



## Decision and Reasons for Decision

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Citation:	<i>X57 and Queensland Police Service [2025] QICmr 81 (12 November 2025)</i>
Application Number:	317932
Applicant:	X57
Respondent:	Queensland Police Service
Decision Date:	12 November 2025
Catchwords:	<p><b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST - name of third party, referral information and summary of information provided by a witness - personal information - whether disclosure would, on balance, be contrary to the public interest - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(b), 49 and schedule 4 of the <i>Right to Information Act 2009</i> (Qld)</b></p> <p><b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT - applicant contends further documents exist - where agency has described its processes to explain why documents do not exist - whether explanation is reasonable - where agency has conducted searches - whether all reasonable steps have been taken to locate documents but the documents do not exist - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(e) and 52(1) of the <i>Right to Information Act 2009</i> (Qld)</b></p>

Pursuant to section 123(7) of the *Information Privacy Act 2009* (Qld), some information (dates, times, references to particular individuals and entities, files names and a verbatim submission) in the version of this decision issued to participants is not included in this published version. It is replaced with information in square brackets which provides a general description instead.

## REASONS FOR DECISION

### Summary

1. The applicant applied<sup>1</sup> to the Queensland Police Service (**QPS**) under the *Information Privacy Act 2009* (Qld) (**IP Act**) for access to various documents about his interactions with a police officer between [date] 2023 and [date] 2024.

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<sup>1</sup> On 9 February 2024.

2. QPS did not make a decision within the timeframe prescribed in the IP Act and was taken to have made a decision refusing access to the requested information.<sup>2</sup>
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's deemed decision.<sup>3</sup> During the external review, a significant amount of information was located and released by QPS.
4. In terms of the remaining information, I vary QPS's decision and find that:<sup>4</sup>
  - access to the remaining information in issue may be refused on the ground that its disclosure would, on balance, be contrary to the public interest; and
  - access to any document of the type the applicant contends QPS failed to locate may be refused on the ground that it does not exist.

## Background

5. This is one in a series of applications that the applicant has made to QPS seeking access to information about his interactions with QPS.
6. The applicant agreed to resolve another external review<sup>5</sup> on the basis that this external review would consider the same documents.<sup>6</sup> I understand this occurred because the date range and, to a large extent, the subject matter of the access applications being considered in the two reviews overlapped. Considering the terms of the application that is the subject of this review in light of these circumstances, the requested documents for the purpose of this decision are the following documents in relation to the applicant's interactions with Policelink on [date] 2023 and a police officer on [dates] 2023 and [date] 2024:
  - *Task Reports*
  - *Task Summary Reports*
  - *Supplementary Reports*
  - *QPRIME reports*
  - *QPRIME entries*
  - *Video and audio format recordings*
  - *body camera recordings*
  - *telephone conversation on recordings*
  - *diary notes*
  - *police notes*
  - *signed and unsigned police notebooks*
  - *memos*
  - *emails sent and received related to this case*
  - *name - rank and QPS Member ID Number of each involved officer (includes investigating and supervising officer)*
  - *discussion thread between the senior members of the service and QPS [particular area of law] legal team held in relation to me*
  - *copy of the Police Link telephone call recording (audio file) when I spoke to police link via 13 14 44.*

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<sup>2</sup> This was confirmed in a letter from QPS to the applicant dated 5 April 2024.

<sup>3</sup> In an email dated 5 April 2024.

<sup>4</sup> 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**.

<sup>5</sup> OIC reference 317811.

<sup>6</sup> During a telephone conversation with the applicant on 21 May 2024. This was confirmed in an email dated 22 May 2024.

Search within: [month] 2023 - To Date

7. QPS released a significant amount of information located on external review in response to this and two of the applicant's other external reviews.<sup>7</sup> After receiving these documents, the applicant said that he had issues with the documents and needed considerable time to make 'a lot of submissions'.<sup>8</sup>
8. OIC spoke with the applicant in an effort to narrow the issues for consideration<sup>9</sup> to the information that was most important to the applicant.<sup>10</sup> During the conversation, it was agreed that OIC would only consider the following issues in this review:<sup>11</sup>

<b>Redactions</b>
Information redacted on page 28/54 of released documents
Information redacted on page 31/54 of released documents
<b>Missing documents</b>
Body worn camera footage of a telephone call or other confirmation document from a named police officer (Police Officer 1) to the applicant confirming his appointment on [date] 2024.

### Reviewable decision

9. The decision under review is QPS's deemed decision.

### Evidence considered

10. Significant procedural steps taken in the external review are set out in the Appendix 1.
11. The evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including the footnotes and Appendices 1 and 2).
12. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.<sup>12</sup> 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.<sup>13</sup> I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.
13. The applicant provided a number of submissions to OIC<sup>14</sup> during the review. I have summarised and addressed his submissions to the extent they are relevant to the issues for determination. I recognise the applicant remains dissatisfied with the way in which

<sup>7</sup> OIC references 317796 and 317798.

<sup>8</sup> Email dated 12 May 2025.

<sup>9</sup> In this review and the two other reviews.

<sup>10</sup> Section 108 of the IP Act.

<sup>11</sup> During a telephone conversation on 26 May 2025 and confirmed in an email to the applicant on 29 May 2025. The applicant also raised a concern that a redaction was applied to information at 23.51 in Axon\_Body\_3\_Video\_[file name]. We informed the applicant in our email dated 29 May 2025 that after reviewing the edited and unedited versions of this footage, no redactions were applied at 23.51. It was explained that '*the light at this time may have made the screen brighter and white in the footage*'. The applicant did not provide a response to this explanation and this issue was not further considered in this review.

<sup>12</sup> Section 21(2) of the HR Act.

<sup>13</sup> *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573], wherein Bell J observed that '*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).

<sup>14</sup> On 2, 3 and 5 June 2025, 1 and 29 September 2025 and 14 October 2025.

QPS has handled his complaints and he holds concerns about the conduct of particular QPS officers. These and other issues are woven throughout his submissions. However, OIC does not have jurisdiction to interrogate a complaint handling process. OIC's role is to conduct merits review of an agency's decision on access to information under the IP Act. Accordingly, I am unable to make any findings about alleged deficiencies in the complaint handling process or the conduct of QPS officers.

### **Information in issue**

14. The information remaining in issue is described in the table at paragraph 8.

### **Issue/s for determination**

15. QPS released information to the applicant and he agreed not to pursue access to some information as explained at paragraph 8. The remaining issues for determination are whether access to information may be refused on the basis that:

- its disclosure would, on balance, be contrary to the public interest; or
- it is nonexistent or unlocatable.

### **Contrary to the public interest information**

#### ***Relevant law***

16. The IP Act gives an individual a right of access to documents of an agency or Minister to the extent the documents contain the individual's personal information.<sup>15</sup> However, this right is subject to the provisions of the IP Act and RTI Act including grounds for refusing access to information.<sup>16</sup>

17. Access to a document may be refused where its disclosure would, on balance, be contrary to the public interest.<sup>17</sup> In deciding where the balance of the public interest lies, a decision-maker is required to take specific steps<sup>18</sup> and consider relevant factors for and against disclosure.<sup>19</sup> I have set out below my assessment of, and findings in relation to, the public interest factors which I consider are relevant in this case.<sup>20</sup>

### ***Findings***

18. The applicant submitted<sup>21</sup> that two redactions made<sup>22</sup> to information on pages 28 and 31<sup>23</sup> are his personal information and should be released.<sup>24</sup>

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<sup>15</sup> Section 40(1) of the IP Act.

<sup>16</sup> 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 the document under section 47 of the RTI Act were the document to be the subject of an access application under that Act.

<sup>17</sup> Section 47(3)(b) of the RTI Act. The term public interest refers to considerations affecting the good order and functioning of the community and government affairs for the wellbeing 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.

<sup>18</sup> Section 49(3) of the RTI Act. The steps include disregarding any irrelevant factors, identifying relevant factors favouring disclosure and nondisclosure and balancing the relevant factors.

<sup>19</sup> Including the non-exhaustive list of factors in schedule 4 of the RTI Act.

<sup>20</sup> No irrelevant factors arise in the circumstances of this case.

<sup>21</sup> During a telephone call with the applicant on 26 May 2025 and confirmed in an email dated 29 May 2025.

<sup>22</sup> Identified in our email to the applicant dated 29 May 2025.

<sup>23</sup> In 'RTI 45637 ER 317796 - external review docs - released'.

<sup>24</sup> During a telephone call with the applicant on 26 May 2025, we informed him that this information is the personal information of another individual/s. This was confirmed in our email to the applicant on 29 May 2025.

19. I conveyed my preliminary view to the applicant about these parts of his submission:<sup>25</sup>

*The redacted information broadly comprises:*

- [third party]'s name and information about a referral put to [third party] by QPS.
- a high-level summary prepared by QPS of information obtained from a witness.

Factors favouring disclosure

*QPS disclosed almost all the information it located as relevant to your application. I consider that this disclosed information has substantially advanced its accountability and transparency (schedule 4, part 2, items 1, 3 and 11 of the RTI Act). I do not consider that disclosure of the redacted information would, in any way, further advance government accountability and transparency. Given the limited nature of the redacted information, I do not consider that its disclosure would further advance the accountability and transparency factors in any substantial way and accordingly, I consider these factors deserve only low weight.*

Factors favouring nondisclosure

*The redacted information comprises the personal information of other individuals – it is information that either identifies them by name or from its nature, would identify an individual. The IP Act seeks to safeguard an individual's right to privacy and recognises a public interest harm in disclosing the personal information of others (schedule 4, part 3, item 3 and schedule 4, part 4, section 6(1) of the RTI Act). My view is that these factors apply and deserve significant weight in favour of nondisclosure.*

*I also consider that disclosure of the redacted information would prejudice the flow of information to QPS (schedule 4, part 3, item 13). This is because it is reasonable to expect that this information would be held by QPS in confidence and if released, witnesses may be less likely to provide information to QPS in the future. Accordingly, I have also afforded significant weight to this factor.*

Balancing the relevant public interest factors

*I have taken into account the prodisclosure bias of the IP Act (section 64 of the IP Act).*

*On balance, I consider the public interest factors favouring nondisclosure are determinative in this matter and access to the redacted information may be refused on the basis that its disclosure would, on balance, be contrary to the public interest (section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act).*

20. In response, the applicant requested that a formal decision be issued.<sup>26</sup>

21. I am satisfied that the small portions of information refused on pages 28 and 31 are not the applicant's personal information and were appropriately redacted. For the reasons explained in my preliminary view at paragraph 19, I am satisfied that disclosure of this information would, on balance, be contrary to the public interest.<sup>27</sup>

## **Nonexistent documents**

### **Relevant law**

22. Access to a document may be refused if it is nonexistent or unlocatable.<sup>28</sup> A document is unlocatable if it has been or should be in the agency's possession and all reasonable

<sup>25</sup> Email dated 29 May and 3 June 2025.

<sup>26</sup> Email dated 5 June 2025.

<sup>27</sup> Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

<sup>28</sup> Section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

steps have been taken to find the document but it cannot be found.<sup>29</sup> A document is nonexistent if there are reasonable grounds to be satisfied the document does not exist.<sup>30</sup>

23. To be satisfied that a document does not exist, the Information Commissioner has previously identified several key factors to consider, including the agency's structure, recordkeeping practices and procedures and the nature and age of the requested documents.<sup>31</sup> By considering relevant key factors, a decision-maker may conclude that a particular document was not created because, for example, the agency's processes do not require the creation of that specific document. In such circumstances, it is not necessary for the agency to search for the document but sufficient that the circumstances to account for the nonexistence are adequately explained.
24. On external review, the agency or Minister who made the decision under review has the onus of establishing that the decision was justified or that the Information Commissioner should give a decision adverse to the applicant.<sup>32</sup> However, where the issue of missing documents is raised, the applicant bears a practical onus of demonstrating that the agency has not discharged its obligation to locate all relevant documents.<sup>33</sup> Suspicion or mere assertion will not satisfy this onus.<sup>34</sup>

### Findings

25. As noted above, the applicant considers that QPS has failed to locate any document/s recording or comprising confirmation by Police Officer 1 to the applicant of his appointment on [date] 2024.
26. On 15 May 2025, QPS provided a copy of its search records, including those completed by Police Officer 1. The search record completed by Police Officer 1 included the scope, date range, business unit/area searched, locations searched and why, search terms used and why and the results of the searches.
27. On 12 June 2025, I wrote to QPS and requested that it ask Police Officer 1 to do further searches for the following:

***BWC footage of telephone call or other document from [Police Officer 1] to [the applicant] confirming his appointment:*** *From the recording of the telephone call between the applicant and [Police Officer 1] on [date] 2024<sup>35</sup>, [Police Officer 1] told the applicant that she would touch base with him beforehand to confirm his appointment and support person. The applicant states this confirmation from [Police Officer 1] would have occurred between [date] 2024 at [time] pm and [date] 2024 at [time] am.*

28. On 28 August 2025, I received the following response from QPS:

*[Police Officer 1] advises that no call was made to [the applicant] to confirm the appointment for the [date] 2024. No call was made to confirm the appointment as a service delivery complaint was received from [the applicant] on the [date] 2024 in which he told police he would*

<sup>29</sup> Section 52(1)(b) of the RTI Act.

<sup>30</sup> Section 52(1)(a) of the RTI Act.

<sup>31</sup> These factors are identified in *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) at [19], which adopted the Information Commissioner's comments in *PDE and the University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) at [37]-[38]. These factors were more recently considered in *B50 and Department of Justice and Attorney-General* [2024] QICmr 33 (7 August 2024) at [15] and *T12 and Queensland Police Service* [2024] QICmr 8 (20 February 2024) at [12].

<sup>32</sup> Section 87(1) of the RTI Act.

<sup>33</sup> *Mewburn and Department of Local Government, Community Recovery and Resilience* [2014] QICmr 43 (31 October 2014) at [13].

<sup>34</sup> *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].

<sup>35</sup> In *Axon\_Body\_3\_Video* [file name] at 7 minutes, 55 sec.

*not be attending the appointment. Subsequently, so as not to cause further angst to [the applicant], the confirmation call was not made.*

*Also please note due to a typo made by [the applicant] in the complaint where he wrote January instead of February, [Police Officer 1] made herself available and had an independent person present for the appointment on [date] 2024 in case his cancellation was misinterpreted by her. She also advises that [the applicant], as reported in relevant QPRIME occurrences, did not turn up for the appointment.*

29. QPS also provided the applicant's complaint to QPS on [date] 2024. The complaint was sent to Police Officer 1 on [date] 2024. In his complaint, the applicant relevantly states:

*Dear Queensland Police Service, please see attached Queensland Police Service Member Complaint. This marks the 8<sup>th</sup> recent police complaint filed as there continues to be repetitive issues...*

*I am aware of the interview scheduled for [date] 2024 at [police station] referenced in this complaint. However, I am unable to attend due to the circumstances and conditions detailed in my complaint...*

[my emphasis]

30. I conveyed QPS's response to the applicant and expressed a preliminary view that, based on the information provided by [Police Officer 1], I was satisfied that QPS had taken all reasonable steps to locate the information he requested and access could be refused on the basis that the information does not exist.<sup>36</sup>
31. In response, the applicant did not accept my preliminary view and provided a detailed submission which is set out in full in Appendix 2 to this decision.<sup>37</sup>
32. After considering this submission, I responded to the applicant<sup>38</sup> and stated:

***...OIC has no jurisdiction to address the accuracy or otherwise of QPS' statement to [entity]. Please also note that submitting that QPS should locate a document you agree does not exist could be considered misconceived and result in OIC refusing to deal further with your review under section 107(1)(a) of the IP Act.***

***The only issue OIC can consider is whether QPS holds a recording or other document of [Police Officer 1] confirming your appointment on [date] 2024.***

*In terms of this issue, I have noted that:*

- [Police Officer 1] has provided evidence on external review that she did not contact you to confirm your appointment
- your submission objecting to QPS's statement to [entity] could be taken to agree that [Police Officer 1] did not call
- there is no evidence before me either from you (i.e. evidence confirming that [Police Officer 1] contacted you – call log etc.) or from QPS confirming that a call occurred; and
- it follows that there is no evidence before me to suggest that any document recording such a call exists.

*In these circumstances I remain satisfied that no document of [Police Officer 1] confirming your appointment on [date] 2024 exists...*

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<sup>36</sup> Letter dated 29 September 2025.

<sup>37</sup> Email dated 29 September 2025.

<sup>38</sup> Email dated 9 October 2025.

33. The applicant confirmed that he did not accept my preliminary view and lodged a further 13 page submission on 14 October 2025. This is too detailed to reproduce in this decision; however, I understand the applicant is concerned that:

- OIC has not specified what evidence it is relying on nor has any evidence been provided to him—specifically, OIC did not provide him with a copy of his complaint
- Police Officer 1 stated that she did not call to confirm the appointment - she did not state that the appointment was not confirmed by other means
- the scope of the application includes other forms of confirmation, not just a call
- Police Officer 1's entries that were released and relied upon by QPS contradict her statement to OIC
- QPS's submission that he *'did not turn up for the appointment inherently imply that the appointment was confirmed'*
- Police Officer 1 made an entry in QPRIME on [date] 2024, stating that she arranged an independent support person - *'well before the alleged complaint on [date] 2024. Therefore, [Police Officer 1's] claim that she failed to call [him] due to a complaint on [date] 2024 is entirely unfounded and bears no relation to the actual sequence of events. Given this, [Police Officer 1's] present assertion to the OIC simply does not add up.'* He also contends that *'[Police Officer 1] is falsely and intentionally misrepresenting the situation to the OIC to deceive them'*; and
- Police Officer 1 is unreliable and her claims to *'OIC are based entirely on her memory which conflicts with contemporaneous data entries and submissions that she and other QPS officers made at the time'*.

34. I also note that the applicant raised the following other issues about:

- a statement made by QPS that the applicant failed to attend an appointment
- a QPS officer's failure to comply with the Operational Procedures Manual
- the applicant being blamed for a QPS officer's actions
- actions that the applicant considers QPS should have taken
- false flags made about the applicant in QPRIME
- documents relevant to the applicant's other external review matters; and
- the applicant's [entity] complaint.

35. As these are not relevant to the issues for determination in this review, as explained at paragraph 13, I have not addressed these in this decision.

36. In relation to the applicant's submission about the evidence relied on by OIC, this was set out in our preliminary view letter. QPS located a copy of the applicant's complaint and provided this to OIC in support of its submission that the applicant's appointment was not confirmed. I did not consider it necessary or relevant to provide the applicant with a copy of his own complaint at the time of conveying my preliminary view in order to explain or support that view, and remain of that opinion. I also note that this complaint was not a document the applicant told us he was seeking, which is why it was not released at any other point in the course of the review.<sup>39</sup> It is open to the applicant to make a fresh application for this document if he still requires a copy of it.

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<sup>39</sup> That is, the applicant did not state that he was seeking a copy of his complaint when we spoke to him on 26 May 2025 (which was confirmed in an email to the applicant on 29 May 2025) nor was it mentioned in his subsequent correspondence with OIC. As explained at paragraph 9, the issues for consideration in this external review were confined to the documents and redactions in the table.

37. I accept the applicant's submission that the scope of his request is not confined to a telephone call. However, as noted at paragraph 26, the scope (which included *emails sent and received*) was put to Police Officer 1 and her search record states that she conducted physical and electronic searches. Also, as noted at paragraph 27, OIC wrote to QPS and requested that they ask Police Officer 1 to search for her confirmation of the appointment on [date] 2024 and, if it was not located, to provide an explanation why it does not exist. Police Officer 1 provided the explanation at paragraph 28.
38. In relation to the applicant's submission about entries in QPRIME that were released to him that contradict what Police Officer 1 has told OIC, it is unclear what entries he is referring to. The only entries released that appear relevant are:
2. *Type: Investigator action*  
*Entry Time: [date] 2024 11:19*  
*Event Time: [date] 2024 09:00*  
*Author: #[number and name of QPS officer]*  
*Entry: On the [date] 24 police contacted [the applicant] via phone about providing further information via statement as suggested by [particular QPS] unit. Appointment made for 8am on the [date] 2024. [applicant] still requests a independent/support person. Police asked if [Applicant] had someone he would like to nominate for this role and he said no he did not. Police to arrange independent/support person.*  
*Ext Link:*
  3. *Type: Investigator action*  
*Entry Time: [date] 2024 15:43*  
*Event Time: [date] 2024 11:00*  
*Author: #[number and name of QPS officer]*  
*Entry: On the [date] 24 police spoke to [redacted] who is JP qualified about being an independent/support person for [reference to applicant] for upcoming appointment on the [date] 24 at [time] am. [redacted] told police that he was available and happy to be support person for [reference to applicant].*  
*Ext Link:*
  4. *Type: Investigator action*  
*Entry Time: [date] 2024 13:39*  
*Event Time: [date] 2024 08:30*  
*Author: #[number and name of QPS officer]*  
*Entry: [reference to the applicant] did not attend the appointment booked in for [date] 24 at [time] am. The independent/support person, [redacted], that was arranged and police waited until [time] am however [reference to the applicant] did not attend.*  
*Ext Link:*
39. It is unclear how this information contradicts what Police Officer 1 has told OIC; in fact, I consider that it is consistent with her statement. That is, an appointment was booked for [date] 2024<sup>40</sup> and the applicant did not attend.<sup>41</sup>
40. I also do not accept the applicant's submission that QPS's statement that he did not attend the appointment implies that he failed to attend a confirmed appointment. As set out at paragraph 28, Police Officer 1 explained that the reason she did not call to confirm the appointment was because the applicant told QPS that he was unable to attend due to circumstances and conditions detailed in his complaint. Police Officer 1 did not state that the appointment was confirmed by any other means, nor were any relevant documents located during her searches. QPS has not located any information to suggest that the appointment was confirmed. I also note that the applicant (who is best placed to advise whether he received an appointment confirmation) has provided no evidence,

<sup>40</sup> This is confirmed in Axon\_Body\_3\_Video\_[file name] at 7 minutes, 55 sec.

<sup>41</sup> The applicant told QPS that he would not be attending the appointment in his email dated [date] 2024.

other than his assertions, as to the existence of this document. If a document existed, it is contemplated that the applicant would have received a telephone call or correspondence, and would be able to provide information about the call or correspondence, to establish the document's existence and render further searches by QPS reasonable.

41. In relation to the applicant's submission that Police Officer 1's statement does not 'add up', it is unclear what he means by this. Possibly, this submission relates to the applicant's submission that Police Officer 1 is unreliable. In terms of that submission, I consider that Police Officer 1's statement - that she did not call the applicant to confirm his [date] 2024 appointment because of his complaint on [date] 2024 - provides a plausible and reasonable explanation as to why the appointment was not confirmed, and therefore why document/s about confirmation of the appointment do not exist. There is no evidence before me to suggest that the information provided by Police Officer 1 is not correct or that it conflicts with contemporaneous information. In fact, as observed at paragraph 38, the QPRIME entries released are consistent with the statement made by Police Officer 1.

### **Conclusion**

42. For the above reasons, based on the statement provided by Police Officer 1 and the searches conducted by her, I am satisfied that QPS has provided a reasonable explanation as to why document/s regarding QPS's confirmation of his appointment on [date] 2024 do not exist – that is, because that confirmation did not occur. Within the context of this explanation, I am also satisfied that QPS has taken all reasonable steps to locate documents recording or comprising such confirmation. I am therefore satisfied that there are reasonable grounds to be satisfied that such documents are nonexistent and may be refused on this ground.

### **DECISION**

43. I vary the decision QPS is deemed to have made and find that:
- the small portions of information remaining in issue on two pages may be refused on the ground that their disclosure would, on balance, be contrary to the public interest; and
  - any document of the type the applicant contends QPS should have located may be refused on the ground that it is nonexistent.
44. 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.



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**A Rickard**  
**Assistant Information Commissioner**

**Date: 12 November 2025**

**APPENDIX 1****Significant procedural steps**

<b>Date</b>	<b>Event</b>
5 April 2024	OIC received the application for external review.
	OIC requested copies of the processing documents from QPS.
	OIC acknowledged receipt of the external review application to the applicant.
9 April 2024	OIC received processing documents from QPS.
4 June 2024	OIC communicated acceptance of the external review application to the applicant and QPS.
23 September 2024	OIC requested information from QPS about missing documents.
8 October 2024	OIC received a request for an extension of time from QPS and gave further time.
22 October 2024	OIC received further information from QPS.
24 December 2024	OIC requested QPS to locate particular documents and provide its search records.
28 January 2025	OIC received further information from QPS.
11 February 2025	OIC received further information from QPS.
24 February 2025	OIC requested QPS to release the further information located to the applicant and provide its search records.
26 February 2025	OIC received further information from QPS.
10 March 2025	OIC received confirmation that QPS released some documents it agreed to release to the applicant.
2 April 2025	OIC received a request for an extension of time from QPS.
	OIC granted the extension of time.
14 April 2025	OIC requested QPS to obtain further information about the steps it has taken to respond to our 24 February 2025 letter.
	OIC received a response from QPS.
15 April 2025	OIC requested QPS to resend the remaining information (3 files) it agreed to release to the applicant and to provide further information about QPS' searches.
23 April 2025	OIC advised the applicant that the remaining 3 files QPS agreed to release had been delivered and requested that he identify what further information should have been located.
	OIC received an email from the applicant confirming that he was not satisfied with the documents provided.
12 May 2025	OIC received a further email from the applicant stating that there are 'a lot of submissions' that have to be made.
	OIC responded to the applicant's 23 April and 12 May 2025 emails.

Date	Event
	OIC received a response from the applicant requesting a telephone call.
26 May 2025	OIC staff called the applicant in relation to this review and three other external reviews. During this call, the applicant agreed to confine the issues for consideration to particular documents in this and two other external reviews.
29 May 2025 – 5 June 2025	<p>OIC confirmed the applicant's oral agreement to confine the issues for consideration in this and one other external review. OIC received an email in response from the applicant initially objecting to this confinement of the issues.</p> <p>OIC then requested the applicant to advise how he wanted to proceed with the review. OIC received the applicant's agreement to proceed with obtaining the missing documents identified during the call on 26 May 2025 and requested a formal decision be issued on the remaining matters.</p>
3 June 2025	OIC conveyed reasons for preliminary view on redacted information to the applicant.
12 June 2025	OIC requested further information from QPS.
17 June 2025	OIC wrote to the applicant and confirmed his agreement to confine the issues for consideration in this and two other external reviews and explained the next steps in the reviews.
2 July 2025	OIC received a request for an extension from QPS to respond to OIC's 12 June 2025 letter.
3 July 2025	OIC granted the extension of time.
9 July 2025	OIC received a copy of the further information located by QPS.
22 July 2025	OIC requested further information from QPS.
12 August 2025	OIC requested QPS' response to OIC's email dated 22 July 2025.
14 August 2025	<p>OIC received a request for an extension from QPS to respond to OIC's email dated 22 July 2025.</p> <p>OIC granted the extension of time.</p>
28 August 2025	OIC received a submission from QPS.
1 September 2025	OIC received an email from applicant confirming issues remaining for consideration in this and one other external review.
29 September 2025	<p>OIC conveyed a further preliminary view to the applicant.</p> <p>OIC received a submission from the applicant.</p>
8 October 2025	<p>OIC responded to the applicant in relation to matters raised in his submission.</p> <p>OIC received a response from the applicant.</p>
9 October 2025	OIC responded to the applicant's email dated 8 October 2025.
14 October 2025	OIC received a further submission from the applicant.

## **APPENDIX 2**

### **Applicant's submission to OIC dated 29 September 2025**

[applicant's submission]