



Decision and Reasons for Decision

Citation: *R31 and Queensland Police Service [2026] QICmr 55 (2 April 2026)*

Application Number: 318750

Applicant: R31

Respondent: Queensland Police Service

Decision Date: 2 April 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL TO DEAL WITH ACCESS APPLICATION - PREVIOUS APPLICATION FOR SAME DOCUMENTS - whether applicant has previously applied to the same agency for the same documents - section 62 of the *Information Privacy Act 2009 (Qld)*

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - workplace grievance/complaint information - accountability and transparency - personal information and privacy - administration of justice - confidential information - agency management function - whether disclosure would, on balance, be contrary to the public interest - 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 to Queensland Police Service (**QPS**) under the *Information Privacy Act 2009 (Qld)* (**IP Act**)¹ for access to emails concerning him sent from listed email addresses between 1 January 2022 and 31 December 2023.²

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

² Following discussions between the applicant and QPS, the final scope of the access application was agreed and confirmed on 29 April 2025.

2. QPS divided the access application into two parts. In respect of Part One, QPS decided to refuse to deal with this part under section 62(3) of the IP Act on the basis that the applicant had made an earlier application to access the same documents. In respect of Part Two of the application, QPS decided to give access to some information but to refuse access to other information on the ground that its disclosure would, on balance, be contrary to the public interest under section 67(1) of the IP Act and sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld) (**RTI Act**).³
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for review of QPS's decision.⁴
4. For the reasons explained below, I affirm QPS's decision under section 123(1)(a) of the IP Act.

Background

5. This is another in a series of access applications that the applicant has made to QPS in connection with his employment.

Reviewable decision

6. The decision under review is the decision of QPS dated 27 June 2025.

Evidence considered

7. 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 to the extent that they are relevant to the issue for determination in this review.⁵
8. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.⁶ 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 and the RTI Act.⁷ 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:⁸ '*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.*'⁹

Information in issue

9. In respect of Part Two of the access application, the information to which QPS refused access is contained on six part pages and 14 full pages. However, the applicant advised in his email of 16 December 2025 that he did not seek access to non-public facing telephone numbers, direct email addresses, signatures and '*names/identifiers of junior*

³ Decision dated 27 June 2025.

⁴ Email of 28 June 2025.

⁵ Including the external review application and emails received on 17 September 2025, 16 December 2025, 29 January 2026 and 19 February 2026.

⁶ Section 21 of the HR Act.

⁷ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111].

⁸ *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

⁹ *XYZ* at [573].

staff and third parties where not necessary to understand the substance'. Based on that concession, pages 1, 2, 3, 19 and 20 are no longer in issue.

Issues for determination

10. In respect of Part One of the application, the issue for determination is whether QPS was entitled to refuse to deal with this part under section 62(3) of the IP Act.
11. In respect of Part Two of the application, the issue for determination is whether QPS was entitled to refuse access to the information in issue under section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act on the ground that its disclosure would, on balance, be contrary to the public interest.

Part One: Previous application for same documents

Relevant law

12. Parliament intends for an agency or Minister to deal with an access application, unless to do so would not be in the public interest.¹⁰ The circumstances outlined in sections 59, 60 and 62 of the IP Act are the only circumstances in which Parliament considers it would not be in the public interest to deal with an access application.¹¹ Even if an agency is entitled to refuse to deal with an access application, Parliament has expressly intended the IP Act should be administered with a pro-disclosure bias.¹²
13. Relevantly in this case, an agency may refuse to deal with an access application under section 62 of the IP Act where:
 - (a) an applicant has made a first application¹³ **and** the agency's decision on the first application has been the subject of a completed external review;¹⁴ and
 - (b) the applicant makes another access application to the same agency for access to one or more of the same documents sought under the first application **and** the later application does not, on its face, disclose any reasonable basis for again seeking access to the documents.¹⁵

Findings

14. For the reasons set out below, I have found that requirements (a) and (b) set out in the preceding paragraph are met in the circumstances of this case.
15. The First Application was made by the applicant to QPS in RTI/45711 in December 2023. That application sought access to certain information about the applicant between 1 June 2023 to 14 December 2023, including any emails that referred to or discussed the applicant, as contained in a list of email addresses provided by the applicant.
16. The Later Application, which is the subject of this external review, sought access to emails concerning the applicant sent from listed email addresses between 1 January 2022 and 31 December 2023. Four of those email addresses are common to both applications, and the date range overlaps for a 6 month period.

¹⁰ Section 58(1) of the IP Act.

¹¹ Section 58(2) of the IP Act.

¹² Section 58(4) of the IP Act.

¹³ Section 62(1)(a) of the IP Act.

¹⁴ Sections 62(3)(d)(ii), (5)(b) and (6) of the IP Act.

¹⁵ Section 62(1)(b) of the IP Act.

17. I am therefore satisfied that the Later Application seeks access to some of the same documents as sought in the First Application insofar as it seeks access to documents concerning the applicant held in the four common email accounts between 1 June 2023 and 14 December 2023.
18. The applicant applied to OIC for external review¹⁶ in respect of the First Application on 24 January 2024. During the review, QPS accepted OIC's preliminary view that there were no grounds to refuse access to certain information and a volume of additional information was released to the applicant. The applicant did not pursue his application for access to the remaining refused information and the review was finalised on 9 October 2024 under section 103(4)(a) of the IP Act. For these reasons, I find that QPS's decision in the First Application was the subject of a completed external review.¹⁷
19. Turning to whether the applicant has established a reasonable basis for reapplying, I have reviewed the Later Application dated 29 March 2025. It does not refer to the First Application. While it specifically excludes some email addresses from its scope, it does not exclude the four addresses that were also listed in the First Application. It follows that, *on its face*, the Later Application does not disclose any reasonable basis for again seeking access to documents that overlap with the First Application.
20. During the course of the review, the applicant made submissions¹⁸ in support of his case that there existed a reasonable basis for applying for access to these documents for a second time. In summary, he argued that he was involved in various legal proceedings against QPS and that relevant issues had 'evolved' or 'crystallised' such that he now required access to the documents in order to *'properly particularise allegations, respond to positions taken, and ensure procedural fairness'*. The applicant also requested that he be advised of *'precisely which documents and/or categories in Part One are said to be the same as RTI/45711, including any schedule mapping Part One items to the prior request and the outcome for each (released/refused/exempt/irrelevant).'*¹⁹
21. The applicant's submissions demonstrate a misunderstanding of the operation of section 62 of the IP Act and the circumstances under which a 'refusal to deal' decision may be made. The applicant is seeking to retrospectively provide a reasonable basis for making the overlapping request. However, section 62 permits an agency to refuse to deal with an application if the later application, *on its face*, does not disclose any reasonable basis for again seeking access to the same documents. As such, in order to rely upon section 62, an agency is required to:
 - compare the terms of the two access requests
 - satisfy itself that the terms of the access request (or some of them) in the Later Application are the same as those in the First Application and would capture the same documents; and
 - satisfy itself that the Later Application does not, on its face, disclose any reasonable basis for seeking access to the same documents again.
22. Moreover, for an agency to undertake the work that the applicant seeks would be to subvert the purpose of a 'refusal to deal' decision under section 62.
23. I am satisfied that the Later Application, does not, on its face, disclose a reasonable basis for applying for access to the Part One documents for a second time. As such, I

¹⁶ Review 317789.

¹⁷ Section 62(3)(d)(ii) of the IP Act.

¹⁸ Emails of 17 September 2025 and 19 February 2026.

¹⁹ Email of 19 February 2026.

find that the requisite elements of section 62 of the IP Act are satisfied and that QPS was therefore entitled refuse to deal with Part One of the access application.

Part Two: Contrary to the Public Interest

Relevant law

24. Under the IP Act, an individual has a right to be given access to documents of an agency, to the extent the documents contain the individual's personal information.²⁰ The IP Act is to be administered with a pro-disclosure bias;²¹ however, the right of access is subject to a number of exclusions and limitations, including grounds of refusal of access.
25. Section 67(1) of the IP Act provides that access to a document may be refused on the same grounds upon which access to a document could be refused under section 47 of the RTI Act. Relevantly, access to information may be refused if its disclosure would, on balance, be contrary to the public interest.²²
26. 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,²³ together with all other relevant information, in reaching my decision. I have also applied the IP Act's pro-disclosure bias²⁴ and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.²⁵

Findings

27. The information in issue consists of exchanges between various QPS officers regarding the handling of workplace issues involving the applicant, including complaints made by the applicant about other staff. The information includes responses to issues provided in the context of a WorkCover claim made by the applicant.
28. I have considered all of the factors favouring disclosure and identified the following as relevant:
 - a) enhancement of QPS's accountability and transparency²⁶
 - b) the information is the applicant's personal information²⁷
 - c) disclosure could reasonably be expected to advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies²⁸
 - d) disclosure could reasonably be expected to reveal the reason for a government decision and any background or contextual information that informed the decision;²⁹ and

²⁰ Section 40(1)(a) of the IP Act.

²¹ Section 64(1) of the IP Act.

²² Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act. 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. However, there are some recognised public interest considerations that may apply for the benefit of an individual.

²³ 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.

²⁴ Section 64 of the IP Act.

²⁵ Section 67(2) of the IP Act and section 47(2) of the RTI Act.

²⁶ Schedule 4, part 2, items 1 and 3 of the RTI Act.

²⁷ Schedule 4, part 2, item 7 of the RTI Act.

²⁸ Schedule 4, part 2, item 10 of the RTI Act.

²⁹ Schedule 4, part 2, item 11 of the RTI Act.

- e) disclosure could reasonably be expected to contribute to the administration of justice for a person.³⁰
29. I have considered all of the nondisclosure/harm factors and identified the following as relevant:
- a) disclosure could reasonably be expected to cause a public interest harm through disclosure of the personal information of another individual³¹
 - b) disclosure could reasonably be expected to prejudice an individual's right to privacy³²
 - c) disclosure could reasonably be expected to prejudice an agency's ability to obtain confidential information;³³ and
 - d) disclosure could reasonably be expected to prejudice the management functions of an agency or the conduct of industrial relations by an agency.³⁴
30. The words 'could reasonably be expected to' call for a decision-maker to discriminate between unreasonable expectations and reasonable expectations, between what is merely possible or merely speculative, and expectations that are reasonably based: that is, expectations for the occurrence of which real and substantial grounds exist.³⁵
31. In his submission of 16 December 2025, in response to a preliminary view issued by OIC, the applicant submitted as follows:

However, I do not agree with the preliminary view to the extent it treats "personal information of a person" as effectively determinative of public interest harm in a way that risks shielding agency conduct from scrutiny. In particular, the statement relied upon in the Annexure—

"Disclosure of the information could reasonably be expected to cause a public interest harm if disclosure would disclose personal information of a person"

reads (in the way it is applied here) as though "personal information = public interest harm", rather than a factor requiring a real, evidenced and proportionate assessment, including whether the asserted harm persists after reasonable redaction.

1) Schedule 4, Part 4, s 6(1) – "public interest harm" is not automatic

I accept that disclosure of third-party personal information may cause public interest harm. But the RTI/IP framework still requires an evaluative judgment about what information, whose information, why it is harmful, and whether edited access (with identifiers removed) would meet the privacy objective while still giving effect to the pro-disclosure purpose.

If the refused information can be made safe by removing identifiers and genuinely private detail, the correct and preferable outcome should favour partial/edited release rather than blanket refusal.

2) The "private dispute" characterisation understates the public interest

With respect, the Annexure's framing of the material as "of limited value beyond the nature of a dispute between the applicant and the QPS" risks minimising the public interest engaged by the scope of the request. The categories sought include:

³⁰ Schedule 4, part 2, item 17 of the RTI Act.

³¹ Schedule 4, part 4, section 6 of the RTI Act.

³² Schedule 4, part 3, item 3 of the RTI Act.

³³ Schedule 4, part 3, item 16 of the RTI Act.

³⁴ Schedule 4, part 3, item 19 of the RTI Act.

³⁵ See *Cannon and Australian Quality Egg Farms Limited* (1994) 1 QAR 491 at [62]-[63].

emails discussing me officers and agents of various ranks;

emails about issues/complaints I raised regarding performance plans (including the D.A.P. Agreement) and the treatment of those concerns as an ESC complaint; and

my involvement in union activity.

Those matters go beyond a “private dispute”. They go to workplace governance, the proper exercise of management power, the integrity of complaint handling, and whether an agency has acted fairly and lawfully in its industrial relations conduct. Those are matters with a clear public interest dimension even when they arise through an individual case.

3) Privacy and management function factors can be met through narrower redactions

I do not seek unnecessary intrusion into third parties’ personal spheres. My position is that QPS and OIC can protect privacy and operational concerns by:

removing names/identifiers of junior staff and third parties where not necessary to understand the substance;

redacting non-public contact details and purely personal content; and

releasing the substantive content that explains decision-making, directions, rationale, and conduct concerning me and the handling of the issues raised.

The chilling-effect/industrial relations management concerns should be treated cautiously where the material concerns how an agency exercised power affecting an employee and how complaints/union activity were dealt with. A general assertion that disclosure “could” reduce candour should not outweigh accountability where edited disclosure is reasonably available.

32. In terms of public interest factors favouring disclosure, the IP Act recognises a strong public interest in an individual accessing their own personal information.³⁶ I accept that the information in issue contains the applicant’s personal information. However, this type of information is inextricably intertwined with the personal information of others, meaning that the applicant’s personal information cannot readily be separated and access given to it alone. I am satisfied that the applicant’s suggestion of giving partial access by ‘removing identifiers’ is not possible, given the nature of the information in issue. Some segments are the personal information of individuals other than the applicant, and cannot be regarded as routine work information. While the IP Act may recognise a strong public interest in a person obtaining access to their own personal information, it recognises an equally strong public interest in protecting both the personal information, and right to privacy, of other individuals (as per nondisclosure factors a) and b) in paragraph 29 above). Contrary to the applicant’s submission, an automatic public interest harm arises simply through disclosure of another individual’s personal information under the IP Act. Account must also be taken of the fact that there are no restrictions upon what a person may do with information that is disclosed to them under the IP Act, including the possibility of further dissemination.³⁷ Given the sensitivity of the information in question, and the fact that it was provided in the context of a complaint-handling process and/or in gathering material to respond to the applicant’s WorkCover claim, I would afford

³⁶ ‘Personal information’ is defined 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’: section 12 of the IP Act.

³⁷ As Judicial Member McGill SC of QCAT observed ‘... the effect of the ... [RTI Act] is that, once information has been disclosed, it comes under the control of the person to whom it has been disclosed. There is no provision of that Act which contemplates any restriction or limitation on the use which that person can make of that information, including by way of further dissemination.’: *FLK v Information Commissioner* [2021] QCATA 46 at [17].

significant weight to the harm and nondisclosure factors concerned with protecting the personal information and right to privacy of other individuals.

33. As to disclosure factors a) and d) in paragraph 28 above, I would afford each moderate weight when balancing the public interest. I accept that disclosure of some information in issue could reasonably be expected to enhance the accountability and transparency of QPS regarding the way in which it handled workplace issues involving the applicant, and the management decisions it made. The disclosure of some information may provide background or contextual information that informed the decision-making process. In affording moderate weight to these factors, I have taken into account the information already disclosed to the applicant in response to his complaints about QPS's management of him, both through his various IP applications and in the responses provided to him by QPS management at the relevant times.³⁸ I consider this information has furthered the applicant's understanding of how QPS handled workplace matters involving him and that disclosure of the information in issue would enhance that understanding to only a moderate extent.
34. As to the administration of justice factors (factors c) and e) in paragraph 28 above), it appears that the applicant is involved in legal proceedings against QPS in connection with workplace issues.³⁹ The precise nature of those proceedings, and the specific issues to be determined in them (and, therefore, the relevance or otherwise of the information in issue to those issues) are not matters before OIC. I am restricted in the level of detail I am able to provide about the information in issue, as section 121(3) of the IP Act prohibits the Information Commissioner from including, in the reasons for decision, information that is claimed to be exempt information or contrary to the public interest information. However, given its nature, I am satisfied that at least some of the information would not be of relevance as it relates to the roles and personal circumstances of other staff. In respect of the remainder (and assuming, on a best case scenario for the applicant, that it may be of some relevance to the applicant's case in legal proceedings), I afford moderate weight to the factors. Again, taking account of the information already provided to the applicant by QPS in response to his workplace grievances, I am not satisfied that disclosure of the information could reasonably be expected to advance significantly the fair treatment of the applicant, or the administration of justice for him more generally. In terms of any legal proceedings, I would also note that it is reasonable to expect that relevant court disclosure processes are available, which require the parties to disclose documents that are directly relevant to the issues to be decided. As the Information Commissioner has previously determined, the RTI and IP Acts are not designed to serve as an adjunct to court processes and court disclosure rules. Rather, they are stand-alone mechanisms for enabling public access to government-held information and, as such, are subject to the qualifications upon, and limitations to, the right of access imposed by the Acts.⁴⁰
35. Turning to the nondisclosure/harm factors listed in paragraph 29 above, I have already explained above why I afford significant weight to the public interest harm caused by disclosing the personal information of other individuals under the IP Act, and the associated prejudice to the protection of their right to privacy.
36. As regards nondisclosure factors c) and d), the IP Act recognises that a public interest factor favouring nondisclosure arises where disclosure of information could reasonably be expected to prejudice an agency's management function. The bulk of the information in issue was communicated between QPS officers and/or staff for the purpose of dealing

³⁸ As evidenced by the released information in both this and other reviews involving the applicant.

³⁹ The applicant stated in his email of 17 September 2025 that he had '*multiple ongoing proceedings*' involving QPS on foot. In his email of 19 February 2026, the applicant stated that he had '*multiple live matters involving QPS across jurisdictions...*'.

⁴⁰ *Phyland and Department of Police* (Unreported, Queensland Information Commissioner, 31 August 2011) at [24].

with, and responding to, the applicant's complaints or grievances about other staff and/or in connection with the applicant's WorkCover claim, and managing related processes and correspondence.

37. There is a strong public interest in protecting the ability of QPS officers and staff involved in management roles to communicate freely and candidly with each other about these types of issues. Disclosing this type of information under the IP Act, where, as noted above, there can be no restriction on its use, dissemination or re-publication, could reasonably be expected to make staff reluctant to provide such information in the future, resulting in prejudice to the flow of information to management.⁴¹ This would, in turn, prejudice QPS's ability to manage its workforce efficiently and effectively. This is particularly so in respect of information provided by the subject of a complaint in circumstances that import a reasonable expectation of confidence. I am satisfied that disclosure in these circumstances could reasonably be expected to prejudice the flow of information to QPS and to have a significant adverse impact on QPS's ability to manage its staff.⁴² Again, in response to the applicant's submissions, I am not satisfied that edited disclosure of this material is possible without causing the prejudicial effects that the nondisclosure factors seek to avoid. For these reasons, I would afford nondisclosure factors c) and d) significant weight in the public interest balancing test.
38. In summary, I afford significant weight to disclosure factor b) and moderate weight to disclosure factors a), c), d) and e). I afford significant weight to nondisclosure/harm factors a) to d). After balancing the competing 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 IP Act may be refused on that basis.

DECISION

39. For the reasons set out above, I affirm the decision under review by finding that:
- QPS was entitled refuse to deal with Part One of the access application under section 62 of the IP Act; and
 - disclosure of the information in issue in Part Two of the access application would, on balance, be contrary to the public interest under section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.
40. 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.



R Moss
Principal Review Officer

Date: 2 April 2026

⁴¹ See *Tol and University of Queensland* [2015] QICmr 4 (18 February 2015) at [27].

⁴² See *S41 and Griffith University* [2023] QICmr 64 (7 December 2023) at [50].