



## Decision and Reasons for Decision

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<b>Citation:</b>	<b><i>X96 and Queensland Police Service [2026] QICmr 44 (20 March 2026)</i></b>
<b>Application Number:</b>	<b>319164</b>
<b>Applicant:</b>	<b>X96</b>
<b>Respondent:</b>	<b>Queensland Police Service</b>
<b>Decision Date:</b>	<b>20 March 2026</b>
<b>Catchwords:</b>	<b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST - request for investigation records regarding death of another individual - personal information and privacy - prejudice flow of information to agency - whether disclosure would, on balance, be contrary to public interest - sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld)</b>

### REASONS FOR DECISION

#### Summary

1. The applicant applied to the Queensland Police Service (**QPS**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) for access to investigation records relating to the death of another individual known to the applicant.
2. QPS refused access to 17 pages (**Responsive Documents**) on the basis that disclosure would, on balance, be contrary to the public interest.<sup>1</sup> This decision was affirmed by QPS at internal review.<sup>2</sup>
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's internal review decision.
4. OIC conveyed a preliminary view to the applicant that access to the Responsive Documents may be refused under the RTI Act.<sup>3</sup> The applicant did not accept OIC's preliminary view and provided a submission in support of their position.
5. For the reasons set out below, I affirm QPS's decision and find that access to the Responsive Documents may be refused under section 47(3)(b) of the RTI Act on the basis that disclosure is, on balance, contrary to public interest.

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<sup>1</sup> Decision dated 7 November 2025.

<sup>2</sup> Internal review decision dated 3 December 2025. This is the *reviewable decision* for the purpose of this review.

<sup>3</sup> Letter dated 12 March 2026.

## Relevant law

6. Under the RTI Act, an individual has a right to be given access to documents in the possession or under the control of an agency.<sup>4</sup> While the legislation is to be administered with a pro-disclosure bias,<sup>5</sup> the right of access is subject to certain limitations, including grounds for refusing access, as set out in the RTI Act.<sup>6</sup> Relevantly, access to information may be refused where its disclosure would, on balance, be contrary to the public interest.<sup>7</sup>
7. 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.
8. The RTI Act explains the steps that the decision-maker must take in deciding the public interest<sup>8</sup> 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.<sup>9</sup>
9. 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 information<sup>10</sup> and in doing so, I have acted in accordance with section 58(1) of the HR Act.<sup>11</sup>

## Applicant submissions

10. The applicant submitted that:<sup>12</sup>
  - The deceased was the applicant's former schoolmate, and their death is of significant personal importance to the applicant.
  - They have a strong personal interest in accessing this information to assist their closure.
  - They are not seeking sensitive personal information, including the identifying information of third parties.
  - They are seeking factual, non-sensitive information which is routinely disclosed under RTI applications.
  - Privacy concerns can be managed through the redaction of information.
  - The RTI Act promotes proactive disclosure, unless it would be contrary to the public interest.
  - There is substantial public interest in QPS's accountability and transparency relating to the sudden death of a young person, which is of significance to the community.

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<sup>4</sup> Section 23 of the RTI Act.

<sup>5</sup> Section 44 of the RTI Act.

<sup>6</sup> Section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly.

<sup>7</sup> Sections 47(3)(b) and 49 of the RTI Act.

<sup>8</sup> Section 49(3) of the RTI Act.

<sup>9</sup> No irrelevant factors arise in the circumstances of this case and I have not taken any into account in making this decision.

<sup>10</sup> Section 21 of the HR Act.

<sup>11</sup> 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].

<sup>12</sup> External review application dated 4 December 2025 and email dated 12 March 2026.

- The RTI Act does not prohibit disclosure to individuals who are not eligible family members.

## Findings

11. I accept the applicant's submission that release of the Responsive Documents would enhance QPS's accountability and transparency around its decision making in the investigation of the deceased's passing. The applicant has also explained that matters relating to the sudden death of young people require greater accountability, given the impact on the broader community. In this case, I afford the factors which seek to promote QPS's accountability and transparency moderate weight.<sup>13</sup>
12. The applicant explained the significant personal importance of this information for their closure. While I recognise the applicant's basis for seeking this information, the relevant test under the RTI Act is whether disclosure is in the public interest. As identified at paragraph 7, a public interest is generally a consideration common to members of a community, as distinct from matters of private or personal interests. There are however, some recognised public interest considerations that may apply for the benefit of an individual.
13. In *Keogh and Department of Health (Keogh)*<sup>14</sup>, the Information Commissioner recognised that a factor favouring release of information is enlivened, where the disclosure would assist the grieving process of the applicant, and therefore advance the public interest by improving the social and economic well-being of the community. The applicant in *Keogh* was an eligible family member of the deceased, with demonstrated close involvement in the deceased's medical care leading up to their death. Based on the supporting information provided by the applicant about their grief, the Information Commissioner found that it was more probably than not that disclosure would assist the applicant's rehabilitation, enlivening the public interest in the social and economic well-being of the community.
14. The information before me shows that the circumstances of this matter are distinct from that of *Keogh*, as the applicant is not an immediate family member or eligible family member of the deceased, and appears to have had limited involvement or knowledge of QPS's investigation. While the applicant has explained that this information is important to their understanding and closure, I am not persuaded that this public interest factor should be afforded great weight. As such, I find that the public interest in supporting the social and economic well-being of the community through release of this information is deserving of low weight only.
15. Balanced against the factors favouring disclosure, the RTI Act provides that disclosing personal information of an individual, whether living or dead, could reasonably be expected to cause a public interest harm.<sup>15</sup> A public interest factor favouring nondisclosure also arises where the disclosure of information could reasonably be expected to impact on another individual's privacy.<sup>16</sup> The concept of privacy is not defined in the RTI Act, but it can be viewed as the right of an individual to preserve their 'personal sphere' free from interference from others.<sup>17</sup>

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<sup>13</sup> Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

<sup>14</sup> (Unreported, Queensland Information Commissioner, 31 August 2010 at [12]-[22]).

<sup>15</sup> Schedule 4, part 4, section 6 of the RTI Act.

<sup>16</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>17</sup> *Matthews and Gold Coast City Council* (Unreported, Queensland Information Commissioner, 23 June 2011) at [22] paraphrasing the Australian Law Reform Commission's definition of the concept in 'For your information: Australian Privacy Law and Practice' Australian Law Reform Commission Report No. 108 released 11 August 2008, at paragraph 1.56. The report is available at [https://www.alrc.gov.au/wp-content/uploads/2019/08/108\\_vol1.pdf](https://www.alrc.gov.au/wp-content/uploads/2019/08/108_vol1.pdf).

16. The Responsive Documents relate to the deceased's passing and include sensitive information about their life and death. Individuals other than the deceased are also captured within the Responsive Documents, due to involvement in QPS's investigation.
17. The applicant is not seeking sensitive personal information (including identifying information of other individuals) and submitted that privacy concerns can be managed through the redaction of information. Having carefully considered the Responsive Documents, I consider that all information is inextricably intertwined with the sensitive personal information of the deceased, and partial release is not practicable without impacting the personal information and privacy of other individuals.
18. The Information Commissioner has found in some circumstances that the weight afforded to the personal information and privacy nondisclosure factors may be reduced, based on the applicant's demonstrated knowledge of the matters reflected within the documents, or the closeness of their relationship with the deceased.<sup>18</sup> However, for the reasons explained at paragraph 14, I do not consider that the weight to be afforded to these factors are reduced in this case, and as such, afford them significant weight.
19. Finally, some information within the Responsive Documents was provided to QPS by other individuals throughout the investigation. In addition to the personal information and privacy factors discussed above, I also consider that disclosure of this information could reasonably be expected to prejudice the flow of information to police,<sup>19</sup> giving rise to a further factor favouring nondisclosure.
20. QPS investigators dealing with these types of matters rely on the free flow of information from members of the community. I consider that giving access to this information under the RTI Act and outside of the investigation process would mean that the public would be less likely to freely provide information to police in the future, due to concerns about its later dissemination. I afford this factor significant weight in these circumstances, to the extent information was provided to QPS by private individuals.
21. On balance, I am satisfied that the factors favouring nondisclosure outweigh the pro-disclosure factors. I find that access to the Responsive Documents may be refused.<sup>20</sup>

## DECISION

22. For the reasons set out above, I affirm the reviewable decision and find that access to the Responsive Documents may be refused under section 47(3)(b) of the RTI Act on the basis that disclosure is, on balance, contrary to the public interest.
23. I have made this decision under section 110(1)(a) of the RTI Act as a delegate of the Information Commissioner, under section 145 of the RTI Act.



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Brianna Luhrs  
**Manager, Right to Information**

**Date: 20 March 2026**

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<sup>18</sup> See *Keogh* at [30].

<sup>19</sup> Schedule 4, part 3, item 13 of the RTI Act.

<sup>20</sup> Under section 47(3)(b) of the RTI Act.