



Decision and Reasons for Decision

Citation:	V64 and Queensland Police Service [2026] QICmr 10 (23 January 2026)
Application Number:	318638
Applicant:	V64
Respondent:	Queensland Police Service
Decision Date:	23 January 2026
Catchwords:	ADMINISTRATIVE LAW - INFORMATION PRIVACY ACT - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - information from Queensland Police Service requested by the applicant - personal information and privacy - administration of justice - prejudice the flow of information - 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 2009* (Qld) (**IP Act**)² for release of the entirety of a specific QPS report (**Report**). The applicant sought access to the Report because they believed it would identify a particular person about whom they had complained to QPS. The applicant submitted they now wished to pursue legal action against that person and needed their identity to do so.
2. QPS refused access to parts of one page in the Report comprising personal information of another individual.³ On internal review, the applicant specifically requested access to the name of the individual referenced in the Report.⁴
3. The applicant applied⁵ for external review of QPS's decision.

¹ On 19 February 2025.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Act 2023* (Qld) (**IPOLA Act**) came into force, effecting changes to the 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**. 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.

³ The original decision of the QPS was dated 11 April 2025, the applicant made an application for an internal review dated 17 April 2025 and an internal review decision was issued on 18 May 2025.

⁴ Application for internal review dated 17 April 2025.

⁵ On 19 May 2025.

4. For the reasons outlined below, I decide to affirm⁶ QPS's decision to refuse access to the refused information because its disclosure would, on balance, be contrary to public interest.

Reviewable decision

5. The decision under review is QPS's internal review decision dated 18 May 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 account of 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.⁷ 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 RTI Act.⁸ 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:⁹ '*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.*'¹⁰

Information in issue

8. The information in issue is part of one page in the Report.
9. The information in issue identifies another individual and contains their address, contact details and other inherently private information such as their name, date of birth and gender.

Issue for determination

10. The sole issue for determination is whether access to the refused information may be refused, on the basis that disclosure would, on balance, be contrary to the public interest.

Relevant law

11. The IP Act provides a right to access an applicant's personal information held by government.¹¹ This is not an absolute right but subject to certain limitations including grounds of refusal.¹² Relevantly, access to information may be refused if its disclosure would, on balance, be contrary to the public interest.¹³

⁶ Under section 123(1)(a) of the IP Act.

⁷ Section 21(2) of the HR Act.

⁸ *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.

⁹ *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

¹⁰ *XYZ* at [573].

¹¹ Section 40 of the IP Act.

¹² Section 40(1) of the IP Act.

¹³ Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act. Section 67(1) of the IP Act allows an agency or Minister to refuse access to information in the same way and to the same extent as section 47 of the RTI Act.

12. 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. When looking at the documents, the decision-maker must consider all relevant factors for and against disclosure. After identifying the relevant public interest factors, the decision-maker decides how important each factor is and how much 'weight' to give to it.
13. 'Public interest' refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens.¹⁴ 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.
14. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must (as a summary):¹⁵
 - 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.
15. 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 these¹⁶ together with all other relevant information, in reaching my decision. I have kept in mind the IP Act's pro-disclosure bias¹⁷ and Parliament's requirement that grounds for refusing access to information be interpreted narrowly.¹⁸ In deciding whether disclosure of the information in issue 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.

Factors favouring disclosure

16. I have identified the following public interest factors that I consider apply in favour of disclosure:
 - disclosure of the information could reasonably be expected to contribute to the administration of justice for a person;¹⁹ and
 - disclosure could reasonably be expected to enhance the government's accountability and transparency.²⁰
17. The applicant wishes to know the name of an individual so they can apply for a Peace and Good Behaviour Order (**PGBO**) under the *Peace and Good Behaviour Act 1982* (Qld) (**PGB Act**). The applicant believes they can pursue a lawful remedy from this and thus disclosure would contribute to the administration of justice for them.²¹

¹⁴ 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>

¹⁵ Section 49(3) of the RTI Act.

¹⁶ I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed throughout.

¹⁷ Section 64(1) of the IP Act.

¹⁸ Section 47(2)(a) of the RTI Act.

¹⁹ Schedule 4, Part 2, item 17 of the RTI Act.

²⁰ Schedule 4, Part 2, item 1 of the RTI Act.

²¹ By way of application for external review dated 19 May 2025 and submissions dated 29 October 2025.

18. For this factor to apply, the Information Commissioner has consistently held that an applicant must be able to establish all of the below criteria arising from the case *Willsford and Brisbane City Council*.²² An access applicant must demonstrate:
- 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 in issue would assist the applicant to pursue the remedy or to evaluate whether a remedy is available or worth pursuing.
19. It is arguable on the information supplied by the applicant that they may have suffered a kind of wrong and that a remedy is available under the law, one of which is a PGBO.
20. Whether the applicant has a reasonable basis for seeking to pursue the remedy is tenuous. The Report reveals that QPS regarded the allegations, which might form the basis of such a claim, as unsubstantiated.²³
21. The application however, does not align at all with the *Willsford* test on the third limb. In the access application, the applicant stated that they had obtained information identifying an owner of the property via searches of land titles and the Australian Securities and Investments Commission company registers. Although the applicant argues that from their own enquiries, they believe the property owner is not the same person against whom they wish to apply for an order, the applicant still holds valuable information in that they have ascertained, from a valid source, the identity of the property owner. This information enables the applicant to commence a process in the Magistrates Court for a PGBO and, therefore, the third criteria of *Willsford* is not satisfied. There has also been no substantiation of whether the person named in the report is actually the person involved in the matter. Given this, I attribute minimal weight to the 'administration of justice' factor favouring disclosure.²⁴
22. Disclosing the name of the individual would advance QPS' accountability and transparency and therefore I consider that this factor applies.²⁵ In considering the weight that should be afforded to this public interest factor, I have considered the extent to which QPS has discharged its accountability and transparency obligations by the information disclosed in the Report, as well as the fact that the information sought is limited to the personal information of another individual. QPS has disclosed information demonstrating it has recorded the complaint/incident and provided information and assistance to the applicant. Taken as a whole, I consider QPS's accountability and transparency will only marginally be advanced by disclosure of the individual name. I therefore afford low weight to this factor favouring disclosure.

Factors favouring nondisclosure

23. I have considered the complete list of public interest factors contained in schedule 4 of the RTI Act. I have identified the following public interest factors that I consider apply in favour of nondisclosure:
- disclosure of the information could reasonably be expected to prejudice the protection of an individual's right to privacy²⁶

²² (1996) 3 QAR 368 (*Willsford*) at [17].

²³ Internal review decision dated 18 May 2025.

²⁴ Schedule 4, part 2, item 17 of the RTI Act.

²⁵ Schedule 4, part 2, item 1 of the RTI Act.

²⁶ Schedule 4, part 3, item 3 of the RTI Act.

- 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;²⁷ and
 - disclosure of the information could reasonably be expected to cause a public interest harm if disclosure would disclose personal information of a person.²⁸
24. The RTI Act recognises that disclosing another individual's personal information²⁹ to someone else can reasonably be expected to cause a public interest harm.³⁰ The refused information in the one-page Report comprises the personal information of another individual and I consider that its disclosure would therefore cause a public interest harm. I afford significant weight to this nondisclosure factor.
25. Further, a factor favouring nondisclosure arises if disclosing information could reasonably be expected to prejudice the protection of an individual's right to privacy.³¹ 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.³² The RTI Act also places no legislative restriction upon the use, dissemination or publication of information which is disclosed in response to an access application.³³ Given the Report contains unsubstantiated allegations, I afford significant weight to this nondisclosure factor.
26. The Information Commissioner has previously found that if disclosure of information can reasonably be expected to prejudice the fair treatment of individuals and the information is about unsubstantiated allegations of unlawful conduct, this will give rise to a public interest factor favouring nondisclosure.³⁴ The IP Act limits what I can say about the circumstances of the subject matter in the information in issue;³⁵ however, I can make observations which follow.
27. First, it has not been established that the person named in the Report is actually the person involved in the circumstances which may give rise to the applicant's potential legal remedy. Secondly, the allegations have not been substantiated in relation to the original complaint to QPS. The nature of the information in the Report is highly sensitive and personal - being unsubstantiated complaints about an individual. Therefore, in my view, disclosure would also prejudice the protection of privacy and the fair treatment of the individual.³⁶ I attribute significant weight to this nondisclosure factor.

²⁷ Schedule 4, part 3, item 6 of the RTI Act.

²⁸ Schedule 4, part 4, section 6 of the RTI Act.

²⁹ See definition in schedule 5 of the RTI Act and section 12 of the IP Act. Personal information is '*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*'.

³⁰ Section 4, part 4, section 6(1) of the RTI Act.

³¹ Schedule 4, part 3, item 3 of the RTI Act.

³² 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].

³³ 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].

³⁴ Schedule 4, part 3, item 6 of the RTI Act. See also *Troiani v Queensland Police Service* (Unreported, 21 August 2012).

³⁵ Section 12(1), IP Act.

³⁶ Schedule 4, part 3, items 3 and 6 and schedule 4, part 4, section 6(1) of the RTI Act.

Applicant's submissions

28. The applicant makes four main submissions in support of their application³⁷ and in response to the preliminary view issued to them by a delegate of the OIC.³⁸ These can be summarised as follows:

- that he has been denied a legal remedy and 'procedural justice'
- there is public interest in preventing harm (to him) through pursuing the PGBO
- the decision is imbalanced by favouring the privacy of the other party; and
- that all other avenues to identify this individual have been exhausted.

Denial of legal remedy

29. The applicant argues that '*my request for access to the withheld identity information relates directly to the statutory requirement for positive identification of the person before an application for a Peace and Good Behaviour Order (PGBO) can be made.*'

30. The applicant also argues the two public interest factors favouring disclosure which concern the administration of justice generally, and for a person,³⁹ were afforded unjustifiably low weight in QPS's decision. This, in their view, is contrary to the objectives of the RTI Act and undermines access to a legal process.

31. I acknowledge that QPS's internal review decision only briefly engages with both factors and chooses to group them together. The correct factor to consider, is the administration of justice for a person. The other factor is concerned with justice and procedural fairness generally, whereas the applicant seeks justice personally, especially through a civil remedy. QPS's decision notes that a police investigation was unable to substantiate claims made by the applicant in relation to the initial issue upon which the applicant now seeks a PGBO. Accordingly, I do not consider that the additional factor is engaged, and I have not considered it in this decision.

32. Further, as discussed below concerning 'all other identification avenues', access to a legal process is preserved without disclosure of the information, and this decision does not undermine that.

Public interest in preventing harm

33. The applicant argues that they raised legitimate concerns about property damage and verbal threats. QPS's decision to refuse to release further information counters that as these allegations are 'unsubstantiated', they do not warrant disclosure.⁴⁰ The applicant further argues that the PGBO process is inherently preventative. By that, they mean granting of the Order does not require a conviction, and that delaying intervention until further harm occurs runs counter to the PGB Act's protective intent. While it may be preventative, there is no substantive evidence before me which would show that there is some form of ongoing, escalating or dangerous harm which requires prevention, such that the public interest weighs in favour of disclosure.

³⁷ By way of application for external review dated 19 May 2025 and submissions dated 29 October 2025.

³⁸ Letter dated 28 October 2025.

³⁹ Schedule 4, part 2, items 16 and 17.

⁴⁰ Internal review decision dated 18 May 2025.

34. The applicant advances no substantive evidence on this ground and does not relate this submission to any of the public interest factors, therefore I have placed no weight on this submission.⁴¹

Imbalanced privacy justification

35. The applicant argues that QPS's decision has applied the public interest factors favouring nondisclosure, 'too broadly'⁴² and the decision maker has failed to adequately weigh competing public interests. However, the applicant does not show the competing public interest which changes the weight on the balancing exercise. Also, the applicant argues that the personal information is already known to him, stating it was confirmed verbally by QPS and visually.
36. The applicant has requested the information be released '*with appropriate conditions limiting its use to legal proceedings*'⁴³ and not for public dissemination.
37. As discussed in paragraph [25] of this decision, there is no restriction or limitation on the use which a person can make of disclosed information under the IP Act, including by way of further dissemination.⁴⁴ Therefore, the applicant cannot be granted conditional access to the Report as requested, nor is conditional access practical. Also, if the information is already known to the applicant, as they claim, then they are not prevented from commencing proceedings.

All other identification avenues exhausted

38. The applicant claims that they do not have confirmed or official identification of the individual involved, although in response to the OIC's preliminary view, the applicant has clarified that they obtained the names of listed directors of a company that owns the property.
39. Therefore, it appears the applicant's searches have yielded enough information to commence proceedings for a PGBO. Where the respondent to such proceedings is incorrect, the named party is likely to be in a position to identify the relevant person.

Findings

40. Although the IP and RTI Acts contain a pro-disclosure bias, I note the low weight applying to the factors relating to the administration of justice for a person and to QPS's accountability and transparency.⁴⁵ Against this is the significant weight attributed to the three factors that protect the personal information and right to privacy of another individual, and the fair treatment of an individual.⁴⁶
41. On balance, the nondisclosure factors outweigh the disclosure factors and are determinative. Accordingly, it is my view that access to the refused page of the Report may be refused, as disclosure would, on balance, be contrary to the public interest.⁴⁷

⁴¹ There may be circumstances where releasing information may contribute to the public interest by assisting to protect people from harm. This is not one of them.

⁴² External review application dated 19 May 2025.

⁴³ External review application dated 19 May 2025.

⁴⁴ *FLK v Information Commissioner* [2021] QCATA 46 at [17].

⁴⁵ Schedule 4, part 2, 1, 3, 11 and 17 of the RTI Act.

⁴⁶ Schedule 4, part 4, section 6(1), and schedule 4, part 3, items 3 and 6 of the RTI Act.

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

DECISION

42. For the reasons set out above, I affirm the reviewable decision⁴⁸ and find that access to the refused information may be refused, as disclosure would, on balance, be contrary to the public interest.⁴⁹
43. 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: 23 January 2026

⁴⁸ Under section 123(1)(a) of the IP Act.

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