



Decision and Reasons for Decision

Citation: *A87 and Queensland Police Service* [2019] QICmr 37
(3 September 2019)

Application Number: 314331

Applicant: A87

Respondent: Queensland Police Service

Decision Date: 3 September 2019

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - PREJUDICE TO SYSTEM OR PROCEDURE - information regarding referral of the applicant to the Queensland Fixated Threat Assessment Centre and its identification and assessment processes - prejudice effectiveness of a system or procedure for the protection of persons or property - whether information is exempt under schedule 3, section 10(1)(i) of the *Right to Information Act 2009* (Qld) - whether access to information may be refused under section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(a) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST - personal information of third parties and information contained in an application for a justices examination order - accountability, transparency and disclosure of applicant's personal information - prejudice to other individuals' privacy and harm through disclosure of personal information - prejudice to security, law enforcement/public safety and flow of information to police - whether disclosure would, on balance, be contrary to the public interest - whether access to information may be refused under section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied, under the *Information Privacy Act 2009* (Qld) (**IP Act**), for access to 'information and particulars pertaining to an intelligence submission on 4 December 2015 regarding myself'.¹

¹ Access application dated 24 August 2018, which became compliant on 13 September 2018.

2. QPS granted the applicant full access to two pages and partial access to 13 pages. QPS decided to refuse access to seven full pages and the remaining parts of 13 pages on the basis that disclosure would, on balance, be contrary to the public interest.² In its decision, QPS also referred to section 47(3)(a) of the RTI Act to refuse access to parts of documents comprising exempt information.³
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS' refusal of access decision.⁴ The applicant requested that OIC release all information without redactions as '*such disclosure is essential to the administration of justice, both personally and for the wider community*'.⁵
4. For the reasons set out below, I affirm QPS' decision to refuse access to information on the basis that certain information is exempt, and the disclosure of the remaining information would, on balance, be contrary to the public interest.⁶

Background

5. The information released to the applicant by QPS disclosed that, in December 2015, the applicant had been the subject of a referral to the Queensland Fixated Threat Assessment Centre (**QFTAC**), and that a Justices Examination Order (**JEO**) had been issued against her.
6. QFTAC is a joint initiative between the QPS and the Queensland Forensic Mental Health Service, implemented in 2013, that identifies fixated individuals through irregular communications with public office holders. QFTAC seeks to mitigate the risk posed by these individuals by linking them with mental health interventions and addressing other identified risk factors.⁷
7. The JEO process (no longer in force) previously allowed members of the community to apply to a Justice of the Peace or Magistrate to issue a JEO against another individual, who was believed to be suffering from a mental illness, and requiring examination by a healthcare professional. Once issued, the JEO authorised a doctor or mental health practitioner to examine the person.⁸
8. Significant procedural steps relating to the external review are set out in the Appendix. The evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including the footnotes and Appendix).
9. The decision under review is QPS' decision dated 19 November 2018.

Information in issue

10. The information to which access has been refused appears in the following documents:
 - QPS street check summary⁹ and enquiry log report¹⁰

² Decision dated 19 November 2018, relying on section 47(3)(b) of the *Right to Information Act 2009* (Qld) (**RTI Act**).

³ Schedule 3, section 10(1)(f) of the RTI Act.

⁴ Application received 8 December 2018.

⁵ External review application dated 6 December 2018.

⁶ Under section 47(3)(a) and (b) of the RTI Act.

⁷ See the *Police Communications Centre Mental Health Liaison Service Evaluation Report* (May 2016) at page 12: <https://www.qmhc.qld.gov.au/sites/default/files/evaluation_report_police_communications_centre_mental_health_liason_service.pdf> (accessed 4 July 2019).

⁸ As of March 2017, the JEO process was superseded by the Emergency Examination Authority process prescribed under the *Mental Health Act 2016* (Qld).

⁹ Part refusal of page 1.

¹⁰ Part refusal of pages 3 and 4.

- QFTAC referral and QFTAC assessment forms¹¹
- application for JEO;¹² and
- QPS email communications (internal and external).¹³

11. The issues for determination are whether:

- the QFTAC assessment forms and certain information in the QFTAC referral, QPS email communications and enquiry log report (**QFTAC Information**) comprise exempt information to which access may be refused;¹⁴ and
- the application for a JEO (**JEO Application**) and certain information in the QPS street check summary, enquiry log report, QFTAC referral and QPS email communication (**Third Party Information**) would, on balance, be contrary to the public interest to disclose, and subject to a refusal of access decision.¹⁵

Exempt information

12. The IP Act provides an individual a right to access documents of an agency to the extent they contain the individual's personal information.¹⁶ This right of access is subject to certain limitations, including grounds for refusal of access.¹⁷ One ground for refusing access is where information is exempt.¹⁸ Information will be exempt if its disclosure could reasonably be expected to prejudice a system or procedure for the protection of persons, property or the environment.¹⁹ For this exemption to apply, the Information Commissioner has previously found that the following three elements must be satisfied:

- (a) there exists an identifiable system or procedure
- (b) it is a system or procedure for the protection of persons, property or the environment; and
- (c) disclosure could reasonably be expected to prejudice that system or procedure.²⁰

QFTAC Information

13. I am limited in the extent to which I can describe the exact content of the QFTAC Information.²¹ However, as noted above, it appears in QFTAC assessment forms, and certain parts of the QFTAC referral, QPS email communications and enquiry log report.²² Broadly, the QFTAC Information discusses processes followed by QFTAC in conducting an assessment, and factors taken into account by QFTAC in dealing with a referral.

14. The applicant submits that disclosure would '*prejudice the corruption... in our "law enforcement"*', but would not '*comprise any genuine system or procedure*'. Further, the applicant submits that that she does not have mental health issues or a history of

¹¹ Full refusal of pages 5 and 11-14 and part refusal of pages 6 and 7.

¹² Full refusal of pages 15 and 16.

¹³ Part refusal of pages 8-10, 17-20 and 22. Noting that most of the refused information in the emails comprises the names and/or contact details of other individuals.

¹⁴ Under section 67(1) of the IP Act and 47(3)(a) of the RTI Act.

¹⁵ Under section 67(1) of the IP Act and 47(3)(b) of the RTI Act.

¹⁶ Section 40 of the IP Act.

¹⁷ Section 67(1) of the IP Act sets out that an agency may refuse access to information 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.

¹⁸ Section 47(3)(a) of the RTI Act.

¹⁹ Schedule 3, section 10(1)(i) of the RTI Act.

²⁰ *SQD and Department of Justice and Attorney-General* (Unreported, Queensland Information Commissioner, 2 September 2010) at [9] applying *Ferrier and Queensland Police Service* (1996) 3 QAR 350.

²¹ Section 121 of the IP Act.

²² Part pages 3, 4, 7 and 9 and full pages 5 and 11-14.

violence and QFTAC does not undertake work reflecting the 'official reasons' it was established and is protecting corrupt government employees.²³

15. I am satisfied that the process of identifying communications of concern, by QPS and QFTAC, comprises an identifiable system or procedure. This system includes the identification of communications and referral of concerned individuals, as well as intelligence gathering exercises in order to anticipate and mitigate the risks posed by fixated behavior. I consider this system is designed to ensure the safety and security of the subject individuals, the broader community and in some instances, publicly/private-owned property. For these reasons, I find that requirements (a) and (b) above are met.
16. I am also satisfied that revealing the specific methods or tools that QFTAC uses to assess/monitor communications and associated behavior, could reasonably be expected to allow individuals to use that information to modify their behavior in such a way so as to avoid detection by the QFTAC system. I am satisfied that this would compromise the ongoing effectiveness of the QFTAC system as vulnerable individuals in need of mental health intervention and support may not be identified by the system. As a result, I find that disclosure of such information could reasonably be expected to prejudice QFTAC's identification and assessment system, and requirement (c) is also met.
17. On the basis of the above, I am satisfied that the QFTAC Information is exempt as its disclosure could reasonably be expected to prejudice a system or procedure for the protection of persons, property or the environment, and that access to it may therefore, be refused.²⁴
18. The applicant has submitted extensively that there are many public interest factors favouring disclosure of the QFTAC Information. However, where information is found to be exempt, there is no scope under the legislation to take into account public interest arguments—that is because Parliament has decided that it would be contrary to the public interest to disclose exempt information.²⁵ Also, the Information Commissioner does not have the power to direct that access be given to exempt information.²⁶ For these reasons, I have not examined the applicant's submissions about public interest factors in relation to the QFTAC Information. I have however, considered them in my analysis of the JEO Application and Third Party Information, below.

Contrary to public interest information

19. Access to information may be refused where its disclosure would, on balance, be contrary to the public interest.²⁷ 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.²⁸ 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.

²³ Undated submissions received by email dated 5 August 2019.

²⁴ Under section 47(3)(a) of the RTI Act. I have had regard to the exceptions listed in schedule 3, section 10(2) of the RTI Act and am satisfied that there is no evidence in the QFTAC Information to establish that any of the stated exceptions apply.

²⁵ Section 48(2) of the RTI Act.

²⁶ Section 118(2) of the IP Act.

²⁷ Sections 47(3)(b) and 49 of the RTI Act.

²⁸ Chris Wheeler, 'The Public Interest: We know it's important, but do we know what it means' (2006) 48 *AIAL Forum* 12, 14.

20. Various factors may be relevant to deciding where the balance of the public interest lies²⁹ and a decision-maker is required to take specific steps in reaching a decision on disclosure.³⁰ My assessment of the public interest factors that I have found to be relevant in this case, is set out below.³¹
21. The applicant submits that disclosure is ‘essential to accountability of police’³² and it is ‘in the public interest that (certain police action) be exposed’³³ and that disclosure would ‘enhance our democracy, the security of the people and their right to be protected from dishonourable and corrupt official practices and enhance public safety’.³⁴ The applicant also states that she was ‘accused of having mental health issues’,³⁵ forced to attend appointments with a psychiatrist³⁶ and disclosure will enable her to clear her name.³⁷ Further, the applicant submits that information has been ‘fabricated’ and is inaccurate, misleading and incomplete,³⁸ that public servants, including QPS officers, have engaged in illegal and fraudulent investigations, as well as misconduct or corrupt conduct,³⁹ refusing access will ‘prevent crimes committed by police officers from coming to light’⁴⁰ and ‘the ability for individuals to access their own information is one of the few antidotes that can act as restraint to abuse of power’.⁴¹

JEO Application

Factors favouring disclosure

22. The applicant’s personal information⁴² appears throughout the JEO Application,⁴³ giving rise to a fundamental public interest factor favouring disclosure.⁴⁴ This factor is routinely afforded high weight given the importance of individuals being able to access their personal information held by government agencies. In this case, however, I find that the weight of the factor is somewhat reduced because the applicant has already been granted access to a significant amount of her personal information by QPS within the released documents.
23. I am further satisfied that disclosing the JEO Application could reasonably be expected to enhance QPS’ accountability and transparency.⁴⁵ I also consider that disclosure could reasonably be expected to reveal background and contextual information to decisions made by QPS⁴⁶ in relation to the applicant, and to a lesser extent, contribute to positive and informed debate in relation to the JEO process.⁴⁷ As the information appears in the context of government initiatives to manage mental health issues in the community, I find that these factors carry high weight in favour of disclosure.

²⁹ Including the non-exhaustive list of factors in schedule 4 of the RTI Act.

³⁰ Section 49 of the RTI Act. The steps include: disregarding any irrelevant factors, identifying relevant factors favouring disclosure and nondisclosure and balancing the relevant factors.

³¹ In the circumstances of this case, no irrelevant factors arise and I have not taken any, including those set out in schedule 4, part 1, of the RTI Act, into account.

³² Submission dated 2 May 2019.

³³ Submission dated 2 May 2019.

³⁴ Submissions dated 6 December 2018.

³⁵ Submissions dated 6 December 2018.

³⁶ Submissions dated 6 December 2018.

³⁷ Submission dated 2 May 2019.

³⁸ Submissions 6 December 2018, 2 May 2019 and 21 June 2019.

³⁹ Submissions dated 2 May 2019.

⁴⁰ Submissions dated 2 May 2019.

⁴¹ Email submission dated 1 July 2019.

⁴² ‘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’.

⁴³ Full pages 15 and 16.

⁴⁴ Schedule 4, part 2, item 7 of the RTI Act.

⁴⁵ Schedule 4, part 2, items 1 and 3 of the RTI Act.

⁴⁶ Schedule 4, part 2, item 11 of the RTI Act.

⁴⁷ Schedule 4, part 2, item 2 of the RTI Act.

24. The public interest will favour the disclosure of information which could reasonably be expected to contribute to the administration of justice generally, including procedural fairness.⁴⁸ I accept that disclosing the JEO Application would afford the applicant a level of procedural fairness in terms of providing her with a more comprehensive understanding of the information contained in the JEO Application. The weight this factor attracts is reduced by the information already released to the applicant, and therefore, I afford moderate weight to this factor favouring disclosure.
25. The applicant submits that she has '*suffered loss, damage and a great wrong*' and she will never be able to '*obtain any legal redress*'.⁴⁹ The RTI Act recognises that the public interest will favour disclosure of information which could reasonably be expected to contribute to the administration of justice for a person.⁵⁰ The Information Commissioner has previously found that this factor will apply when disclosure would enable the pursuit or evaluation of an appropriate legal remedy.⁵¹ The applicant has not however, provided evidence to support her assertions that she has suffered loss and damage, nor has she detailed the specific claim she intends to pursue, a reasonable basis for seeking to pursue the remedy, or how the information would assist in pursuit of or evaluation of that remedy. In the absence of such evidence I afford no weight to this factor.
26. The applicant's submissions also seek to raise the following factors favouring disclosure, and I have therefore, considered whether disclosure of the JEO Application could reasonably be expected to:
- (a) ensure effective oversight of expenditure of public funds⁵²
 - (b) allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official⁵³
 - (c) reveal or substantiate that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct;⁵⁴
 - (d) advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies⁵⁵
 - (e) reveal that the information was incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant;⁵⁶ or
 - (f) contribute to the enforcement of criminal law.⁵⁷
27. Given the nature of the information in the JEO Application to which access has been refused I afford some, but limited, weight to factors (b) and (d) listed above. However, I am satisfied that there is no evidence in the JEO Application to afford any weight to factors (a), (c), (e) and (f) listed above.

Factors favouring nondisclosure

28. The RTI Act recognises that disclosure of another individual's personal information is a factor favouring nondisclosure which could reasonably be expected to lead to a public interest harm (**Harm Factor**).⁵⁸ A further factor favouring nondisclosure arises if

⁴⁸ Schedule 4, part 2, item 16 of the RTI Act.

⁴⁹ Submissions dated 21 June 2019.

⁵⁰ Schedule 4, part 2, item 17 of the RTI Act.

⁵¹ *Willsford and Brisbane City Council* (1996) 3 QAR 368.

⁵² Schedule 4, part 2, item 4 of the RTI Act.

⁵³ Schedule 4, part 2, item 5 of the RTI Act.

⁵⁴ Schedule 4, part 2, item 6 of the RTI Act.

⁵⁵ Schedule 4, part 2, item 10 of the RTI Act.

⁵⁶ Schedule 4, part 2, item 12 of the RTI Act.

⁵⁷ Schedule 4, part 2, item 18 of the RTI Act.

⁵⁸ Schedule 4, part 4, section 6 of the RTI Act. The concept of '*disclosure*' as used in the Harm Factor apprehends the giving of information to a person or entity not otherwise possessed of knowledge of that information. While '*disclose*' as used in the Harm

disclosure could reasonably be expected to prejudice the protection of an individual's right to privacy.⁵⁹ While the concept of 'privacy' is not defined in the RTI Act, it can be viewed as the right of an individual to preserve their personal sphere from interference by others.⁶⁰

29. The JEO Application contains information provided to QPS and QFTAC by individuals to assist QFTAC in its assessment of the applicant. This information identifies other individuals and describes their views expressed in connection with the subject matter of the JEO. I am satisfied that disclosure would reveal the personal information of those individuals, causing a public interest harm and resulting in prejudice to the protection of their privacy. I afford both these factors significant weight in favour of nondisclosure due to the sensitive context in which the information appears.
30. Public interest factors favouring nondisclosure will also arise where disclosure of information could reasonably be expected to prejudice security, law enforcement or public safety,⁶¹ and prejudice the flow of information to police.⁶² At the time it was in force, the JEO process formed part of the framework, for QPS and other government agencies, to manage mental health issues in the community, and provide support for individuals with mental health concerns.
31. The JEO Application includes information provided to QPS (and QFTAC) by members of the community voluntarily, as well as information provided to other government agencies. To ensure the effectiveness of the JEO process (and similar current processes), individuals must be able to provide information without concern about the broader disclosure of that information.⁶³
32. The applicant submits that disclosure would not prejudice the flow of 'genuine information' to police and law enforcement.⁶⁴ However, protecting the flow of information to police is recognised even in circumstances where the allegations are found to be false or unsubstantiated.⁶⁵
33. I am satisfied that disclosure of the JEO Application could reasonably be expected to prejudice the flow of information to QPS as it may deter members of the community from providing information to QPS about valid mental health concerns they have about another individual.⁶⁶ Given that QPS relies on information provided by members of the community in this context, and the importance of people receiving treatment for mental health issues, I consider this factor carries significant weight in favour of nondisclosure.
34. Details of the applicant's referral to QFTAC, steps taken by QFTAC officers in response and methods of assessment also appear in the JEO Application. As set out at paragraph 16, I consider that disclosure of this type of information would reveal the

Factor is not defined in the RTI Act, the word is defined in section 23 of the IP Act as it relates to the application of the Information Privacy Principles – to 'disclose personal information' relevantly means to give that information to an entity who does not otherwise know the information and is not in a position to find it out. This accords with the ordinary dictionary definition of 'disclose': relevantly, to 'make known; reveal': Macquarie Dictionary Online: <www.macquariedictionary.com.au> (accessed 8 July 2019).

⁵⁹ Schedule 4, part 3, section 3 of the RTI Act.

⁶⁰ 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 [1.56].

⁶¹ Schedule 4, part 3, item 7 of the RTI Act.

⁶² Schedule 4, part 3, item 13 of the RTI Act.

⁶³ See *SQD and Department of Justice and Attorney-General* (Unreported, Queensland Information Commissioner, 2 September 2010) at [17]-[19] and *74KDLG and Department of Health* (Unreported, Queensland Information Commissioner, 25 February 2011) at [17] where the Information Commissioner considered this issue in the context of exemption provisions.

⁶⁴ Submissions dated 2 May 2019.

⁶⁵ *P6Y4SX and Queensland Police Service* [2015] QICmr 25 (11 September 2015) at [27]-[31] and *WL1T8P and Queensland Police Service* [2014] QICmr 40 (16 October 2014) at [48]-[51].

⁶⁶ While the JEO process is no longer in force, its successor, the Emergency Examination Authority process, similarly relies on information provided by members of the community.

processes QFTAC uses to identify individuals requiring intervention. In turn, this could result in individuals mitigating certain behaviours to avoid identification by the QFTAC system. I am satisfied that QFTAC forms part of the public safety framework that is enforced by QPS and disclosure of this information would therefore impact the ability of QFTAC and QPS to identify and manage safety risks to individuals and the general public. I accept however that the sensitivity of the information appearing in the JEO Application is somewhat reduced as it pertains only reasons relating to the applicant and not the QFTAC system more broadly. I therefore, afford moderate weight to the nondisclosure factor relating to protecting against prejudice to security, law enforcement or public safety.

Conclusion

35. In respect of the JEO Application, I am satisfied that disclosure would enhance QPS' accountability and transparency, reveal background and contextual information and contribute to positive and informed debate—I afford these factors high weight. I also consider that disclosure of the applicant's own personal information and the contribution to procedural fairness moderately favour disclosure, but that the public interest in assisting inquiry and advancing fair treatment of individuals carry only limited weight.
36. On the other hand, I consider that disclosure is reasonably likely to prejudice the flow of information to police, disclose personal information of individuals other than the applicant and prejudice the protection of other individuals' privacy I afford each of these factors significant weight. I also attribute moderate weight to the public interest in preventing prejudice to the QFTAC system which forms part of the public safety framework enforced by QPS. I am satisfied that the collective weight of these factors is sufficient to tip the balance in favour of nondisclosure.
37. On that basis, I find that access to the JEO Application may be refused as its disclosure would, on balance, be contrary to the public interest.⁶⁷

Third Party Information

38. The Third Party Information⁶⁸ mostly comprises the personal information of other individuals, such as names, job titles, contact details and email addresses. There are also some small segments of information which also contain the applicant's personal information. I find that those are instances of 'shared' personal information which cannot be severed, without revealing the personal information of the other individuals.
39. I accept that some of the Third Party Information may already be known to the applicant and with respect to any 'known' information, I accept that the Harm Factor cannot apply as release under the IP Act would not constitute a disclosure.⁶⁹ However, where information is not already known to the applicant, I am satisfied that disclosure would cause a public interest harm, and given the sensitive context in which it appears, I afford significant weight to this factor in favour of nondisclosure of information that is not known to the applicant.
40. I also find that disclosure of other individuals' identities, views and opinions could reasonably be expected to prejudice the protection of their right to privacy, given the sensitive context in which the information appears. I find that this gives rise to a further

⁶⁷ Under section 47(3)(b) of the RTI Act.

⁶⁸ Part pages 1, 3, 4, 6-10, 17-20, 22.

⁶⁹ Where releasing personal information would involve conveying to any person or entity information that they already know, it cannot be said such release would 'disclose' personal information within the meaning of the Harm Factor, and therefore, the factor will not apply

factor favouring nondisclosure.⁷⁰ I am satisfied that information provided to QPS by private individuals, in the context of mental health issues, attracts a high level of sensitivity, and its disclosure could reasonably be expected to prejudice the protection of other individuals' privacy. I therefore, afford this factor significant weight in favour of nondisclosure of the Third Party Information.

41. Disclosure of the Third Party Information would provide a more comprehensive account of the information held by QPS, and therefore, disclosure would enhance QPS' accountability and transparency.⁷¹ To the extent the Third Party Information comprises shared personal information, disclosure would also allow the applicant to access her own personal information.⁷² However, I consider that the limited nature of the Third Party Information and the information released to the applicant significantly reduce the weight of these factors and I afford these factors low weight in favour of disclosure.

Conclusion

42. I am satisfied that the factors relating to the protection of third party personal information and their right to privacy carry significant weight in favour of nondisclosure. The low weight attributed to enhancing QPS' accountability and transparency and allowing the applicant to access her own personal information are insufficient to outweigh this. On balance, I find that access to the Third Party Information may be refused as its disclosure would, on balance, be contrary to the public interest.⁷³

DECISION

43. I affirm QPS decision that access to the information in issue in this review may be refused on the basis that it is either exempt (QFTAC Information)⁷⁴ or its disclosure would, on balance, be contrary to the public interest (JEO Application and Third Party Information).⁷⁵
44. I have made this decision under section under section 123 of the IP Act, as a delegate of the Information Commissioner under section 139 of the IP Act.

K Shepherd
Assistant Information Commissioner

Date: 3 September 2019

⁷⁰ Schedule 4, part 3, item 3 of the RTI Act.

⁷¹ Schedule 4, part 2, items 1, 3 and 11.

⁷² Schedule 4, part 2, item 7.

⁷³ Under section 47(3)(b) of the RTI Act.

⁷⁴ Section 47(3)(a) of the RTI Act.

⁷⁵ Section 47(3)(b) of the RTI Act.

APPENDIX**Significant procedural steps**

Date	Event
8 December 2018	OIC received the application for external review.
11 December 2018	OIC notified the applicant and QPS that the application for external review had been received. Procedural information was requested from QPS.
4 January 2019	OIC received the requested information from QPS.
8 January 2019	OIC notified the applicant and QPS that the application for external review had been accepted. OIC requested that QPS provide the information in issue.
10 January, 13 and 26 February 2019	OIC received the requested documents from QPS.
12 April 2019	OIC conveyed a preliminary view to the applicant that access to the information in issue may be refused under section 47(3)(b) of the RTI Act as its disclosure would, on balance, be contrary to the public interest.
3 May 2019	OIC received submissions from the applicant.
24 May 2019	OIC wrote to the applicant, confirming the preliminary view.
4 June 2019	The applicant requested an extension of time in which to respond to OIC's preliminary view.
6 June 2019	OIC granted the applicant an extension of time to provide submissions.
22 June and 1 July 2019	OIC received further written submissions from the applicant.
22 July 2019	OIC conveyed a revised preliminary view to the applicant that access to the QFTAC Information may be refused under section 47(3)(a) of the RTI Act as its disclosure would prejudice a system or procedure for the protection of persons, property or the environment. OIC also confirmed the preliminary view that access to the JEO Application and Third Party Information may be refused under section 47(3)(b) of the RTI Act as its disclosure would, on balance, be contrary to the public interest.
23 July 2019	OIC conveyed the above preliminary view to QPS.
5 and 20 August 2019	OIC received further written submissions from the applicant.