



Decision and Reasons for Decision

Citation:	<i>I43 and Sunshine Coast Hospital and Health Service [2026] QICmr 30 (25 February 2026)</i>
Application Number:	318721
Applicant:	I43
Respondent:	Sunshine Coast Hospital and Health Service
Decision Date:	25 February 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST - request for emails and metadata - personal information and privacy of other individuals - whether disclosure would, on balance, be contrary to public interest - section 67(1) of the <i>Information Privacy Act 2009 (Qld)</i> and sections 47(3)(b) and 49 of the <i>Right to Information Act 2009 (Qld)</i>

REASONS FOR DECISION

Summary

1. The applicant applied to Sunshine Coast Hospital and Health Service (**SCHHS**) under the *Information Privacy Act 2009 (Qld)* (**IP Act**)¹ for access to emails and metadata about himself.
2. SCHHS did not make a decision within the processing period and was therefore taken to have made a decision refusing access to the requested documents.²
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of SCHHS's deemed decision. OIC accepted the application for external review and requested SCHHS provide OIC with a copy of responsive documents.³
4. SCHHS located one document responding to the application⁴ and agreed to disclose it to the applicant, subject to the deletion of personal information of other individuals

¹ 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.

² Under section 66 of the IP Act, notice of which was conveyed to the applicant on 9 June 2025. This is the *reviewable decision* for the purpose of this review.

³ Notice of acceptance was conveyed to the participants by letters dated 3 July 2025.

⁴ Two pages comprising an email sent by the applicant to a doctor on 20 March 2025, and a subsequent communication between the doctor and another individual.

(Third-party Information).⁵ SCHHS subsequently disclosed a redacted copy of the document to the applicant⁶ and OIC conveyed a preliminary view to the applicant that access to the Third-party Information could be refused under the IP Act and RTI Act.⁷ The applicant did not accept OIC's preliminary view, but did not provide any submissions in support of access being granted.⁸

5. In reaching my decision in this review, I have taken into account evidence, submissions, legislation and other material as set out in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information⁹ and in doing so, I have acted in accordance with section 58(1) of the HR Act.¹⁰
6. For the reasons set out below, I vary SCHHS's deemed decision and find that access to the Third-party Information may be refused under section 47(3)(b) of the RTI Act on the basis that disclosure is, on balance, contrary to public interest.

Relevant law

7. Under the IP Act, an individual has a right to be given access to documents in the possession or under the control of an agency to the extent they contain their personal information.¹¹ While the legislation is to be administered with a pro-disclosure bias,¹² the right of access is subject to certain limitations, including grounds for refusing access, as set out in the IP Act and RTI Act.¹³ Relevantly, access to information may be refused where its disclosure would, on balance, be contrary to the public interest.¹⁴
8. 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.
9. The RTI Act explains the steps that the decision-maker must take in deciding the public interest¹⁵ and identifies factors in Schedule 4 that may be relevant to deciding the balance of the public interest. I have considered all these factors, together with other relevant information in reaching my decision, and discuss relevant factors below.

Findings

10. The Third-party Information appears within a chain of email correspondence, originally initiated by the applicant with a doctor (recipient).¹⁶ While I am limited in the extent to which I can describe the information¹⁷ it can generally be described as a private email

⁵ Submission to OIC dated 21 August 2025.

⁶ On 11 September 2025.

⁷ By letter dated 5 September 2025.

⁸ Email dated 5 September 2025.

⁹ Section 21 of the HR Act.

¹⁰ OIC's approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

¹¹ Section 40 of the IP Act.

¹² Section 64 of the IP Act.

¹³ Section 67(1) of the IP Act and section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly: see section 67(2) of the IP Act.

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

¹⁵ Section 49(3) of the RTI Act.

¹⁶ Under section 48(3) of the IP Act, metadata about a document 'includes information about the document's content, author, publication date and physical location.' In *B14 and Legal Services Commission* [2024] QICmr 64 (20 November 2024) at [43], I found that in relation to emails, 'metadata appears in the from, sent, to, subject and attachments fields within the header of each email.' I am satisfied this document responds to the applicant's request for both emails and metadata.

¹⁷ Section 121 of the IP Act.

communication between the recipient doctor and another individual, and email addresses of the recipient doctor and another individual.¹⁸

11. SCHHS must be transparent and accountable about how it deals with members of the public. I consider the information which SCHHS has disclosed to the applicant during the review allows for accountability and transparency of SCHHS.¹⁹ Due to the nature of the Third-party Information, I do not consider that its disclosure would further advance this public interest factor to any significant degree. Accordingly, I afford this factor low weight in favour of disclosure.
12. As set out above, the Third-party Information appears within an email chain of correspondence originally initiated by the applicant. I accept that the communication which has been redacted at the top of the page was created in connection with the applicant's email and is therefore, broadly *about* the applicant. I therefore consider the public interest in the applicant having access to his personal information²⁰ is relevant but afford it only moderate weight given the limited nature of the redacted information. I have also taken into account the fact that it is intertwined with the personal information of the doctor, as discussed below.
13. The RTI Act seeks to safeguard other individuals' right to privacy and recognises a public interest harm in disclosing the personal information of other individuals.²¹ I consider that disclosing the Third-party Information, which appears in connection with an unsolicited email sent to the recipient doctor by the applicant, would constitute a moderate intrusion into the private sphere of the doctor. Although some of the doctor's contact details appear within an the original email authored by the applicant, and would therefore be known to the applicant, I do not consider this reduces the weight of these nondisclosure factors as there can be no restriction on the use, dissemination or republication of information when it is disclosed under the IP and RTI Acts.²² On this basis, I afford significant weight to these factors favouring nondisclosure.
14. On balance, I am satisfied that the factors favouring nondisclosure outweigh the pro-disclosure factors. I find that access to the Third-party Information may be refused.²³

DECISION

15. For the reasons set out above, I vary the reviewable decision²⁴ and find that access to the Third-party Information may be refused under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act on the basis that disclosure is, on balance, contrary to public interest.
16. I have made this decision as a delegate of the Information Commissioner, under section 139 of the IP Act.



Katie Shepherd
Assistant Information Commissioner

Date: 25 February 2026

¹⁸ The applicant's original email to the doctor was dated 20 March 2025. That component of the document has been released to the applicant in its entirety, subject to redaction of the email addresses of the recipient doctor.

¹⁹ Schedule 4, part 2, item 1 of the RTI Act.

²⁰ Schedule 4, part 2, item 7 of the RTI Act.

²¹ Schedule 4, part 3, item 3 and part 4, section 6(1) of the RTI Act.

²² *FLK v Information Commissioner* [2021] QCATA 46 at [17].

²³ Under section 47(3)(b) of the RTI Act.

²⁴ Under section 123(1)(b) of the IP Act.