OFFICE OF THE
Information Commissioner
QUEENSLAND

Decision and Reasons for Decision

Citation:	**M58 and Queensland Corrective Services [2026] QICmr 107 (24 June 2026)**
Application Number:	**318965**
Applicant:	**M58**
Respondent:	**Queensland Corrective Services**
Decision Date:	**24 June 2026**
Catchwords:	**ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST INFORMATION - personal information of public sector employees - whether routine personal work information - protection of privacy - accountability and transparency - whether disclosure of information would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)**

DECISION

1. I affirm the reviewable decision of Queensland Corrective Services (**QCS**) by finding that access to the information in issue may be refused under the *Right to Information Act 2009* (Qld) (**RTI Act**) because its disclosure would, on balance, be contrary to the public interest.[1]

2. This means that no further information is to be released to the applicant.

3. My reasons for the decision follow.

[redacted]

R Moss
Principal Review Officer
Date: 24 June 2026

[1] Decision made under section 110(1)(a) of the RTI Act, as a delegate of the Information Commissioner under section 145 of the RTI Act.

REASONS FOR DECISION

Summary

4. The applicant applied[2] to QCS under the RTI Act for access to documents held by QCS's Legal Services Unit or Executive Services Unit from 1 January 2025 that referenced or discussed the public ventilation by the applicant of grievances against QCS.[3]

5. QCS located ten responsive pages and decided[4] to give the applicant full access to two pages and partial access to eight pages. Access to information was refused on public interest grounds.

6. The applicant applied[5] to the Office of the Information Commissioner (**OIC**) for external review of QCS's decision.

Reviewable decision

7. The decision under review is the decision of QCS dated 3 October 2025.

Evidence considered

8. 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[6] to the extent they are relevant to the issues for determination in this review.

9. 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 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]

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[2] Application made compliant on 29 August 2025.
[3] The terms of the access application have been generalised to avoid potential identification of the applicant.
[4] Decision dated 3 October 2025.
[5] On 3 October 2025.
[6] As contained in the applicant's external review application and in her emails of 25 and 26 November 2025, and 23 May 2026.
[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].

Information in issue

10. Additional information was released to the applicant during the course of the review.[11] The information remaining in issue comprises the names and direct contact details of QCS officers contained on pages 3-6 (**Information in Issue**).[12] The positions/roles of the relevant officers have been disclosed.

Issue for determination

11. The issue for determination is whether access to the Information in Issue may be refused under the RTI Act because its disclosure would, on balance, be contrary to the public interest.

Relevant law – public interest balancing test

12. Under the RTI Act, a person has a right to be given access to documents of an agency.[13] However, this right is subject to provisions of the RTI Act including the grounds on which access to documents may be refused.[14] One of the grounds upon which access may be refused is where disclosure would, on balance, be contrary to the public interest.[15]

13. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must take certain steps as set out in section 49(3) of the RTI Act, including, identifying and disregarding irrelevant factors, identifying factors for and against disclosure, and deciding whether, on balance, disclosure of the information would be contrary to the public interest.

14. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of the public interest lies in a particular case. I have considered these,[16] together with all other relevant information, in reaching my decision. I have also applied the RTI Act's pro-disclosure bias[17] and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.[18]

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[11] On 12 May 2026.

[12] The review has proceeded on the basis that correspondence sent to or from the applicant is not in issue. While the applicant referred in her submissions to pages 1-2, this is a letter that was sent to her.

[13] Section 23 of the RTI Act.

[14] Section 47 of the RTI Act.

[15] Sections 47(3)(b) and 49 of the RTI Act. The 'public interest' '*...is a term embracing matters, among others, of standards of human conduct and of the functioning of government and government instrumentalities tacitly accepted and acknowledged to be for the good order of society and for the well-being of its members. The interest is therefore the interest of the public as distinct from the interests of an individual or individuals*': *Director of Public Prosecutions v Smith* (1991) 1 VR 63. The concept 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, although there are some recognised public interest considerations that may apply for the benefit of an individual: Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

[16] I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed below. Some factors have no relevance. I note that the lists in Schedule 4 are non-exhaustive.

[17] Section 44 of the RTI Act.

[18] Section 47(2) of the RTI Act.

15. In making this decision, I have not taken into account any irrelevant factors.[19] In her submissions, and in response to evidence that she had published certain information in connection with her former employment by QCS, the applicant argued that the possible publication or further dissemination by her of information released to her under the RTI Act in this review is an irrelevant factor that must be disregarded when deciding the public interest.[20] However, it has been decided in numerous OIC decisions, and affirmed by the Queensland Civil and Administrative Tribunal on appeal,[21] that, in considering the weight to be applied to the public interest in protecting the personal information and right to privacy of other individuals under the RTI Act, it is relevant to take account of the fact that there are no restrictions or limitations on the use which the access applicant can make of disclosed information, including by way of further dissemination.

Submissions

16. In its decision, QCS decided that, on balance, the public interest non-disclosure factors concerned with protecting the personal information and right to privacy of the relevant QCS officers outweighed the pro-disclosure factors concerned with enhancing government accountability.

17. Much of the applicant's submission of 25 November 2025 is misconceived/irrelevant to the extent that it discusses the public interest in disclosing 'the substance' of the communications contained in the responsive pages. As noted above, all communications have been disclosed to the applicant. The only information that has not been disclosed is the names and contact details of QCS or Cown Law staff. In relation to this information, the applicant argued in her submissions that it was routine personal work information of public sector employees and that its disclosure under the RTI Act would have minimal impact upon the privacy of the employees. The applicant submitted that '*government must be open and accountable and the public is entitled to know the identity of the service deliverers, advice givers and decision makers*'.[22]

18. The applicant also argued that, in the particular circumstances of this case, the public interest in disclosure was *'unusually strong'* in terms of her being given access to information that would permit scrutiny of the identity of those officers who were involved in discussions or decisions concerning QCS's response to the applicant's public ventilation of her grievances against QCS:

> ...
> *That goes directly to transparency, accountability and the use of public power where a citizen publishes material that is uncomfortable for the state.*[23]
> ...

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[19] Including any set out in schedule 4, part 1 of the RTI Act.
[20] The applicant contended that the possibility of publication of released information by an applicant is, in effect, 'mischievous conduct' by an applicant which is listed as an irrelevant consideration in schedule 4, part 1, item 3 of the RTI Act.
[21] *FLK v Information Commissioner* [2021] QCATA 46 at [17].
[22] Email of 25 November 2026 and extracted from OIC's Information Sheet on 'Third Party personal information'.
[23] Email of 25 November 2026.

> *The authorship and responsibility for those decisions are directly relevant to my ability to understand and where necessary challenge them.*[24]

19. As to the risk of further dissemination or publication of the Information in Issue were it to be released to her under the RTI Act, the applicant relied upon the fact that she had not, to date, published names of public sector employees in connection with her grievances against QCS:[25]

> *…It shows I have previously distinguished between publishing institutional content and publishing staff names or email addresses. In those circumstances, the possibility of further publication should not be given decisive weight against disclosure of official-capacity identifiers necessary to understand authorship, responsibility and decision-making.*
>
> *Giving decisive weight to speculative publication risk in these circumstances would risk neutralising the ordinary accountability value of official-capacity names in any matter involving public scrutiny. That cannot represent the intended operation of the public interest balancing test under the RTI Act.*

20. The applicant reiterated that there was a strong public interest in disclosing the Information in Issue:[26]

> *The records at issue concern QCS and Crown Law's coordinated institutional response to a citizen's* [grievances against QCS]*, the issuing of a formal legal warning under section 341 of the Corrective Services Act 2006, the internal briefing of senior command … and the ongoing management of my complaints and RTI matters by Crown Law officers acting in their official legal advisory capacity. Knowing that a warning letter was sent is not the same as knowing who authorised it. Knowing that an internal briefing was circulated is not the same as knowing who prepared and signed off on it.*
>
> *The OIC's own routine personal work information guideline recognises that disclosure of official-capacity names and roles of senior decision-makers and advisers serves the accountability interest by enabling citizens to understand the chain of authorship and responsibility behind decisions that affect them. The privacy impact of disclosing routine official-capacity identifiers for senior officers acting wholly within their official roles is, on the OIC's own published position, generally low.*

Findings

21. It is clear that the Information in Issue is the personal information[27] of the relevant QCS officers. A public interest harm in its disclosure therefore automatically arises.[28] Associated with this harm factor is the nondisclosure factor that recognises the public interest in protecting an individual's right to privacy.[29]

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[24] Email of 23 May 2026.
[25] Email of 23 May 2026.
[26] Email of 23 May 2026.
[27] As defined in section 12 of the *Information Privacy Act 2009* (**IP Act**).
[28] Schedule 4, part 4, section 6 of the RTI Act.
[29] Schedule 4, part 3, item 3 of the RTI Act.

22. Whether or not personal information of public sector employees is to be correctly characterised as routine personal work information depends upon a consideration of the information itself, the context in which it appears, and any relevant surrounding circumstances.

23. In this case, the Information in Issue appears in the context of identifying QCS and Crown Law officers who were involved in discussions about the public ventilation by the applicant of her grievances against QCS that included allegations of 'procedural misconduct' by QCS officers.[30] As the applicant noted in her submissions, she was sent a letter by QCS in which she was reminded, in connection with her publication of information about QCS, of the confidentiality provisions that are contained in the *Corrective Services Act 2006* (Qld).[31]

24. Given the particular circumstances surrounding the communications contained in the responsive pages and the matters discussed, as well as taking account of the applicant's grievances against QCS regarding what she alleges is unfair treatment of her by QCS officers involving procedural misconduct, I am satisfied that the Information in Issue cannot properly be regarded as routine personal work information of public sector employees.

25. In determining the weight to be given to the personal information/privacy nondisclosure factors, it is necessary to take into account not only the surrounding circumstances and the context in which the Information in Issue is recorded, but also the nature of the communications themselves (which have been disclosed to the applicant) and the impact that identifying public sector employees in connection with the communications could reasonably be expected to have on the protection of the officers' right to privacy. As regards the latter consideration, I note that the communications are mostly factual in nature. While I consider that the prejudice to privacy and the public interest harm resulting from disclosure of the Information in Issue is not at the higher end of the spectrum, after assessing the mix of all relevant circumstances surrounding the communications, I still afford these factors low to moderate weight in favour of nondisclosure.

26. In affording this weight, and for the reasons discussed at paragraph 15 above, I am satisfied that it is relevant to take account of the fact that there are no restrictions upon what a person may do with information that is disclosed to them under the RTI Act, including the possibility of further dissemination or publication. I acknowledge that, to date, the applicant apparently has not published the names of public sector employees with whom she has interacted. She argues that this means that the public interest in protecting the right to privacy should not be given 'decisive weight' in the public interest balancing test. However, in circumstances where no legally binding restriction can be placed on any applicant to prevent them from publishing material accessed under the RTI Act, evidence of previous conduct, or mere assurances that publication will not occur in the future, cannot serve to reduce the relevant weight to be afforded to the personal information/privacy nondisclosure factors.

[30] Page 3 of the released information.
[31] Pages 1-2 of the released information.

27. Turning now to the public interest factors favouring disclosure of the Information in Issue upon which the applicant relies, these relate to the accountability and transparency of QCS in its dealings with the applicant, including its decision-making, and the administration of justice:[32]

    a) disclosure could reasonably be expected to enhance the accountability and transparency of government and provide background or contextual information that informed government decision-making;[33] and
    b) disclosure could reasonably be expected to contribute to the administration of justice generally, or for a person, including procedural fairness.[34]

28. Given that the applicant has been given access to the substance of the various communications contained in the responsive pages, I am satisfied that disclosure of the Information in Issue could not reasonably be expected to reveal the reason for a government decision or any background or contextual information that informed government decision-making. I am therefore satisfied that the public interest factor in schedule 4, part 2, item 11 of the RTI Act does not apply to the Information in Issue and I afford it no weight in the public interest balancing test.

29. Similarly, I am not satisfied that disclosure of the Information in Issue would provide the applicant with any additional information about the operations of QCS (or Crown Law). I therefore find that the factor in schedule 4, part 2, item 3 of the RTI Act does not apply to the Information in Issue and I afford it no weight in the public interest balancing test.

30. In respect of QCS's accountability more generally, the applicant argues that the names of the officers involved in the communications that have been disclosed to her are '*directly relevant to my ability to understand* [decisions] *and where necessary challenge them'.*[35] I do not agree. I do not accept that the applicant requires access to the identities of the officers referred to in the communications in order to understand the contents of the communications (noting again that the contents have been fully disclosed) or to challenge them. Nor do I accept, in any event, that the communications on pages 3-6 of the Information in Issue contain decisions made about the applicant, or evidence of a decision-making 'chain of command'. Pages 3-4 comprise a factual briefing note. The note contains no discussion or recommendations about any further action to be taken. The communications on pages 5 and 6 are again, factual in nature, and simply note the publication of material about QCS by the applicant, and that further correspondence had been received from the applicant.

31. As to the 'warning letter' that the applicant received from QCS (see paragraph 23 above) the applicant argues that *'knowing that a warning letter was sent is not the same as knowing who authorised it.'* Given that the letter was sent to the applicant,

[32] The Information in Issue does not contain the applicant's personal information and the public interest factor favouring disclosure in schedule 4, part 2, item 7 of the RTI Act therefore does not apply.
[33] Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.
[34] Schedule 4, part 2 , items 16 and 17 of the RTI Act.
[35] Email of 23 May 2026.

she is clearly already aware of who signed it. The applicant is also already aware, from the content of the released communications, that none discloses that anyone 'authorised' the sending of the letter to her.[36]

32. For these reasons, I find that disclosure of the Information in Issue would contribute only minimally to the accountability of QCS regarding its dealings with the applicant. I am satisfied that the identities comprising the Information in Issue have little to no relevance to the substantive issues about which the applicant has complained, that is, QCS's response to the ventilation by the applicant of her grievances. As noted, the communications in question on pages 3-6 do not indicate that the officers concerned were involved in making decisions about the applicant or exercising powers to determine how the matter should be handled. The official letter that was sent to the applicant by QCS was signed by the responsible officer, and the applicant is therefore aware of the identity of the officer and the position they hold at QCS. In addition, there is also nothing to indicate that any of the officers in question were acting outside their authority or their official capacity as officers of QCS (or Crown Law). As such, their actions (including their involvement in discussing matters concerning the applicant) are properly to be regarded as actions taken on behalf of QCS/Crown Law as their employer.

33. For these reasons, I afford minimal weight to the accountability public interest factor contained in schedule 4, part 3, item 1 of the RTI Act. I consider that disclosure of the substance of the communications, together with the roles of the officers who authored the communications, discharges, to a significant extent, any public interest in QCS's accountability.

34. Finally, and for the same reasons as those discussed above, I am unable to identify how disclosure of the Information in Issue could reasonably be expected to contribute to the administration of justice for the applicant, either generally, or in respect of affording her procedural fairness. I am not aware that any formal action was taken against the applicant by QCS in connection with the ventilation of her grievances. Furthermore, I am not satisfied that disclosing the Information in Issue would provide the applicant with any information that would be of relevance or assistance in connection with any other legal or complaint/grievance proceedings involving the applicant and QCS. I therefore find that the administration of justice factors do not apply to the Information in Issue and I afford them no weight in the public interest balancing test.

35. In summary, I acknowledge that the pro-disclosure bias applies to the Information in Issue, and that there is a very limited degree of accountability in its disclosure. This very limited degree is due to the fact that the applicant has already been given access to the substance of the communications in question on pages 3-6; these communications do not evidence any decisions made about the applicant; and the minimal relevance of the names contained in the Information in Issue to the

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[36] Noting that it is generally accepted convention that the signatory to a letter is responsible for the contents of the letter. Noting also that, in making her submissions, the applicant at times appears to overlook the fact that the Information in Issue comprises only the names of public sector employees and that the substantial body of all communications (other than references to names of QCS/Crown Law officers) has been disclosed to her.

substance of the applicant's complaints. On the other hand, I am satisfied that, in the particular circumstances of this case, low to moderate (and therefore determinative) weight should be afforded to the nondisclosure factors that are intended to protect the personal information and private sphere of public sector employees, taking account of there being no ability to control the further dissemination of information released under the RTI Act.

36. After balancing the competing public interest factors, I find that those favouring nondisclosure outweigh those favouring disclosure such that disclosure of the Information in Issue would, on balance, be contrary to the public interest. Access under the RTI Act may therefore be refused on that basis.

Conclusion

37. The above are the reasons for my decisions set out at paragraph 1 above.

--End--