



## Decision and Reasons for Decision

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Citation:	<b><i>V75 and Department of Families, Seniors, Disability Services and Child Safety [2026] QICmr 28 (20 February 2026)</i></b>
Application Number:	<b>318569</b>
Applicant:	<b>V75</b>
Respondent:	<b>Department of Families, Seniors, Disability Services and Child Safety</b>
Decision Date:	<b>20 February 2026</b>
Catchwords:	<b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - DISCLOSURE PROHIBITED BY ACT - whether disclosure is prohibited by sections 186A(1) and/or 187(2) of the <i>Child Protection Act 1999</i> (Qld) - sections 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and 47(3)(a) and 48 and schedule 3, section 12 of the <i>Right to Information Act 2009</i> (Qld)</b>  <b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - IRRELEVANT INFORMATION - information relating to another child - whether deleted information is irrelevant to the terms of the access application - section 88 of the <i>Information Privacy Act 2009</i> (Qld)</b>

## REASONS FOR DECISION

### Summary

1. A parent applied under the *Information Privacy Act 2009* (Qld) (**IP Act**),<sup>1</sup> on behalf of their child,<sup>2</sup> to the Department of Families, Seniors, Disability Services and Child Safety (**Department**) to access information held by the Department regarding that child (**child applicant**).<sup>3</sup>

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<sup>1</sup> On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) (**IPOLA Act**) came into force, effecting changes to the IP Act and *Right to Information Act 2009* (Qld) (**RTI Act**). As the applicant's application was made before this change, the IP Act and RTI Act **as in force prior to 1 July 2025** remain applicable to it. This is in accordance with transitional provisions in Chapter 8, Part 3 of the IP Act and Chapter 7, Part 9 of the RTI Act, which require that applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted. Accordingly, references to the IP Act and RTI Act in this decision are to those Acts **as in force prior to 1 July 2025**.

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.

<sup>2</sup> Where an application is made on behalf of a child, the applicant is taken to be the child rather than the parent- see section 45(1) of the IP Act and the definition of 'applicant' in schedule 5 of the IP Act.

<sup>3</sup> The access application is dated 20 March 2025. By letter dated 27 March 2025, the Department notified the parent that it had construed the application as a request to access the '[e]lectronic child safety documents in relation to the applicant as a subject child Date Range: 1 September 2024 - 20 March 2025'.

2. The Department located 152 pages and decided to refuse access to the documents in full, on the ground that disclosure would be contrary to the child's best interests.<sup>4</sup>
3. The parent then applied, on behalf of the child applicant, to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision.<sup>5</sup>
4. For the reasons set out below, I vary the Department's decision and find that:
  - access to certain information may be refused on the ground that it comprises exempt information the disclosure of which is prohibited by the *Child Protection Act 1999* (Qld) (**CP Act**);<sup>6</sup> and
  - certain information may be deleted on the basis that it is not relevant to the access application.<sup>7</sup>

### Reviewable decision

5. The decision under review is the Department's decision dated 15 April 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).
7. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information, to privacy and regarding the protection of families and children.<sup>8</sup> A decision-maker will be '*respecting, and acting compatibly with*' these rights, and others prescribed in the HR Act, when applying the law prescribed in the IP Act and RTI Act.<sup>9</sup> I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

### Information in issue

8. During the review, the Department accepted OIC's preliminary view that it was not entitled to refuse access to all of the located information and disclosed information that relates solely to the child applicant.<sup>10</sup>
9. The remaining refused documents (**Information in Issue**) comprises 73 full pages<sup>11</sup> and 57 part-pages<sup>12</sup> and can be described as the Department's electronic records relating to the child applicant, which contain sensitive information gathered by the Department while exercising its child safety functions. The Information in Issue falls into two categories:

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<sup>4</sup> In a decision dated 15 April 2025.

<sup>5</sup> External review application dated 15 April 2025.

<sup>6</sup> Under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the RTI Act.

<sup>7</sup> Under section 88(2) of the IP Act.

<sup>8</sup> Sections 21(2), 25 and 26 of the HR Act. In this respect, in an email to OIC dated 17 November 2025, the parent on behalf of the child submitted that the child applicant has a right to know what was said about them, be safe from decisions being made based on inaccurate, misleading or untested allegations and have decisions made in a transparent and accountable manner.

<sup>9</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>10</sup> Email to the Department dated 18 August 2025 and the Department's response received on 9 September 2025.

<sup>11</sup> At pages 13-19, 28-33, 43-49, 58-63, 84-86, 89-90, 92, 95, 99, 100, 108-116, 123-125 and 127-152 of 152.

<sup>12</sup> At pages 1, 5, 6, 8 to 10, 12, 21, 23-25, 27, 35-36, 38-40, 42, 51, 53-55, 57, 64-72, 74, 76, 78-79, 81, 87-88, 91, 93-94, 96-98, 102-107 and 117-122 of 152.

- **Category A Information** - which comprises names, identifying information or other information about the personal affairs of individuals other than the child applicant.<sup>13</sup>
- **Category B Information** - records of the outcomes of Court proceedings relating to the child applicant's sibling.<sup>14</sup>

### Issues for determination

10. During the review, OIC conveyed a preliminary view to the applicant that access may be refused to the Category A and the Category B Information may be deleted.<sup>15</sup> The parent, on behalf of the child applicant, does not accept OIC's preliminary view.
11. Accordingly, the issues for determination are whether:
  - access to the Category A Information may be refused on the ground that its disclosure is prohibited by sections 186A(1) and/or 187(2) of the CP Act, and it is therefore exempt information;<sup>16</sup> and
  - the Category B Information may be deleted on the ground that it is irrelevant to the scope of the access application.<sup>17</sup>

### Category A Information

#### Relevant law

12. An individual has a right to access documents of an agency to the extent they contain the individual's personal information.<sup>18</sup> However, this right is subject to some limitations under the IP Act and RTI Act.<sup>19</sup>
13. Relevantly, an agency may refuse access to a document to the extent the document comprises exempt information.<sup>20</sup> Exempt information includes information the disclosure of which is prohibited by a number of provisions listed in schedule 3, section 12(1) of the RTI Act, including sections 186 to 188 of the CP Act.<sup>21</sup>
14. Section 186A(1) of the CP Act prohibits the disclosure of the identity of a notifier, or information from which the identity of the notifier could be deduced, to another person. For section 186A(1) to apply, the following elements must be satisfied:
  - a person has notified a specified person<sup>22</sup> of harm or suspected harm to a child or unborn child
  - release of the information could disclose the identity of the notifier, or information from which their identity could be deduced; and
  - none of the exceptions in section 186A(2) apply.

<sup>13</sup> The Information in Issue other than that noted at footnote 14.

<sup>14</sup> At pages 12-19, 27-33, 42-49 and 57-63 of 152.

<sup>15</sup> Letter to the applicant dated 16 October 2025.

<sup>16</sup> Under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the RTI Act.

<sup>17</sup> Under section 88 of the IP Act.

<sup>18</sup> Section 40(1)(a) of the IP Act. *Personal information* is defined in section 12 of the IP Act as 'information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion'.

<sup>19</sup> Section 67(1) of the IP Act sets out that an agency may refuse access to a document in the same way and to the same extent that the agency could refuse access to the document under section 47 of the RTI Act were the document the subject of an access application under the RTI Act.

<sup>20</sup> Section 47(3)(a) of the RTI Act.

<sup>21</sup> Sections 48(1) and 48(2) of the RTI Act.

<sup>22</sup> That is, the chief executive, an authorised officer, a police officer, a doctor or a nurse – see section 186 of the CP Act.

15. Section 187(2) of the CP Act prohibits the disclosure of information about another person's affairs<sup>23</sup> obtained by specified individuals or entities involved in the administration of the CP Act.<sup>24</sup> For section 187(2) to apply, the following elements must be satisfied:
- the information was received by a person listed in section 187(1) performing functions under or in relation to the administration of the CP Act
  - the information is about another person's affairs; and
  - none of the exceptions in section 187(3) or (4) apply.
16. However, information does not qualify as exempt information under schedule 3, section 12(1) of the RTI Act if the exception in schedule 3, section 12(2) of the RTI Act applies: *'if it is only personal information of the applicant'*.

### Findings

17. Section 186A(1) prohibits the disclosure of a notifier *to another person*. Having carefully considered the Category A Information, I am satisfied that *some* parts of it identify a person/s who made a notification/s under the CP Act. Accordingly, I am satisfied that these parts of the Category A Information are subject to the prohibition on disclosure in section 186A(1) of the CP Act and qualify as exempt information under schedule 3, section 12(1) of the RTI Act - unless any of the exceptions to the section 186A(1) prohibition on disclosure of information apply (as discussed below).
18. In any event, I am satisfied that the entirety of the Category A Information comprises information about the 'affairs' of individuals other than the applicant - that is, matters of private or personal interest or concern to them. Further, I am satisfied that this information was received or obtained by Departmental officers who were performing functions under or in relation to the administration of the CP Act, and note that public service employees are among the persons to whom section 187 of the CP Act applies.<sup>25</sup> Accordingly, I am satisfied that the Category A Information is subject to the prohibition on disclosure in section 187(2) of the CP Act and qualifies as exempt information under schedule 3, section 12(1) of the RTI Act - unless any of the exceptions to the section 187(2) prohibition on disclosure of information apply (as discussed below).
19. Sections 186A(2) and 187(3) and (4) of the CP Act contain a number of exceptions to the prohibitions on disclosure of information given or received under the CP Act.
20. Of relevance to this review, section 187(4)(a) of the CP Act provides that access may be given to another person to the extent that the information is about the other person. Additionally, schedule 3, section 12(2) of the RTI Act provides that information is not exempt information under schedule 3, section 12(1) if the information is only personal information of the applicant. Where information is not about the applicant, or where the

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<sup>23</sup> The term 'person's affairs' is not defined in the CP Act or the *Acts Interpretation Act 1954* (Qld). *Macquarie Dictionary* (online at 17 December 2025) 'affair/s' (matters of interest or concern) (a private or personal concern), adopted in *7CLV4M and Department of Communities* (Unreported, Queensland Information Commissioner, 21 December 2011) at [30].

<sup>24</sup> As listed in section 187(1)(a) of the CP Act.

<sup>25</sup> Section 187(1)(a)(i) of the CP Act.

information is about the applicant but is not solely about the applicant,<sup>26</sup> or where an applicant's personal information cannot be separated from the personal information of other individuals, these exceptions will not apply, and the information will remain exempt.

21. The parent on behalf of the child applicant submitted that the exception to the exemption has been applied too narrowly and that:<sup>27</sup>

*Much of the excluded material appears to relate both to my children and to the notifier or another person.*

*In such cases, partial release (with redaction) is possible.*

22. I have carefully considered the Category A Information and am satisfied that all of it is about individuals other than the child applicant. I note that frequently, the Category A Information is also about the child applicant, but this information about the applicant is intertwined with the information of the other individuals. I therefore find that the Category A Information is not solely about the child applicant or only the personal information of the child applicant. I am therefore satisfied that the exceptions in section 187(4)(a) of the CP Act and schedule 3, section 12(2) of the RTI Act do not apply to the Category A Information because it is not only about the child applicant.

23. Arguably, the applicant's parent's comment that '*[m]uch of the excluded material appears to relate to both of my children ...*' could be construed as contending that the applicant's parent, has, or could, provide consent to disclosure on behalf of the applicant's sibling - and therefore could be construed as raising the exception in section 187(3)(e) of the CP Act. This exception enables access to information to be given if the person to whom the information relates consents in writing. However, as well as requiring written consent, this exception requires that the person in question is, or has become, an adult. Accordingly, regardless of any consent the parent may provide, or purport to provide,<sup>28</sup> on the child applicant's sibling's behalf, that sibling also remains a child, and therefore this exception cannot apply.

24. The parent on behalf of the child applicant raised several public interest arguments that they considered supported the disclosure of the Category A information, including that disclosure could reasonably be expected to:<sup>29</sup>

- enable the parent to correct inaccurate information
- ensure transparency in child protection processes
- support the right to procedural fairness - including where the Department has relied on information to restrict contact or sought long term orders, procedural fairness requires the parent be given access to this information
- ensure the Courts make decisions based on accurate material; and
- support the cultural rights of Aboriginal children and their families.

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<sup>26</sup> In *Hughes and Department of Communities, Child Safety and Disability Services* (Unreported, Queensland Information Commissioner, 17 July 2012), Assistant Information Commissioner Corby considered whether the exception in section 187(4)(a) of the CP Act applies to shared information about the applicant and other persons. She observed at [26]: '*The CP Act exception only applies where the information is solely about the applicant. Thus where information is simultaneously about the applicant and others, the CP Act exception will not apply*'. See also the note to section 187(4) of the CP Act, which states '[f]or the disclosure of information that is about the person and a third party, see section 188C'. Section 188C(1) of the CP Act provides that the chief executive may disclose information that is about a person and '*also about someone else*' to the person, however this discretion does not extend to OIC and its exercise is not a reviewable decision which may be considered on external review.

<sup>27</sup> Email to OIC dated 17 November 2025.

<sup>28</sup> Given the order granting long term guardianship of the child applicant to the Department's chief executive after commencement of this review, the parent may not now be in a position to provide consent on behalf of the child applicant in any event.

<sup>29</sup> Email to OIC dated 17 November 2025.

25. Further the parent submitted that the CP Act does not automatically override natural justice and should be considered in context when the Category A Information:
- may have been used by the Department in its decision-making
  - affects Court outcomes; and
  - has already been circulated among multiple government bodies.
26. While I acknowledge the submissions made by the parent, they do not raise matters that I am able to take into consideration. The types of information set out in schedule 3 of the RTI Act are exempt information - that is, information the disclosure of which Parliament has considered would, on balance, be contrary to the public interest.<sup>30</sup> Once I am satisfied that the information qualifies as exempt information, there is no scope for me to take the matters raised by the applicant into account.
27. I consider the requirements of sections 186A(1) and/or 187(2) of the CP Act are met and no exceptions in the CP Act or schedule 3, section 12(2) of the RTI Act apply. I therefore find that the Category A Information is exempt information under schedule 3, section 12(1) of the RTI Act and access to it may be refused on this ground.

## Category B Information

### Relevant law

28. Section 88 of the IP Act provides that an agency may give access to a document subject to the deletion of information it considers is not relevant to the terms of an access application. This provision does not set out a ground for refusal of access. Rather, it provides a mechanism to allow irrelevant information to be deleted from documents which are identified for release to an applicant. In deciding whether information is irrelevant, it is necessary to consider whether the information has any bearing upon, or is pertinent to, the terms of the application.<sup>31</sup>

### Findings

29. As noted above, during the review OIC conveyed a preliminary view to the parent on behalf of the child applicant. In relation to the Category B Information, OIC acknowledged that the parent had made separate access applications on behalf of two of their children and explained that the Category B Information that had been deleted in this matter on the ground of irrelevance did not relate to the child applicant in this matter, rather it related to the child applicant's sibling. Given this, it was appropriate for the Category B Information to be deleted, as it relates to the sibling and not the child applicant.
30. The parent on behalf of the child applicant submitted that child safety casework for siblings is typically cross-referenced, interlinked and built on a shared household history and shared events, allegations and safety assessments and information about one child may impact the steps taken by the Department in relation to their sibling.<sup>32</sup>
31. In addition, the parent submitted that deleting the '*cross-referenced information*' removes context and affects the parent's ability to:<sup>33</sup>

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<sup>30</sup> Section 48(2) of the RTI Act.

<sup>31</sup> *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].

<sup>32</sup> Email to OIC dated 17 November 2025.

<sup>33</sup> Email to OIC dated 17 November 2025.

- understand how decisions were formed
  - identify factual errors
  - ensure procedural fairness; and
  - correct inaccuracies affecting both children's cases.
32. As noted at paragraph 9, the Category B Information comprises records of the outcomes of Court proceedings relating to the child applicant's sibling. While I acknowledge that these documents were located on the child applicant's file, the IP Act provides an individual with a right to access documents of an agency to the extent they contain the individual's personal information.<sup>34</sup> The Category B Information does not contain the child applicant's personal information.
33. The Court proceedings related to both the child applicant and their sibling, however generally the Department made records of the outcomes of those proceedings for each child individually. Where those records relate to the child applicant in this matter, the Department has disclosed that information to the applicant. Where those records relate to the sibling of the child applicant they have been disclosed in response to the access application for the sibling. Accordingly, despite the parent's concerns about the effect of not disclosing the Category B information as referred to at paragraph 31, the parent is already in possession of a copy of the Category B Information, albeit copies disclosed to the parent in response to the application made on behalf of the sibling.
34. Given that the scope of the application seeks the personal information of the subject child applicant and the Category B Information comprises information relating solely to the sibling of the child applicant, I find that this information falls outside the scope of the application and accordingly the Category B Information can be deleted from the copies of documents released to the applicant under section 88 of the IP Act.

## DECISION

35. For the reasons set out above, I vary the Department's decision<sup>35</sup> and find that:
- access to the Category A Information may be refused on the ground that it comprises exempt information the disclosure of which is prohibited by the CP Act;<sup>36</sup> and
  - the Category B information may be deleted on the basis that it is not relevant to the access application.<sup>37</sup>
36. 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: 20 February 2026**

<sup>34</sup> Section 40(1)(a) of the IP Act.

<sup>35</sup> Under section 123(1)(b) of the IP Act.

<sup>36</sup> Under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the RTI Act.

<sup>37</sup> Under section 88(2) of the IP Act.