



Decision and Reasons for Decision

Citation: *H67 and Queensland Police Service [2025] QICmr 98 (15 December 2025)*

Application Numbers: 318968

Applicant: H67

Respondent: Queensland Police Service

Decision Date: 15 December 2025

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - noncompliance with application requirement - whether the agency was entitled to decide an application does not comply with all relevant application requirements - requirement to provide evidence of identity - section 53 of the *Information Privacy Act 2009* (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Queensland Police Service under the *Information Privacy Act 2009* (Qld) (**IP Act**) for access to documents (**Access Application**).
2. QPS decided² to refuse to deal with the Access Application under section 53(6) of the IP Act on the basis that the mandatory identification requirement³ necessary for a valid access application had not been met.
3. The applicant applied⁴ to the Office of the Information Commissioner (**OIC**) for external review of QPS' decision.
4. I affirm QPS' decision. QPS was entitled to refuse to deal with the Access Application, under section 53 of the IP Act.⁵

¹ Application dated 18 June 2025.

² Internal review decision dated 1 October 2025 - the **Reviewable Decision**.

³ Section 43(3)(a) of the IP Act, and section 3 of the *Information Privacy Regulation 2009* (Qld) (**IP Regulation**).

⁴ External review application dated 3 October 2025.

⁵ On 1 July 2025 key parts of the *Information Privacy and Other Legislation 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.

Preliminary issue

5. Before dealing with the substantive issue in this review, it is appropriate that I first note that I have dealt with other applications made by the applicant to OIC. He has previously requested that a decision maker other than myself deal with his applications.⁶
6. I see no reason to accede to requests of this kind. I am satisfied that no fair-minded and reasonably informed observer would perceive any bias on my part, actual or apparent,⁷ and that there is no reason I should not make this decision in relation to 318968.

Relevant law

7. In making an access application under the IP Act, an applicant must, among other things, provide evidence of identity either with the application or within 10 business days after making the application.⁸ Evidence of identity means a document verifying the person's identity and relevantly includes a passport, copy of a certificate or extract from a register of births, driver licence, or a statutory declaration from an individual who has known the person for at least 1 year.⁹
8. If a person purports to make an access application which does not meet all relevant application requirements, the agency must:¹⁰
 - make reasonable efforts to contact the person within 15 days after the purported application is received
 - inform the person how the application does not comply with the relevant application requirements; and
 - give the applicant a reasonable opportunity to consult with a view to making the application in a form complying with all relevant application requirements.
9. If, after giving the applicant a reasonable opportunity to consult with a view to making the application in a form complying with all relevant application requirements, the agency then decides that the application does not comply with all such requirements, the agency must give the applicant prescribed written notice of the decision.¹¹

Discussion and Findings

10. Relevant background facts were set out in my email to the applicant dated 31 October 2025.¹² This email explained why, in my preliminary view, the reviewable decision was justified (footnotes omitted):

On 18 June 2025, you applied to QPS to access documents relating to yourself. You did not include evidence of your identity with this application. QPS explained this requirement to you. However, you did not rectify this issue. As such, QPS refused to deal with your application on 8 September 2025. In response to your internal review application, QPS affirmed this decision on 1 October 2025.

...

⁶ Including a request made in relation to this review, dated 31 October 2025.

⁷ Paraphrasing the relevant test (apprehended bias), as stated in *Ebner v Official Trustee in Bankruptcy* (2000) 205 CLR 337, [33].

⁸ Section 43(3)(a) of the IP Act.

⁹ Section 3(1) of the IP Regulation.

¹⁰ Sections 53(2)-(3) of the IP Act.

¹¹ Section 53(6) of the IP Act.

¹² Which also advised the applicant that OIC had accepted his application for external review.

The information before me does not show that evidence of identity was provided with this access application...

11. I have reviewed the applicant's submissions responding to this view.¹³ Nothing within the applicant's submissions has caused me to reconsider the events summarised at paragraph 10. I therefore adopt the background set out above, for the purposes of this decision.
12. The applicant contends that QPS holds copies of his identification documents as a consequence of earlier access applications he made.¹⁴ The applicant submits that QPS can rely on the earlier identification document to support later access applications, as the identity document has been linked to 'a SINGLE EMAIL ADDRESS USED OFTEN' and has the same personal details of the applicant, such as name and date of birth.¹⁵ For this reason, the applicant considers there is 'no real question' as to his identity.
13. The requirement for an applicant to supply evidence of their identity when making an application to access personal information is not a mere technicality. It is a crucial step to establish the applicant's identity, so that personal information is only released to the person to whom it pertains. It is a safeguard to ensure the protection of personal information and privacy—a purpose that is recognised by both the IP Act and RTI Act.
14. It is not disputed that the applicant has previously made compliant access applications to QPS which included suitable evidence of identity. However, the plain wording of the IP Act is clear: section 43(3)(a) expressly requires that an access application be accompanied by evidence of identity. As explained above, the applicant did not comply with that requirement in this case.
15. The applicant contends that QPS is discriminating against him and breaching his human rights by requiring evidence of his identity. I do not accept either to be the case, given QPS is administering a statutory application requirement as established by Parliament under the IP Act.¹⁶
16. Finally, the applicant contends that he offered to satisfy the identity requirement by attending a QPS station for his identity document to be sighted. The applicant explained that this was refused by the registry. Apart from the applicant's statements to this effect, there is no information before me supporting that this offer was made to the relevant Unit responsible for managing the Access Application. In any event, the sighting of an identity document this way to satisfy section 43(3)(a) of the IP Act, is at the discretion of QPS.
17. I am satisfied that the applicant did not provide evidence of his identity with the Access Application, or within 10 business days from making the Access Application. QPS told the applicant how the Access Application was deficient and provided an opportunity for this to be remedied. The applicant did not rectify the issue with his evidence of identity.
18. As the Access Application did not comply with the requirement of section 43(3)(a) of the IP Act, QPS was entitled to refuse to deal with the Access Application under section 53 of the IP Act.¹⁷

¹³ Two relevant emails were received on 31 October 2025, and a further email on 4 November 2025.

¹⁴ External review application dated 3 October 2025 and emails dated 31 October 2025.

¹⁵ Email dated 31 October 2025 at 4:24pm.

¹⁶ In any event, these are not issues OIC has power to consider in conducting an external review under the IP Act.

¹⁷ QPS also contends that the Access Application does not give sufficient information concerning the documents sought. When I am satisfied of the noncompliance of the Access Application under section 43(3)(a) of the IP Act, it is unnecessary for me to consider any further grounds of noncompliance.

DECISION

19. For the reasons set out above, I affirm the reviewable decision¹⁸ and find that QPS was entitled to refuse to deal with the Access Application, under section 53 of the IP Act, on the basis the application does not meet all relevant application requirements.
20. In making this decision, I have had regard to the *Human Rights Act 2019 (Qld) (HR Act)*, particularly the right to seek and receive information.¹⁹ 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 IP Act.²⁰ I have acted in this way in reaching my decision, in accordance with section 58(1) of the HR Act.
21. 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.



Brianna Luhrs
Manager, Right to Information

Date: 15 December 2025

¹⁸ Under section 123(1)(a) of the IP Act.

¹⁹ Section 21(2) of the HR Act.

²⁰ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. The Information Commissioner's approach to the HR Act set out in this paragraph has been considered and endorsed by QCAT Judicial Member McGill in *Lawrence v Queensland Police Service* [2022] QCATA 134, noting that he saw 'no reason to differ' from our position [23].