



## Decision and Reasons for Decision

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<b>Citation:</b>	<i>D35 and Queensland Police Service [2026] QICmr 49 (26 March 2026)</i>
<b>Application Number:</b>	319223
<b>Applicant:</b>	D35
<b>Respondent:</b>	Queensland Police Service
<b>Decision Date:</b>	26 March 2026
<b>Catchwords:</b>	<b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST - identity of informant - personal information and right to privacy of individuals other than the applicant - administration of justice - prejudice to flow of information to a regulatory agency - prejudice the efficient management of a regulatory agency - whether disclosure of informant's identity would, on balance, be contrary to the 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<sup>1</sup> under the *Right to Information Act 2009* (Qld) (**RTI Act**) to Queensland Police Service (**QPS**) for the full Queensland Police Records and Information Management Exchange occurrence report (**QPRIME report**) involving the applicant.
2. QPS located the seven-page QPRIME report and refused access to parts of seven pages.<sup>2</sup>
3. The applicant applied<sup>3</sup> to QPS for internal review of the initial decision. On internal review, QPS decided<sup>4</sup> to release 3 pages and partially release 4 pages.
4. The applicant applied<sup>5</sup> to the Office of the Information Commissioner (**OIC**) for external review of QPS's internal review decision.

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<sup>1</sup> On 10 October 2025.

<sup>2</sup> QPS decision dated 20 November 2025.

<sup>3</sup> On 20 November 2025.

<sup>4</sup> On 18 December 2025.

<sup>5</sup> On 19 December 2025.

5. For the reasons set out below, pursuant to section 110 of the RTI Act, I have varied QPS's internal review decision.

## Background

6. The applicant is employed by a government department (**Employer**). A complaint, involving the applicant's retention of a laptop owned by the Employer, was made to QPS while the applicant was on approved leave, and was later withdrawn. The applicant sought access to the relevant QPRIME report.
7. On external review, I initially formed a preliminary view<sup>6</sup> that affirmed the QPS's internal review decision. However, following the receipt of submissions<sup>7</sup> from the applicant, I considered that additional information on 1 page<sup>8</sup> could be released to the applicant as it comprised their personal information. QPS agreed to release the additional information and did so on 12 February 2026. Consequently, that information was excluded from further consideration in the external review and the information to be considered in this review is necessarily varied from the information considered in the internal review decision of QPS.

## Reviewable decision

8. The reviewable decision is QPS's internal review decision dated 18 December 2025.

## Information in issue

9. The information which remains in issue in the review comprises the informant's personal information on three pages (**Informant's Identity**),<sup>9</sup> and the landline number of the QPS action officer on one page (**Landline Number**)<sup>10</sup> (collectively referred to as the **Information in Issue**).

## Relevant law

10. Under the RTI Act<sup>11</sup> an individual has the right to access documents of an agency. While the legislation is to be administered with a pro-disclosure bias,<sup>12</sup> the right of access is subject to certain limitations, including grounds for refusing access, as set out in the RTI Act.<sup>13</sup> Relevantly access to information may be refused if its disclosure would, on balance, be contrary to the public interest.<sup>14</sup>
11. 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.<sup>15</sup>

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<sup>6</sup> On 9 February 2026.

<sup>7</sup> On 9 February 2026.

<sup>8</sup> Page 4 of the QPRIME report.

<sup>9</sup> The Informant's Identity appears on pages 3, 5, and 7 of the 7 pages located by QPS.

<sup>10</sup> The action officer's landline number appears on page 3 of the 7 pages located by QPS.

<sup>11</sup> Section 23 of the RTI Act.

<sup>12</sup> Section 39 of the RTI Act.

<sup>13</sup> Section 47 of the RTI Act.

<sup>14</sup> Section 47(3)(b) RTI Act.

<sup>15</sup> However, there are some recognised public interest considerations that may apply for the benefit of an individual. See Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

12. The RTI Act explains the steps that a decision-maker must take in deciding the public interest<sup>16</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.
13. Additionally, I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.<sup>17</sup> 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.<sup>18</sup> I have acted in this way in reaching my decision, in accordance with section 58(1) of the HR Act.

### **Applicant's submissions**

14. In response to OIC's preliminary view, the applicant made submissions that maintained their request for access.<sup>19</sup> In summary, the applicant:
  - sought disclosure of the Informant's Identity to 'assess whether [they were] afforded procedural fairness in being reported to [QPS] as a theft suspect whilst on approved ... leave;'
  - believed that disclosure of the employment position of the Informant would reveal whether the complaint was made to QPS with 'proper authority and information', particularly given the applicant was on approved leave;
  - did not believe the released material provided enough information or context surrounding the complaint; and
  - was willing to accept the informant's employment position in lieu of full identification details.

### **Findings**

#### ***Factors favouring nondisclosure***

15. I have carefully considered the material before OIC, including the decision under review and submissions received from the applicant. I have not identified or considered any irrelevant factors in making this decision.
16. The public interest will favour disclosure of information which could reasonably be expected to<sup>20</sup> enhance government accountability, inform the community of government operations, and reveal the reasons for a government decision, including any background or contextual information that informed the decision.<sup>21</sup> I will refer to these public interest factors collectively as 'transparency and accountability' factors.
17. Ordinarily, these public interest considerations relate to the agency that holds the information and to which the applicant has applied - in this case, QPS - rather than to a

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<sup>16</sup> Section 49(3) of the RTI Act.

<sup>17</sup> Section 21(2) of the HR Act

<sup>18</sup> *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: at [23].

<sup>19</sup> On 9 February 2026.

<sup>20</sup> The phrase '*could reasonably be expected*' requires a decision-maker to distinguish '*between what is merely possible ... and expectations that are reasonably based*' and for which '*real and substantial grounds exist*': *B and Brisbane North Regional Health Authority* [1994] QICmr 1, at [154]-[160] (a decision of the Information Commissioner analysing the equivalent exemption in the repealed *Freedom of Information Act 1992* (Qld)). Other jurisdictions have similarly interpreted the phrase '*as distinct from something that is irrational, absurd or ridiculous*': See *Smolenski v Commissioner of Police, NSW Police* [2015] NSWCATAD 21, at [34], citing *Commissioner of Police, NSW Police Force v Camilleri (GD)* [2012] NSWADTAP 19, at [28], *McKinnon v Secretary, Department of Treasury* [2006] HCA 45 at [61] and *Attorney-General's Department v Cockcroft* (1986) 10 FCR 180, at [190].

<sup>21</sup> Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

third-party entity. However, it is evident from the applicant's submissions that they are seeking to obtain information from QPS about the actions of their Employer, rather than scrutinise the transparency and accountability of QPS itself. Additionally, given that the Employer is an agency subject to the RTI Act, I consider that the transparency and accountability factors have application to the information in issue in so far as it relates to the Employer. Therefore, I have considered these public interests as they relate to both the QPS and the Employer below.

18. As a result of the access application and internal review, QPS released to the applicant the substance of the QPRIME report, including the actions taken by police during the investigation. These actions included inquiries undertaken by police and the outcome of those inquiries, which resulted in the complaint being withdrawn. I consider that the information provided gives the applicant a sufficient understanding of how QPS investigated and dealt with the matter and meets the public interest factors detailed in paragraph 16. Therefore, the need for government transparency and accountability has been substantially satisfied and I consider that the release of the Information in Issue would not advance transparency and accountability public interests to any significant degree. Accordingly, I give these factors low weight in favour of disclosure.
19. With regard to the application of the transparency and accountability public interest factors to the Informant's Identity as it relates to the actions of the Employer, as noted above, the QPRIME report as released to the applicant outlines the nature of the complaint, the information provided to QPS by the Employer, police inquiries with the Employer, and the outcome of those inquiries which resulted in the Employer withdrawing the complaint. I consider this information is sufficient to meet the public interest in the transparency and accountability of the Employer as a public sector entity. Disclosing the name or position of the Informant could not reasonably be expected to reveal the reason why the Employer decided to make a police complaint, nor the background or contextual information that informed the Employer's decision to do so. Disclosing such information would not further advance the transparency and accountability factors in the circumstances of this matter. I therefore afford very low weight to the transparency and accountability public interest factors vis a vis the Employer.
20. The applicant's contention that knowing the Informant's Identity, or at least their role within the Employer, would provide context for the decision of the Employer to make the police complaint, and particularly, whether it was made with proper authority and had regard to all relevant information (that is, that the applicant was on approved leave). This submission gives rise to a consideration of a public interest factor which favours disclosure of information where that disclosure could reasonably be expected to allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official.<sup>22</sup> Having carefully considered the Information in Issue, I am satisfied that knowing information of this granular nature (the name or position of the Informant) could not reasonably be expected to allow or assist and enquiry into the conduct of the agency or an official. The information already disclosed shows the steps taken by the Employer and the role the Informant played in those steps (in the limited context of a QPS record). Accordingly, I afford this factor no weight in favour of disclosure. As noted above, the applicant's Employer is itself a public sector agency to which applications may be made for information. Consequently, an understanding of the Employer's actions and decision making may be more readily obtained through applying to the Employer for background or contextual documents rather than QPS.

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<sup>22</sup> Schedule 4, Part 2 Item 5 of the RTI Act.

21. The applicant also submitted that the information is sought to aid potential legal proceedings and a workers compensation matter involving their Employer. However, generally speaking, access decisions under the RTI Act are made independently of any current or proposed litigation and are determined by reference to the Act's public interest framework. That said, there are public interest factors in relation to the administration of justice,<sup>23</sup> which favour disclosure of information. These factors generally favour the release of information if disclosing the information would allow a person to ascertain whether they have a legal remedy to pursue and against whom, or, whether they have been afforded procedural fairness.
22. Having regard to this, the QPRIME report comprises seven pages, four of which have been released to the applicant in full. The only information refused in the remaining three pages is the Informant's Identity and the Landline Number. In the circumstances of this matter, I consider the applicant is possessed of sufficient information to know, the action taken by the Employer, who to progress an action against (the Employer), and whether they have been afforded procedural fairness. Consistent with my observations above, knowing the Informant's Identity does not provide the applicant with greater clarity regarding their cause of action or whether their Employer afforded procedural fairness. Accordingly, I consider that the administration of justice public interest factors are not enlivened.

### **Factors favouring nondisclosure**

#### **Informant's Identity**

23. The RTI Act seeks to safeguard an individual's right to privacy and recognises a public interest harm in disclosing the personal information of other individuals.<sup>24</sup> The concept of 'privacy' is not defined in the RTI Act. However, essentially it can be viewed as the right of an individual to preserve their 'personal sphere' free from interference from others.<sup>25</sup> Information relating to the day-to-day work duties and responsibilities of public sector employees may typically be disclosed under the RTI Act, despite being personal information. However, agency documents can also contain personal information of public sector employees which is not routine work information.<sup>26</sup>
24. The Informant's Identity appears in a workplace context because they were tasked with making the complaint to the QPS by the Employer, a government agency. I consider, in the circumstances of this matter, that the identifying information of the agency employee appearing in the context of a police complaint, is not routine personal work information because it does not appear in the context of that employee conducting their routine or day-to-day duties. I consider disclosure of that information would substantially interfere with that individuals' right to privacy and reveal their personal information despite it appearing in a work context.<sup>27</sup>
25. I also consider releasing this information under the RTI Act, where there can be no restriction or conditions on its use, dissemination or republication,<sup>28</sup> could reasonably be expected to prejudice the protection of the individual's right to privacy. I consider the agency employee is entitled to be afforded privacy in relation to their identity, in the context of an access application under the RTI Act concerning a complaint made to the

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<sup>23</sup> Schedule 4, part 2, items 16 and 17 of the RTI Act.

<sup>24</sup> Schedule 4, part 3, item 3 and schedule 4, part 4, section 6(1) of the RTI Act.

<sup>25</sup> 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 12 August 2008, at paragraph 1.56.

<sup>26</sup> *Underwood and Department of Housing and Public Works* (Unreported, Queensland Information Commissioner, 18 May 2012) at [60].

<sup>27</sup> Schedule 4, part 3, item 3 and part 4, section 6(1) of the RTI Act.

<sup>28</sup> *FLK v Information Commissioner* [2021] QCATA 46 at [17].

QPS. In these circumstances, I consider the Informant's Identity, as the informant to QPS, is sensitive personal information. Consequently, I afford the privacy and personal information factors in favour of nondisclosure of the Informant's Identity significant weight.

26. A further factor favouring nondisclosure arises where disclosure can reasonably be expected to prejudice the flow of information to QPS in relation to its investigative functions.<sup>29</sup> The Information Commissioner has previously held<sup>30</sup>:

*I am satisfied that routinely disclosing information identifying a complainant would tend to discourage individuals from coming forward with information and cooperating with [the agency] as they may consider that their personal information could be released to other individuals, including to the person who is the subject of the complaint. This, in turn, could reasonably be expected to negatively impact [the agency's] ability to obtain this information in future.*

27. I am satisfied that the same reasoning applies here. In this matter, the agency employee disclosed information to QPS, which enabled them to properly investigate the matter. I consider that if the Informant's Identity (which in the circumstances of this matter includes their position title) were to be disclosed under the RTI Act process, where there is no ability to place constraints on the further dissemination of that information, it is reasonable to conclude that this would act to discourage people from bringing complaints to QPS and may prejudice QPS's ability to obtain that type of information in the future. Accordingly, I afford this nondisclosure factor significant weight given the importance of QPS's law enforcement role.

### **Landline Number**

28. I consider that disclosure of the Landline Number could reasonably be expected to prejudice the efficient management of QPS. Public disclosure of internal QPS phone numbers would reasonably be expected to result in members of the public attempting to circumvent the processes and procedures that have been established within QPS for the receipt, assessment and handling of complaints, which would thereby have an adverse effect on the efficient management of QPS. While there is nothing specific in the applicant's submissions regarding access to the Landline Number, for the sake of completeness, I find that the release of the Landline Number would have an adverse effect on the efficient management of QPS and I consider that this factor favouring nondisclosure attracts significant weight.

### **Balancing the public interest**

29. I have taken into account the pro-disclosure bias<sup>31</sup> and the public interest factors favouring disclosure and public interest factors favouring nondisclosure of the Information in Issue as outlined above. On balance, I consider that the significant weight of the factors favouring nondisclosure of the Information in Issue outweigh the low to very low weight of the enlivened factors which favour disclosure.

### **DECISION**

30. I vary QPS's decision, following the agreed disclosure of additional information on one page<sup>32</sup> on review, and find that access may be refused to parts of three pages<sup>33</sup> under

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<sup>29</sup> Schedule 4, part 3, item 13 of the RTI Act.

<sup>30</sup> *Alsop* at [33]-[34].

<sup>31</sup> Section 39 of the RTI Act.

<sup>32</sup> Page 4 of the QPRIME report.

<sup>33</sup> Pages 3, 5 and 7 of the QPRIME report.

section 47(3)(b) of the RTI Act, as it would, on balance, be contrary to the public interest to disclose.

31. I have made this decision as a delegate of the Information Commissioner, under section 145 of the RTI Act.



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**V Corby**  
**Assistant Information Commissioner**

**Date: 26 March 2026**