 23, 24, 28 and 29 of the original 29 pages, and pages 1 to 9 inclusive and 15 (except for signatures) and parts of 10, 13 and 14 of the 15 pages provided by QPS to OIC on 28 March 2014.

⁷ Sections 47(3)(a) and 48 of the RTI Act and schedule 3, section 10(1)(b) of the RTI Act.

⁸ Sections 47(3)(b) and 49 of the RTI Act.

Evidence considered

8. The evidence, submissions, legislation and other material considered in reaching this decision is disclosed in these reasons (including footnotes and Appendix).

Issues for consideration

9. Section 23 of the RTI Act confers upon an applicant a general right to access documents of an agency. The applicant's right, however, is subject to a number of exclusions and limitations, including the grounds on which the agency may refuse access⁹ and the circumstances in which the agency may delete information that is irrelevant to the applicant's access application.¹⁰
10. In accordance with its decision and during this review, QPS released some information to the applicant.¹¹ Further, the applicant accepted that the application did not apply to some documents, as they post-dated the date on which QPS received the applicant's application. In relation to the remaining information, the issues for determination are whether:
- the **Category A information** can be deleted on the basis that it is not relevant to the applicant's access application¹²
 - access to the **Category B information** can be refused on the ground its disclosure could reasonably be expected to enable confidential sources of information in relation to the enforcement or administration or the law to be identified (**the confidential source exemption**);¹³ and
 - access to the **Category C information** can be refused on the ground that its disclosure would, on balance, be contrary to the public interest.¹⁴

Can the Category A information be deleted on the basis that it is irrelevant?

11. Yes, for the reasons set out below.

Relevant law

12. Section 73 of the RTI Act allows an agency to delete information from a document that is not relevant to the terms of an access application. This is not a ground for refusal of access, but a mechanism to allow irrelevant information to be deleted from documents identified for release to an applicant.¹⁵ In deciding whether to apply this section, it is relevant to consider whether the information in question has any bearing upon, or is pertinent to, the terms of the applicant's application.¹⁶

⁹ Under section 47 of the RTI Act.

¹⁰ Under section 73 of the RTI Act.

¹¹ Parts of pages 10, 11, 19, 23, 24, 29 and 29 of the 29 pages considered in QPS's decision dated 6 February 2014; and parts of pages 10 and 13-14 provided by QPS to OIC on 28 March 2014.

¹² Section 73 of the RTI Act.

¹³ Sections 47(3)(a) and 48 of the RTI Act and schedule 3, section 10(1)(b) of the RTI Act.

¹⁴ Sections 47(3)(b) and 49 of the RTI Act.

¹⁵ Under section 73(3) of the RTI Act, the agency may give access to the document if it considers from the terms of the application or after consultation with the applicant, that the applicant would accept the copy and it is reasonably practicable to give access to the copy. The agency is entitled to make the decision to delete based on the access application itself (i.e., without consulting the applicant) where the information clearly falls outside the scope of the access application: see *8U3AMG and Department of Communities* (Unreported, Queensland Information Commissioner, 15 September 2011) at [15].

¹⁶ *Underwood and Department of Housing and Public Works* (Unreported, Queensland Information Commissioner, 18 May 2012) at [15] citing *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [52].

Findings

13. The Category A information comprises parts of nine pages of two QPS officers' official diaries.¹⁷ It consists of the notes of the two officers regarding work activities entirely unrelated to the applicant, the applicant's spouse or children. These notes have been considered in this review simply because they were recorded on pages of the officers' diaries before or after their notes about matters responsive to the applicant's application.
14. I am satisfied the Category A information in no way involves the applicant and is not pertinent to the terms of the applicant's application in any sense. Accordingly, based on the terms of the application, and given that such information clearly falls outside the scope of it, I am satisfied that the applicant would accept a copy of the nine pages with the Category A information deleted.¹⁸

Does the confidential source exemption apply to the Category B information?

15. Yes, for the reasons set out below.

Relevant law

16. An agency may refuse access to information on the ground that it comprises exempt information.¹⁹ Exempt information includes information the disclosure of which could reasonably be expected to enable the existence or identity of a confidential source of information, in relation to the enforcement or administration of the law, to be ascertained.²⁰ Information will be exempt on this basis if:
 - there exists a confidential source of information,
 - the information which the confidential source has supplied is in relation to the enforcement or administration of the law, and
 - disclosure of the information in issue could reasonably be expected²¹ to enable the existence or identity of the confidential source of information to be ascertained;²² and
 - the exception to the exemption²³ does not apply.

Findings

17. The Category B information concerns complaints made about the applicant. The information appears in emails,²⁴ QPS officers' diaries,²⁵ and an activity log.²⁶

¹⁷ Parts of pages 8-12, 25 and 27-29 of the 29 pages considered in QPS's decision dated 6 February 2014.

¹⁸ Thus satisfying the requirements of section 73(3) of the RTI Act – see *DH6QO5 and Department of Police* (Unreported, Queensland Information Commissioner, 29 June 2011) at [11]-[12].

¹⁹ Sections 47(3)(a) and 48 of the RTI Act.

²⁰ Schedule 3, section 10(1)(b) of the RTI Act.

²¹ The phrase 'could reasonably be expected to' requires an objective consideration of all the relevant evidence and consideration of whether the expectation is reasonably based. A reasonable expectation is not irrational, absurd or ridiculous. *Sheridan and South Burnett Regional Council and Others* [2009] QICmr 26 (9 April 2009) at paragraphs [189] – [193] referring to *Attorney-General v Cockcroft* (1986) 64 ALR 97.

²² *McEnery and Medical Board of Queensland* (1994) (McEnery) 1 QAR 349 at paragraph [16]. *McEnery* considered the application of section 42(1)(b) of the *Freedom of Information Act 1992* (Qld), identical in terms to schedule 3, section 10(1)(b) of the RTI Act.

²³ In Schedule 3, section 10(2) of the RTI Act.

²⁴ Pages 1-5, 13-15, 18, 21, 22, 26 and 27 and parts of pages 19 and 23-24 of the 29 pages considered in QPS's decision dated 6 February 2014; and part of page 10 provided by QPS to OIC on 28 March 2014.

²⁵ Page 16-17, 26 and parts of pages 8, 9, 12, 25, 27 of the 29 pages considered in QPS's decision dated 6 February 2014.

²⁶ Parts of pages 13-14 of the 15 pages provided by QPS to OIC on 28 March 2014.

Confidential source of information

18. A confidential source of information supplies information on the understanding that their existence or identity will remain confidential.²⁷ This understanding may arise as a result of an express agreement between the parties.²⁸ Alternatively, the surrounding circumstances may indicate an implicit mutual understanding of confidentiality of the identity of the source between the parties.²⁹
19. Some of the Category B information records an express agreement of confidentiality between the parties.³⁰
20. On other occasions, there is no record of an express agreement between complainants and QPS. In these instances, I consider that the following surrounding circumstances are relevant:
 - the community in which the applicant resided is a small community
 - this community has only one police officer – the applicant’s spouse³¹
 - the complaints related to the applicant’s conduct
 - at the time the complaints were made, there was a level of disharmony between the applicant and some members of the community³²
 - the complainants expressed feelings of concern or distress about the matters detailed in their complaints
 - some of the complainants expressed feelings of concern or fear about the applicant, or making complaints about the applicant;³³ and
 - QPS took action in relation to the complaints without identifying the complainants.³⁴
21. I am satisfied that these circumstances demonstrate that, in each instance, there was an implied mutual understanding between the complainants and QPS that their identities would remain confidential.
22. The applicant asserts knowledge of the identity of the complainants.³⁵ The confidential source exemption cannot apply if the identity of a complainant is known, or can easily be ascertained independently of the information in issue.³⁶ However, there is no evidence before me to suggest that the identity of any complainant has been confirmed by that complainant or an official source, or can be easily discovered in some other way. In these circumstances, the RTI Act does not operate to confirm or deny an applicant’s suspicions.³⁷
23. In conclusion, I am satisfied that each complainant was and remains a confidential source of information.

²⁷ *McEniery* at [20-22].

²⁸ *McEniery* at [35].

²⁹ *McEniery* at [50].

³⁰ Section 110(7) precludes specifying such information in this decision, as doing so would disclose exempt information.

³¹ QPS submission dated 28 March 2014.

³² QPS submission dated 28 March 2014; also evidenced in the Category B information.

³³ Again, section 110(7) precludes specifying such information in this decision, as doing so would disclose exempt information.

³⁴ *McEniery* at [50].

³⁵ As evidenced by the applicant’s submission that *[n]ames can be blacked out if you wish even though I know who the people are* in the external review application dated 25 February 2014.

³⁶ *McEniery* at [17].

³⁷ *Saunders and Department of Housing* [2007] QICmr 22 (18 July 2007) at [32].

Information relating to the enforcement or administration of the law

24. The Right to Information Commissioner has previously found that:

The Confidential Source Exemption only requires that the relevant information 'relates' – is connected³⁸ – to enforcement or administration of the law; not that it results in a substantiated breach of same. The provision does not require a confidential source to accurately particularise a specific law, nor that the information they supply comprise conclusive evidence of a breach of that law. It operates simply to protect the identity of sources supplying information relating to or connected with either the enforcement or administration of the law.³⁹

25. The Category B information is primarily made up of complaints about the applicant impersonating a police officer – namely, complaints about the applicant wearing clothing the same, or substantially similar to, a police officer's uniform and/or undertaking activities usually performed by police officers.⁴⁰ I am satisfied that these complaints may, if substantiated, be an offence under the *Police Service Administration Act 1990* (Qld).⁴¹ On this basis, I am satisfied that the information supplied by the complainants relates directly to the enforcement of the law.

Disclosure could enable source's identity to be ascertained

26. The Category B information identifies the confidential sources as it contains the complainants' names.
27. I have considered whether removal of the complainants' names from the Category B information would be sufficient to prevent the identity of the complainants from being ascertained. However, the matters detailed in the complaints, and referred to in QPS documents recording the steps taken by QPS regarding the complaints, contain information apart from the complainants' names – for example, complainants' family members and associates, references to residences and workplaces, and details about situations involving the applicant which could necessarily only have been known or observed by particular persons.
28. Given the nature of this information, considering that the complaints were made in a small community, and noting the applicant's submission that '*names can be blacked out if you wish even though I know who the people are*',⁴² I am satisfied that disclosure of the Category B information could reasonably be expected to enable the identities of confidential sources of information to be ascertained, and removal of the complainants' names would be insufficient to prevent this from occurring.

The exception to the confidential source exemption

29. The RTI Act sets out specific types of information⁴³ which are not exempt information under the confidential source exemption. I have considered these types of information and I am satisfied that the Category B information does not comprise any of them. Therefore, in my view, this exception to the exemption does not apply.

³⁸ Paraphrasing the *Macquarie Dictionary Online* definition (accessed 11 March 2014).

³⁹ *JA14YM and Crime and Misconduct Commission* [2014] QICmr 13 (10 April 2014) at [19].

⁴⁰ The Category B information also records any steps taken by QPS regarding the complaints.

⁴¹ Section 10.19 of the PSA Act.

⁴² External review application dated 25 February 2014.

⁴³ In schedule 3, section 10(2) of the RTI Act.

False information

30. The applicant submits that the complaints contain false and vexatious allegations and that, accordingly, the applicant requires the information sought in the application to seek justice by suing and bringing criminal defamation charges against the complainants.⁴⁴ However, considerations of this nature cannot be considered when the requirements of the confidential source exemption are satisfied.⁴⁵ In any event, I note the longstanding position, both in Queensland and elsewhere, that it is in the public interest to protect the identity of police informants, so as to maximise the prospect that police are informed of, and can take action regarding, breaches of the law⁴⁶ – even though this position can, at times ‘*operate to the advantage of the untruthful or malicious or revengeful or self-interested... police informant.*’⁴⁷

Conclusion

31. In relation to the Category B information, I am satisfied that all requirements of the confidential source exemption are met, and access may therefore be refused on the ground that the information is exempt information.⁴⁸

Would disclosure of the Category C information be contrary to the public interest?

32. Yes, for the reasons set out below.

Relevant law

33. An agency may refuse access to information on the ground that its disclosure would, on balance, be contrary to the public interest.⁴⁹ The term ‘public interest’ refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. This means that in general, a public interest consideration is one which is common to all members of, or a substantial segment of, the community, as distinct from matters that concern purely private or personal interests. However, there are some recognised public interest considerations that may apply for the benefit of an individual.
34. The RTI Act identifies various factors that may be relevant in deciding where the balance of the public interest lies⁵⁰ and sets out the following steps for decision makers:
- 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.⁵¹

⁴⁴ External review application dated 25 February 2014.

⁴⁵ Exempt information under the RTI Act is a category of information that Parliament decided would be contrary to the public interest to release (see section 48 of the RTI Act). If the criteria for any of the types of exempt information listed in schedule 3 of the RTI Act are met, the Information Commissioner does not have the power to consider any public interest considerations.

⁴⁶ *McEnery* at [56] – [64].

⁴⁷ *McEnery* at [60] – [61] citing Lord Simon in *D v National Society for the Prevention of Cruelty to Children* [1978] AC 171 at 233.

⁴⁸ Sections 47(3)(a) and 48 of the RTI Act and schedule 3, section 10(1)(b) of the RTI Act.

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

⁵⁰ Schedule 4 of the RTI Act sets out the factors for deciding whether disclosing information would, on balance, be contrary to the public interest. However, this list of factors is not exhaustive. In other words, factors that are not listed may also be relevant in a particular case.

⁵¹ Section 49(3) of the RTI Act.

Findings

35. The Category C information is comprised by a small amount of information in two QPS officers' official diaries⁵² and emails.⁵³

Irrelevant factors

36. No irrelevant factors arise in the circumstances of this review.

Administration of justice

37. In the external review application, the applicant states '*I want full disclosure ... as I have a lawyer who is to sue the people named in the documents and I will also be charging these people with Criminal Defamation charges*'.⁵⁴ In making this submission, the applicant raises the public interest factor favouring disclosure that disclosure could reasonably be expected to contribute to the administration of justice for a person.⁵⁵

38. In *Willsford and Brisbane City Council*,⁵⁶ the Information Commissioner found that the administration of justice factor will arise if an applicant can demonstrate that:

- they have suffered loss or damage or some kind of wrong, in respect of which a remedy is, or may be available under the law
- they have a reasonable basis for seeking to pursue the remedy; and
- disclosing the information would assist the applicant to pursue the remedy, or to evaluate whether a remedy is available or worth pursuing.⁵⁷

39. However, on careful consideration of the Category C information, I note that parts of it relate to a resolved workplace complaint involving the applicant's spouse. In other parts of the Category C information, the applicant, and the complaints made about the applicant, are mentioned, but only in a broad, non-specific manner. No complainants are named, and no detail about any complaint is recorded. Taking this into account, I am satisfied that the Category C information would not assist the applicant – or the applicant's spouse – to pursue any remedy, or assess whether doing so is possible or worthwhile. For this reason, I am satisfied that the Category C information does not meet the third requirement set out in *Willsford*, and consider it unnecessary to consider the first two requirements. Accordingly, I am satisfied that the Category C information does not raise the public interest factor favouring disclosure regarding administration of justice for a person.

Accountability and transparency

40. The RTI Act favours disclosure where information could reasonably be expected to:⁵⁸
- promote open discussion of public affairs and enhance the Government's accountability
 - inform the community of the Government's operations; and

⁵² Parts of pages 8, 9 and 29 of the 29 pages considered in QPS's decision dated 6 February 2014.

⁵³ Parts of pages 19 and 23-24 of the 29 pages considered in QPS's decision dated 6 February 2014, and three emails appearing on the three pages provided by QPS to OIC on 30 October 2014.

⁵⁴ External review application dated 25 February 2014.

⁵⁵ Schedule 4, part 2, item 17 of the RTI Act.

⁵⁶ Unreported, Queensland Information Commissioner, 27 August 1996 (*Willsford*).

⁵⁷ *Willsford* at [17].

⁵⁸ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

- reveal the reason for a Government decision and any background or contextual information that informed the decision.

41. I consider that disclosing the Category C information would provide the applicant with a more comprehensive understanding of the complaints made about the applicant and the applicant's spouse, and the way in which they were handled by QPS. However, as noted above,⁵⁹ the complaints are discussed in a broad, non-specific manner. Further, I note that QPS has released certain documents to the applicant and held a meeting with the applicant to discuss the complaints. By these means, the applicant is aware of the substance of the complaints and the action deemed appropriate by QPS in response. I am satisfied that these circumstances reduce the accountability and transparency interests favouring disclosure of the Category C information and, accordingly, I attribute low weight to the above factors favouring disclosure.

Personal information and privacy

42. The Category C information comprises the personal information⁶⁰ of third parties – for example, names, workplace matters, opinions and feelings. The RTI Act provides that disclosure of other people's personal information could reasonably be expected to cause a public interest harm.⁶¹ In addition, a public interest factor favouring nondisclosure arises if disclosure could reasonably be expected to prejudice an individual's right to privacy.⁶² On the information before me, there is insufficient evidence to suggest that consent to release of the information to the applicant has been provided.⁶³ In the circumstances, I am satisfied that disclosure would cause a public interest harm and prejudice the right to privacy. Taking into account the moderately sensitive nature of the information, I attribute moderate weight to the factors favouring nondisclosure.
43. Some of the Category C information is intertwined with the applicant's personal information. Given the nature of the intertwined information, I am satisfied that the applicant's personal information cannot be separated from that of others.
44. The RTI Act recognises that there is a public interest in an individual being given access to their own personal information.⁶⁴ I note, however, that the relevant parts of the Category C information refer to the applicant, and the complaints made about the applicant, in broad, general terms only. I also note that QPS has met with the applicant and discussed the substance of the complaints in general terms. In these circumstances, I am satisfied that the weight I should afford this factor is relatively diminished, and I therefore attribute low weight to it.

⁵⁹ At paragraph 39.

⁶⁰ *Personal information* is defined in section 12 of the *Information Privacy Act 2009* (Qld) (**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.

⁶¹ Schedule 4, part 4, item 6 of the RTI Act.

⁶² Schedule 4, part 3, item 3 of the RTI Act. The concept of 'privacy' is not defined in either the IP Act or the RTI Act. It can, however, essentially be viewed as the right of an individual to preserve their personal sphere free from interference from others: see *OP5BNI and Department of National Parks, Recreation, Sport and Racing* (Unreported, Queensland Information Commissioner, 12 September 2013) 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 11 August 2008, at paragraph 1.56.

⁶³ The applicant's apparent knowledge of some metadata regarding one email could be construed as going some way to establishing the consent of one third party – however, without further evidence, I cannot conclude that consent has been provided.

⁶⁴ Schedule 4, part 2, item 7 of the RTI Act.

Balancing the relevant factors and conclusion

45. The RTI Act recognises the public interest in the applicant having access to the applicant's own personal information and information which would otherwise enhance government accountability and transparency. Taking into consideration the large amount of information already provided to the applicant concerning the substance of the complaints made about the applicant and the action QPS took in response, I am satisfied that these factors deserve only low weight. Further, I note that the factor regarding the applicant's own personal information only applies to some of the Category C information. In relation to both the information that is third parties' personal information only, and the intertwined personal information, I am satisfied that the low weight of the relevant factor or factors is insufficient to outweigh the moderate weight of factors favouring nondisclosure. That is, I consider that the factors regarding the protection of third parties' privacy and the public interest harm in releasing their personal information are relatively significant, and that disclosure of the Category C information would, therefore, be contrary to the public interest.

DECISION

46. For the reasons set out above, I vary the decision under review and find that QPS is entitled to:
- delete the Category A information under section 73 of the RTI Act on the basis that it is irrelevant to the applicant's application; and
 - refuse access to:
 - the Category B information under section 47(3)(a) and 48 of the RTI Act, as its disclosure could reasonably be expected to enable the identities of confidential sources of information, in relation to the enforcement or administration of the law, to be ascertained under schedule 3, section 10(1)(b) of the RTI Act; and
 - the Category C information under section 47(3)(b) and 49 on the ground that its disclosure would, on balance, be contrary to the public interest.
47. I have made this decision as a delegate of the Information Commissioner, under section 145 of the *Right to Information Act 2009* (Qld).

A Rickard
Assistant Information Commissioner

Date: 10 November 2014

APPENDIX**Significant procedural steps**

Date	Event
12 December 2013	QPS received the access application.
22 December 2013	By email, the applicant amended the application, requesting additional documents.
23 December 2013	QPS received the applicant's application fee. The applicant was taken to have made a valid application under the RTI Act, and QPS was taken to have received it.
6 February 2014	QPS decided to refuse access to the 29 pages it located in their entirety.
25 February 2014	The applicant applied to OIC for external review. OIC requested that QPS provide procedural documents in relation to the application.
26 February 2014	QPS provided OIC with the requested procedural documents.
13 March 2014	OIC notified the applicant and QPS that OIC had accepted the external review application. OIC requested that QPS conduct searches for the additional documents requested by the applicant on 22 December 2013.
28 March 2014	QPS provided OIC with 15 pages (including two pages that post-dated the date on which the applicant's application was taken to be valid) that it located in response to OIC's request. QPS submitted that access to some of the information on the 13 pages should be refused.
9 April 2014	OIC requested that QPS release 10 of the 15 pages to the applicant, except for the signatures of persons other than the applicant. OIC advised the applicant that, if OIC did not hear to the contrary by 28 April 2014, OIC would proceed on the basis that the applicant accepted non-disclosure of the signatures.
14 April 2014	QPS released the 10 pages of the application in accordance with OIC's request.
16 April 2014	The applicant discussed the 10 pages released with an OIC staff member. (The applicant did not object to non-disclosure of the signatures of persons other than the applicant).
21 May 2014	OIC requested clarification from QPS regarding some information appearing in the information in issue.
5 June 2014	QPS provided additional information as requested.
12 June 2014	OIC conveyed a preliminary view to QPS and invited QPS to respond.
16 June 2014	QPS advised OIC that it accepted OIC's preliminary view and had released further information to the applicant in accordance with it.
20 June 2014	OIC conveyed a preliminary view to the applicant and invited the applicant to respond.
26 June 2014	The applicant did not accept OIC's preliminary view, provided copies of two letters as evidence, and raised concerns about the adequacy of the steps taken by QPS to locate documents responsive to the application.
31 July 2014	OIC sought additional search submissions from QPS.

15 August 2014	QPS provided additional search submissions to OIC, advising that it had located one letter ⁶⁵ and that other documents post-dated the date on which the applicant's application was taken to be valid.
16 October 2014	<p>OIC conveyed a further preliminary view to the applicant that the access application did not apply to documents post-dating QPS's receipt of it, that QPS's searches for responsive documents were adequate, and that it was, on balance, contrary to the public interest to disclose a mobile telephone number.</p> <p>OIC advised the applicant that, if OIC did not hear to the contrary by 24 October 2014, OIC would proceed on the basis that the applicant accepted the preliminary view.</p>
28 October 2014	OIC sought a further search submission from QPS.
31 October 2014	QPS provided OIC with three pages comprising three emails that it located in response to OIC's request.
4 November 2014	OIC advised the applicant that QPS had located the three emails and that disclosure of them would, in OIC's preliminary view, be contrary to the public interest.

⁶⁵ Which was one of the two letters that the applicant provided when responding to OIC's preliminary view.