

## Decision and Reasons for Decision

---

<b>Citation:</b>	<b><i>U30 and Queensland Police Service [2026] QICmr 15 (4 February 2026)</i></b>
<b>Application Number:</b>	<b>318558</b>
<b>Applicant:</b>	<b>U30</b>
<b>Respondent:</b>	<b>Queensland Police Service</b>
<b>Decision Date:</b>	<b>4 February 2026</b>
<b>Catchwords:</b>	<b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - LAW ENFORCEMENT - request for complaint information - whether information is exempt under schedule 3, section 10(4) of the <i>Right to Information Act 2009</i> (Qld) - whether information is about the access applicant under schedule 3, section 10(6) of the <i>Right to Information Act 2009</i> (Qld)</b>  <b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - INFORMATION AS TO EXISTENCE OF PARTICULAR DOCUMENTS - request for documents relating to an alleged complaint by named individual - whether the request seeks prescribed information - whether existence of requested documents may be neither confirmed nor denied under section 69 of the <i>Information Privacy Act 2009</i> (Qld)</b>

## REASONS FOR DECISION

### Summary

1. The applicant applied<sup>1</sup> to the Queensland Police Service (**QPS**) under the *Information Privacy Act 2009* (Qld) (**IP Act**)<sup>2</sup> for access to information about two complaints made about them as a QPS employee. The first complaint was made in 2021 (**first complaint**) and the applicant contends a named individual made a complaint about them in 2024 (**second complaint**).
2. QPS located 34 pages in relation to the first complaint. QPS decided<sup>3</sup> to refuse access to parts of 14 pages and 15 full pages (**Remaining Information**) on the basis this

---

<sup>1</sup> Access application dated 17 February 2025.

<sup>2</sup> 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 the *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 is in force prior to 1 July 2025 remain applicable to it in accordance with transitional provisions in 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 is to those Acts as in force prior to 1 July 2025.

<sup>3</sup> Decision dated 7 April 2025. This is the **reviewable decision** for the purposes of the review.

information is exempt from disclosure under schedule 3, section 10(4) of the RTI Act (**Prescribed Crime Body Exemption**).<sup>4</sup>

3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's decision.<sup>5</sup> The applicant submitted that the refused information is in the public interest to release, as she has knowledge of, and is the subject of the investigation into the first complaint.
4. On external review,<sup>6</sup> OIC identified that QPS did not make a finding in relation to the applicant's request for documents about the second complaint.<sup>7</sup> QPS confirmed that if information about the second complaint existed, it would comprise another individual's sensitive personal information and therefore is prescribed information.<sup>8</sup> For this reason, it is appropriate to neither confirm nor deny the existence of information regarding the second complaint.
5. For the reasons set out below, I vary QPS's decision and find that:
  - the Remaining Information<sup>9</sup> in relation to the first complaint is exempt from disclosure; and
  - it is appropriate to neither confirm nor deny the existence of information regarding the second complaint.
6. In reaching my decision, I have taken into account evidence, submissions, legislation and other material as referred to in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information<sup>10</sup> and in doing so, have acted in accordance with section 58(1) of the HR Act.<sup>11</sup>

### **Submissions**

7. The applicant submits<sup>12</sup> that:
  - they were involved in the investigation into the first complaint, and know the information which they believe has been refused including:
    - the identity of the complainant
    - the nature of the complaint; and
    - that the investigation could not continue as the applicant resigned from their employment with QPS.
  - during the investigation into the first complaint, they were told that QPS would likely give them information about the complaint at the end of 2024. QPS later decided not to release this information.
  - the release of information would be in the public interest.
  - they believe the complaint was submitted vexatiously, as another complaint was made to a separate Queensland government agency about the applicant which was found to be unsubstantiated.

---

<sup>4</sup> QPS released the other responsive documents to the applicant as the exception to the Prescribed Crime Body Exemption applied.

<sup>5</sup> External review application dated 11 April 2025.

<sup>6</sup> This external review was closed on 24 October 2025, under section 103(4) of the IP Act. At the request of the applicant, and in the circumstances, the external review was reopened on 18 November 2025.

<sup>7</sup> Email to QPS on 30 May 2025.

<sup>8</sup> Email from QPS on 13 June 2025

<sup>9</sup> 15 pages and parts of 14 pages.

<sup>10</sup> Section 21 of the HR Act.

<sup>11</sup> OIC's approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

<sup>12</sup> Submissions dated 11 April 2025 and 13 November 2025.

- a complainant who has submitted what the applicant considers to be vexatious, false or hurtful complaints cannot be protected by legislation; and
- they are seeking this information to bring closure about these events.

## Prescribed Crime Body Exemption

### Relevant law

8. The IP Act provides individuals a general right to access documents held by a Queensland government agency to the extent they contain the individuals' personal information.<sup>13</sup> However, this right of access is subject to certain limitations, including grounds upon which access to information may be refused.<sup>14</sup> It is Parliament's intention that the IP Act be administered with a pro-disclosure bias<sup>15</sup> and that the grounds for refusing access to information are interpreted narrowly.<sup>16</sup>
9. Access may be refused to exempt information.<sup>17</sup> Schedule 3 of the RTI Act sets out the categories of exempt information, the disclosure of which Parliament has deemed to be contrary to the public interest.<sup>18</sup>
10. One category of exempt information is set out in the Prescribed Crime Body Exemption.<sup>19</sup> Information will be subject to this exemption if:
  - it was '*obtained, used or prepared for an investigation*'
  - the investigation was conducted by a prescribed crime body, or another agency, in the performance of the prescribed functions of the prescribed crime body; **and**
  - the exception in schedule 3, section 10(6) of the RTI Act does not apply.
11. The terms '*obtained, used or prepared*' are not defined in the RTI Act or the *Acts Interpretation Act 1954* (Qld), and so are to be given their ordinary meaning in accordance with the principles of statutory interpretation.<sup>20</sup> The term '*investigation*' as used in the Prescribed Crime Body Exemption has been defined expansively and includes the mere examination or consideration of information.<sup>21</sup>
12. The ambit of the Prescribed Crime Body Exemption is well-settled.<sup>22</sup> The Information Commissioner has held that the Crime and Corruption Commission's (**CCC**) functions are triggered by receipt and consideration of a complaint, notification and/or relevant material, and not determined retrospectively by the outcome of an assessment or

<sup>13</sup> Section 40 of the IP Act.

<sup>14</sup> Section 67 of the IP Act provides that access to information may be refused on the same grounds as set out in section 47(3) of the RTI Act.

<sup>15</sup> Section 64 of the IP Act.

<sup>16</sup> Section 67(2)(a) of the IP Act.

<sup>17</sup> Sections 47(3)(a) and 48 of the RTI Act.

<sup>18</sup> Section 48(2) of the RTI Act.

<sup>19</sup> Schedule 3, section 10(4) of the RTI Act.

<sup>20</sup> In *Springborg MP and Crime and Misconduct Commission; RZ (Access Applicant), BX (Fourth Party), Director-General of the Department of Justice and Attorney-General (Fifth Party)* (2006) 7 QAR 77 (**Springborg**) at [27] the Information Commissioner noted the term 'prepared' was defined as '*compose and write out, draw up (a text or document) ... produce or form ... manufacture, make*'.

<sup>21</sup> *Springborg* contains a detailed analysis of the concept of an '*investigation*' as used in the provision of the repealed *Freedom of Information Act 1992* (Qld) that was the material equivalent of schedule 3, section 10(4) of the RTI Act. The Information Commissioner, in that decision, determined that it can encompass the process of examining, considering, 'dealing with' and 'assessing' a complaint, at [55]-[59]. Schedule 2 of the *Crime and Corruption Act 2001* (Qld) (**CC Act**) provides a non-exhaustive definition of 'investigate' as including 'examine and consider' – see *Frecklington MP and Premier and Minister for Trade* [2020] QICmr 15 (18 March 2020) at [47].

<sup>22</sup> *Springborg* analysed provisions equivalent to those contained in the CC Act and this reasoning has since been applied consistently by the Information Commissioner. See *Cronin and Crime and Corruption Commission* [2017] QICmr 13 (**Cronin**) at [12]-[26], *P55 and Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development* [2024] QICmr 59 (12 November 2024) at [25]-[33] and *E92 and Crime and Corruption Commission* [2024] QICmr 73 (19 December 2024) at [32]-[39] and *G31 and Queensland Police Service* [2024] QICmr 20 (22 May 2024) at [22]-[29].

investigation<sup>23</sup> either by the CCC or an agency. The Information Commissioner has also held that ‘*dealing with*’ or ‘*assessing*’ a complaint, notification or other material falls within the broad meaning of ‘*investigation*’ by the CCC or other agency.<sup>24</sup>

13. The Information Commissioner previously recognised that the purpose of the exception is to allow individuals who are the subject of a prescribed crime body investigation to obtain access to information regarding a finalised investigation, to the extent that information is ‘*about*’ them. That is, the exception allows the subject of an investigation to access information such as ‘*allegations made against them ... and conclusions made about them in a report*’.<sup>25</sup>
14. The exemptions in schedule 3 of the RTI Act – including the Prescribed Crime Body Exemption – do not require or allow consideration of public interest factors. This is because Parliament has determined that disclosure of these categories of information would be contrary to the public interest.<sup>26</sup> Accordingly, if information falls within one of the categories of exempt information, a conclusive presumption exists that its disclosure would be contrary to the public interest, and no further consideration is permitted.<sup>27</sup>

### Findings

15. This application is for information regarding the Outcome Notice of an investigation by the QPS Ethical Standards Command (**ESC**) into the first complaint.<sup>28</sup> Due to the terms of this request, any responsive documents were *obtained* by the ESC in the course of investigating the first complaint, satisfying the first limb of the exemption.
16. The information released to the applicant shows that the CCC<sup>29</sup> devolved the investigation to the QPS ESC, and I am satisfied that the investigation would have remained subject to the CCC’s monitoring role.<sup>30</sup> As such, the ESC, in assessing the allegations and undertaking the investigation, was performing the prescribed corruption function of the CCC.<sup>31</sup> I am satisfied that the second requirement of the Prescribed Crime Body Exemption is met.
17. The exception to the Prescribed Crime Body Exemption will apply where the investigation is finalised, and the information is about the applicant. Whether information is about an applicant is a question of fact, to be resolved by reference to the information itself.<sup>32</sup> The word ‘*about*’ in this provision has previously been referred to as ‘*a non-technical term defined according to its natural and ordinary meaning*’.<sup>33</sup>
18. While I accept that the investigation is finalised, I am not satisfied that the Remaining Information is about the applicant. As identified at paragraph 2, QPS has released five pages and parts of 14 pages as the exception to the Prescribed Crime Body Exemption applied to that information.

<sup>23</sup> *Springborg* at [44].

<sup>24</sup> *Springborg* at [55]-[59].

<sup>25</sup> *G8KPL2 and Department of Health* (Unreported, Queensland Information Commissioner, 31 January 2011) (**G8KPL2**) at [28]-[33].

<sup>26</sup> Section 48(2) of the RTI Act.

<sup>27</sup> *Dawson-Wells v Office of the Information Commissioner & Anor* [2020] QCATA 60 (**Dawson-Wells**) at [17].

<sup>28</sup> Section 121 of the IP Act prevents me from disclosing the particular content of the Remaining Information.

<sup>29</sup> The ‘prescribed crime body’ for the purposes of schedule 3, section 10(9) of the RTI Act

<sup>30</sup> The principle of devolution is set out in section 34(c) of the CC Act and in practice, occurs under section 45(2) of the CC Act. Sections 45 and 46 of the CC Act set out the responsibility of the CCC to **monitor** how the commissioner of QPS deals with police misconduct, including by way of devolution.

<sup>31</sup> Section 33 to 35 of the CC Act set out how the corruption functions are performed. *Corruption* is defined in schedule 2 of the CC Act to mean ‘*corrupt conduct or police misconduct*’.

<sup>32</sup> *Cronin* at [21].

<sup>33</sup> *Darlington and Queensland Police Service* [2014] QICmr 14 (11 April 2014) at [52]. The Macquarie Dictionary (online at date 2026) defines ‘*about*’ as ‘*of; concerning; in regard to ... connected with*’.

19. Parts of the Remaining Information, while appearing in the context of an investigation into the applicant, are 'about' other individuals, and therefore not 'about' the applicant.<sup>34</sup>
20. There are also parts of the Remaining Information which relate to other individuals while appearing intertwined with information concerning the applicant. I acknowledge that the applicant is the subject officer of the investigation. As recognised by the Information Commissioner,<sup>35</sup> Parliament's rationale for including the exception to the Prescribed Crime Body Exemption was to allow the subject of an investigation access to information such as '*allegations made against them ... and conclusions made about them in a report.*'<sup>36</sup> However, I am not persuaded that the exception extends to enable the applicant access to their personal information where it appears intertwined with information about other individuals.
21. I recognise that this matter is of great personal significant to the applicant. However, the applicant's submissions detailed at paragraph 7 raise public interest arguments in favour of being granted access to information. I am unable to take this into account when considering the Prescribed Crime Body Exemption<sup>37</sup> as Parliament has already determined that disclosure of exempt information would be contrary to the public interest in all circumstances.<sup>38</sup> Also, the Information Commissioner does not have the power to direct that access is to be given to exempt information.<sup>39</sup>
22. As the requirements of the Prescribed Crime Body Exemption are met and the exception does not apply, I find that access to the Remaining Information may be refused as it is exempt information.

### Neither confirm nor deny

#### Relevant law

23. External review by the Information Commissioner is merits review. This process involves an administrative reconsideration of a case which can be described as '*stepping into the shoes*' of the primary decision maker to determine the correct and preferable decision based on the available information. In conducting merits review, the Information Commissioner has the power to decide any matter that could have been decided by the agency.<sup>40</sup>
24. Section 69 of the IP Act allows an agency to neither confirm nor deny the existence of a document where, if it existed, would contain '*prescribed information*'.<sup>41</sup> '*Prescribed information*' is defined<sup>42</sup> to mean certain exempt information identified in schedule 3 of the RTI Act or personal information<sup>43</sup> the disclosure of which would, on balance, be contrary to the public interest under section 47(3)(b) of the RTI Act.

---

<sup>34</sup> JA14YM and Crime and Misconduct Commission [2014] QICmr 13 (10 April 2014) at [32] and Cronin at [21].

<sup>35</sup> G8KPL2 at [28]-[33] and G31 and Queensland Police Service [2024] QICmr 20 (22 May 2024) at [35].

<sup>36</sup> G8KPL2 at [29] referring to the Explanatory Memorandum to the relevant Bill.

<sup>37</sup> This approach was approved in Dawson-Wells at [17]-[18] and BL v Office of the Information Commissioner, Department of Communities [2012] QCATA 149 at [13] and [15].

<sup>38</sup> Section 48(2) of the RTI Act.

<sup>39</sup> Section 118(2) of the IP Act.

<sup>40</sup> Section 118(1)(b) of the IP Act.

<sup>41</sup> Section 69(3) of the IP Act confirms that a decision of this nature is a decision refusing access under section 67 of the IP Act and section 47 of the RTI Act.

<sup>42</sup> In schedule 5 of the IP Act.

<sup>43</sup> '*Personal information*' under section 12 of the IP Act 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*'.

25. Neither confirming nor denying the existence of requested documents is an infrequent response to an access application, but there are specific circumstances in which it is appropriate for an agency to respond in this way. The provision is intended to apply in situations where, due to the specific wording of the request, revealing whether the agency has the requested documents would reveal information to which an agency would normally be entitled to refuse access.<sup>44</sup>
26. Determining this issue essentially requires a decision maker to conduct a hypothetical public interest<sup>45</sup> balancing exercise, making a judgment as to where the balance of the public interest would lie, were requested documents to exist. This involves a notional application of the public interest balancing test, as prescribed in section 49 of the RTI Act,<sup>46</sup> including identifying public interest factors that would operate to favour disclosure and nondisclosure, assuming the existence of requested documents.<sup>47</sup>

### **Findings**

27. Nothing in this decision should be taken to either confirm or deny the existence of the requested documents.
28. This part of the application is for documents about a second complaint which the applicant believes was made against them, by a named individual. By its very nature, any documents which respond to this request (if they exist), would contain the personal information of an individual other than the applicant, being the alleged complainant.<sup>48</sup> I am satisfied that if the requested documents existed they would comprise the personal information of the named individual (the alleged complainant). As I am so satisfied, I have undertaken a hypothetical public interest balancing test in relation to the requested information.

### **Factors favouring disclosure**

29. The applicant's submissions raise public interest factors favouring disclosure, as the release of the requested information would:<sup>49</sup>
  - promote QPS's transparency and accountability<sup>50</sup>
  - enable the applicant access to their personal information;<sup>51</sup> and
  - enable the applicant to challenge the veracity of the complaint.<sup>52</sup>

---

<sup>44</sup> *EST and Department of Family Services and Aboriginal and Islander Affairs* (1995) 2 QAR 645) at [11], cited with approval in *Tolone v Department of Police* (Unreported Queensland Information Commissioner, 9 October 2009) at [25].

<sup>45</sup> 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, although there are some recognised public interest considerations that may apply for the benefit of an individual: Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

<sup>46</sup> In summary terms, section 49 of the RTI Act requires a decision maker to identify any irrelevant factors and disregard them; identify relevant public interest factors favouring disclosure and nondisclosure of subject information; balance relevant factors favouring disclosure and nondisclosure; and decide whether disclosure of subject information would, on balance, be contrary to the public interest. I have taken no irrelevant factors into account.

<sup>47</sup> See *Nadel and Queensland Police Service* [2020] QICmr 19 (6 April 2020) at [15] and *Z41 and Legal Services Commission* [2025] QICmr 57 (28 August 2025) at [12].

<sup>48</sup> Section 12 of the IP Act.

<sup>49</sup> Parts of the applicant's submissions may relate to either the first or second complaint. For completeness, I have considered all public interest factors raised by the applicant when assessing whether it is appropriate to neither confirm nor deny the existence of documents.

<sup>50</sup> Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

<sup>51</sup> Schedule 4, part 2, item 7 of the RTI Act.

<sup>52</sup> Schedule 4, part 2, items 12(a), (c), (d) and (e) of the RTI Act. While not raised by the applicant, I have also considered whether the information may be out of date or irrelevant. There is no information before me which objectively supports that the information is out of date or irrelevant, and I do not consider these factors would apply.

30. Disclosure of the requested documents, should they exist, could reasonably be expected to advance QPS's accountability and transparency of how it deals with complaints about its employees. I acknowledge that the applicant is seeking information to bring closure to these events.
31. However, the applicant has not demonstrated that they had any involvement with QPS in relation to any complaint investigation. I am also aware that the applicant is no longer an employee of QPS, diminishing the likelihood that QPS would pursue a complaint process involving the applicant in their professional capacity. While I recognise the general public interest in enabling access to government information, I consider that the factors which promote QPS's accountability and transparency in complaint handling processes should be afforded low weight.
32. Given the terms of the application, the release of information about a second complaint, if it exists, would enable the applicant access to their personal information within a complaint setting. This factor favouring disclosure is deserving of significant weight.
33. However, this request is for information about a complaint which the applicant believes was made by a named individual. It is reasonable to expect that, if documents about a second complaint exist, the applicant's personal information would appear intertwined with the personal information of the other individual. This means that any disclosure of the applicant's personal information would also involve the disclosure of another individual's personal information (giving rise to factors favouring nondisclosure discussed below).
34. I recognise that the applicant is concerned that the second complaint is vexatious, forming part of a broader pattern of unsubstantiated complaints made against them. A complaint made by another individual is inherently shaped by the relevant individual's observations, perceptions and versions of events, which are in turn shaped by factors such as the individual's memories of relevant events and subjective impressions. This inherent subjectivity does not mean that the information is necessarily '*erroneous*'.<sup>53</sup>
35. For these factors favouring disclosure to apply, the release of information must reasonably be expected to reveal that the information was incorrect, misleading, gratuitous or unfairly subjective. This will turn on the particular contents of the documents. I recognise the difficulty for the applicant to contest the accuracy of information within a second complaint, in circumstances where they have not been involved in a QPS investigation nor had the existence of such complaint confirmed. In circumstances of a hypothetical public interest assessment, as is the case here, I consider there is a *possibility*, that disclosure could reasonably reveal what the applicant contests. For the purposes of this public interest balancing test, I afford these factors low weight.
36. I have also considered whether the release of this information would:
  - advance the fair treatment of individuals;<sup>54</sup> or
  - contribute to a person's procedural fairness.<sup>55</sup>
37. Whether these factors favouring disclosure apply to determine the public interest in the release of documents regarding a second complaint, will depend on the nature of the information which may appear within the documents (should they exist).

---

<sup>53</sup> *Marshall and Department of Police* (Unreported, Queensland Information Commissioner, 25 February 2011) at [15]-[20] and *Brodsky and Gympie Regional Council* [2014] QICmr 17 (2 May 2014) at [32].

<sup>54</sup> Schedule 4, part 2, item 10 of the RTI Act.

<sup>55</sup> Schedule 4, part 2, item 17 of the RTI Act.

38. As outlined above, the applicant has not identified any action taken by QPS in response to the alleged second complaint, or that they should be afforded fair treatment in a process. Given the applicant has resigned from their role with QPS, it is not apparent that an employment complaint processes would continue beyond an employee's separation. In the circumstances, and on the information before me, I find that disclosure of this information would not advance the applicant's fair treatment and this factor does not apply.
39. Procedural fairness requires a decision maker to act fairly when deciding a matter that will impact a person's rights or interests.<sup>56</sup> This means the person subject to a decision must be provided with adequate information to effectively respond to the case against them. Due to the employee separation from QPS, it objectively does not appear that QPS would pursue a complaint investigation. As such, I am not satisfied that procedural fairness requires the applicant to receive the Complaint Information, and I do not consider that this factor applies.
40. When considering this factor in relation to the administration of justice, I need to consider whether:
- the applicant has suffered loss, or damage, or some kind of wrong, in respect of which a remedy is, or may be, available under the law
  - the applicant has a reasonable basis for seeking to pursue the remedy; and
  - disclosing the requested information held by QPS would assist the applicant to pursue the remedy, or evaluate whether a remedy is available or worth pursuing.<sup>57</sup>
41. Beyond a general assertion that the second complaint is vexatious and hurtful, the applicant has not articulated the loss or damage suffered which they are seeking to remedy. The applicant has also not explained how documents about a second complaint, if they existed, would be required to evaluate or pursue a remedy. As there is no evidence before me to indicate that disclosure of documents about a second complaint, if they existed, are required to enable the applicant to pursue a remedy, or evaluate whether a remedy is available or worth pursuing, I am not satisfied that this factor favouring disclosure would apply.

#### **Factors favouring nondisclosure**

42. There is a strong public interest in protecting the privacy of individuals.<sup>58</sup> The fact that an individual made a complaint, is their personal information, within the meaning of section 12 of the IP Act. The RTI Act recognises that disclosure of third party personal information would give rise to a public interest harm.<sup>59</sup> Even if the applicant had cogent evidence of the complaint, I do not consider that this would reduce the weight to be afforded to these factors favouring nondisclosure as information about a complainant routinely attracts these factors in favour of nondisclosure, and warrants high weight. As such, I afford the factors favouring disclosure regarding the privacy and personal information of other individual's significant weight.
43. As an employer, QPS is required to deal with complaints about employees. Any documents relating to a second complaint requested by the applicant would contain

---

<sup>56</sup> The fair hearing aspect of procedural fairness requires that, before a decision that will deprive a person of some right, interest or legitimate expectation is made, the person is entitled to know the case against them and to be given the opportunity of replying to it (*Kioa v West* (1985) 159 CLR 550 at 582 per Mason J).

<sup>57</sup> *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17].

<sup>58</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>59</sup> Schedule 4, part 4, item 6 of the RTI Act.

information provided by a named complainant to QPS.<sup>60</sup> Employers, such as QPS, rely on individuals to provide information so it can exercise management functions for the oversight of employees.<sup>61</sup> It is reasonable for a complainant to expect that complaint information provided to an agency will be held in confidence,<sup>62</sup> unless or until it becomes necessary to disclose it for the purposes of an investigation.<sup>63</sup> I consider the routine disclosure of information of this kind, in the context of a complaint about an employee, would prejudice the future supply of information to QPS as individuals would be less willing to provide free and frank information, due to concerns of its later disclosure. This in turn, would impact QPS's ability to manage employees through complaint processes.<sup>64</sup>

44. I acknowledge the applicant's concerns that information provided to QPS is vexatious, false and hurtful. The applicant has also explained that they do not believe a complainant making allegations of this kind should be protected by the legislation. The Information Commissioner has previously held that these factors which protect the flow of information to an agency will apply, even in circumstances where the veracity of the information is disputed.<sup>65</sup> In the circumstances of this matter, I afford these factors favouring nondisclosure of the second complaint information, should it exist, significant weight.

### **Balancing the public interest**

45. I am satisfied that if the existence of documents regarding a second complaint were confirmed, it would enable the applicant to ascertain whether a particular individual did or did not make a complaint about them in 2024. For the reasons explained above, this would constitute the personal information of another individual and prejudice the flow of information to QPS. I find the disclosure of this information would, on balance, be contrary to the public interest, and meets the test to be prescribed information. On this basis, it is appropriate to neither confirm nor deny the existence of documents about the second complaint, which the applicant contends was made against them.

### **DECISION**

46. For the reasons set out above, I vary the reviewable decision<sup>66</sup> and find that:
- the Remaining Information in relation to the first complaint is exempt from disclosure under schedule 3, section 10(4) of the RTI Act and access to it may be refused under section 67(1) of the IP Act and 47(3)(a) of the RTI Act; and
  - section 69 of the IP Act applies to neither confirm nor deny the existence of documents responding to the part of the application which seeks information about a second complaint on the basis that, assuming the existence of the information, access to it would be refused under section 67 of the IP Act as it would contain prescribed information.

---

<sup>60</sup> Schedule 4, part 3, items 13 and 16 of the RTI Act.

<sup>61</sup> Schedule 4, part 3, item 19 of the RTI Act.

<sup>62</sup> Schedule 4, part 4, item 8 of the RTI Act.

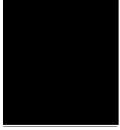
<sup>63</sup> *Y39 and Brisbane City Council* [2021] QICmr 51 (13 October 2021) at [34].

<sup>64</sup> Schedule 4, part 3, items 13 and 16 of the RTI Act.

<sup>65</sup> *P6Y4SX and Department of Police* (Unreported, Queensland Information Commissioner, 31 January 2012) from [35].

<sup>66</sup> Under section 123(1)(b) of the IP Act.

47. 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: 4 February 2026**