



Decision and Reasons for Decision

Citation: *Q62 and Department of Families, Seniors, Disability Services and Child Safety [2026] QICmr 27 (20 February 2026)*

Application Number: 318568

Applicant: Q62

Respondent: Department of Families, Seniors, Disability Services and Child Safety

Decision Date: 20 February 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - DISCLOSURE PROHIBITED BY ACT - whether disclosure is prohibited by sections 186A(1) or 187(2) of the *Child Protection Act 1999* (Qld) - sections 67(1) of the *Information Privacy Act 2009* (Qld) and 47(3)(a) and 48 and schedule 3, section 12 of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO CHILD'S BEST INTERESTS - application on behalf of child for child safety documents about that child - whether disclosure of the information would not be in the child's best interests - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(c) and 50 of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - IRRELEVANT INFORMATION - information relating to another child - whether deleted information is irrelevant to the terms of the access application - section 88 of the *Information Privacy Act 2009* (Qld)

REASONS FOR DECISION

Summary

1. A parent applied under the *Information Privacy Act 2009* (Qld) (**IP Act**),¹ on behalf of their child,² to the Department of Families, Seniors, Disability Services and Child Safety (**Department**) to access information held by the Department regarding that child (**child applicant**).³
2. The Department located 229 pages and decided to refuse access to the documents in full, on the ground that disclosure would be contrary to the child's best interests.⁴
3. The parent then applied, on behalf of the child applicant, to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision.⁵
4. For the reasons set out below, I vary the Department's decision and find that:
 - access to certain information may be refused on the ground that it comprises exempt information the disclosure of which is prohibited by the *Child Protection Act 1999* (Qld) (**CP Act**),⁶ and
 - disclosure of certain information comprises the child's personal information the disclosure of which would not be in the child's best interests;⁷ and
 - certain information may be deleted on the basis that it is not relevant to the access application.⁸

Reviewable decision

5. The decision under review is the Department's decision dated 15 April 2025.

Evidence considered

6. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes).
7. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information, to privacy, and regarding the protection of families and children.⁹ 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

¹ 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.

² Where an application is made on behalf of a child, the applicant is taken to be the child rather than the parent—see section 45(1) of the IP Act and the definition of 'applicant' in schedule 5 of the IP Act.

³ The access application is dated 20 March 2025. By letter dated 27 March 2025, the Department notified the parent that it had construed the application as a request to access the '[e]lectronic child safety documents in relation to the applicant as a subject child Date Range: 1 September 2024 - 20 March 2025'.

⁴ In a decision dated 15 April 2025.

⁵ External review application dated 15 April 2025.

⁶ Under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the RTI Act.

⁷ Under section 67(1) of the IP Act and sections 47(3)(c) and 50 of the RTI Act.

⁸ Under section 88(2) of the IP Act.

⁹ Sections 21(2), 25 and 26 of the HR Act. In this respect, in an email to OIC dated 17 November 2025, the parent on behalf of the child submitted that the child applicant has a right to know what was said about them, be safe from decisions being made based on inaccurate, misleading or untested allegations and have decisions made in a transparent and accountable manner.

RTI Act.¹⁰ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Information in issue

8. During the review, the Department accepted OIC's preliminary view that it was not entitled to refuse access to all of the located information and disclosed information that relates solely to the child applicant.¹¹
9. The remaining refused documents (**Information in Issue**) comprise 54 full pages¹² and 117 part-pages¹³ and can be described as the Department's electronic records relating to the child applicant, which contain sensitive information gathered by the Department while exercising its child safety functions. The Information in Issue falls into three categories:
 - **Category A Information** - which comprises names, identifying information or other information about the personal affairs of individuals other than the child applicant.¹⁴
 - **Category B Information** - which comprises the personal opinions of the child applicant.¹⁵
 - **Category C Information** - records of the outcomes of Court proceedings relating to the child applicant's sibling.¹⁶

Issues for determination

10. During the review, OIC conveyed a preliminary view to the applicant that access may be refused to the Category A and Category B Information, and the Category C Information may be deleted.¹⁷ The parent on behalf of the child applicant, does not accept OIC's preliminary view.
11. Accordingly, the issues for determination are whether:
 - access to the Category A Information may be refused on the ground that its disclosure is prohibited by sections 186A(1) and/or 187(2) of the CP Act, and it is therefore exempt information¹⁸
 - the Category B Information comprises the child's personal information the disclosure of which would not be in the child's best interests,¹⁹ and
 - the Category C Information may be deleted on the ground that it is irrelevant to the scope of the access application.²⁰

¹⁰ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573], wherein Bell J observed that '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' on the interaction between equivalent pieces of Victorian legislation; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. I further note that OIC's approach to the HR Act set out in this paragraph was considered and endorsed by the Queensland Civil and Administrative Tribunal (**QCAT**) in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23] (where Justice Member McGill saw 'no reason to differ' from OIC's position).

¹¹ Email to the Department dated 18 August 2025 and the Department's response received on 9 September 2025.

¹² At pages 5, 7-11, 21-26, 35-41, 51-56, 101-102, 113-114, 119, 155, 184, 188-189, 192-201, 205, 208-209, 214-217 and 227-229 of 229.

¹³ At pages 1, 4, 6, 13, 16-18, 20, 28, 30-32, 34, 43-44, 46-48, 50, 58, 60-62, 64-72, 74, 76, 78-80, 82-83, 85-86, 88, 90-95, 97, 99, 104-105, 107-108, 110, 112, 115, 117, 120, 122-123, 125, 127-128, 130-131, 133, 135-136, 138, 140-141, 143, 145, 147-148, 150-151, 153, 156-158, 160-161, 163-164, 166, 168-180, 185, 187, 190, 202-203, 206-207, 211-212, 218-221 and 223-226 of 229.

¹⁴ The Information in Issue other than that noted at footnotes 15 and 16.

¹⁵ At the top of page 128 of 229.

¹⁶ At pages 20-26, 34-41, 50-56 and 208-209 of 229.

¹⁷ Letter to the applicant dated 16 October 2025.

¹⁸ Under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the RTI Act.

¹⁹ Under section 67(1) of the IP Act and sections 47(3)(c) and 50 of the RTI Act.

²⁰ Under section 88 of the IP Act.

Category A Information

Relevant law

12. An individual has a right to access documents of an agency to the extent they contain the individual's personal information.²¹ However, this right is subject to some limitations under the IP Act and RTI Act.²²
13. Relevantly, an agency may refuse access to a document to the extent the document comprises exempt information.²³ Exempt information includes information the disclosure of which is prohibited by a number of provisions listed in schedule 3, section 12(1) of the RTI Act, including sections 186 to 188 of the CP Act.²⁴
14. Section 186A(1) of the CP Act prohibits the disclosure of the identity of a notifier, or information from which the identity of the notifier could be deduced, to another person. For section 186A(1) to apply, the following elements must be satisfied:
 - a person has notified a specified person²⁵ of harm or suspected harm to a child or unborn child
 - release of the information could disclose the identity of the notifier, or information from which their identity could be deduced; and
 - none of the exceptions in section 186A(2) apply.
15. Section 187(2) of the CP Act prohibits the disclosure of information about another person's affairs²⁶ obtained by specified individuals or entities involved in the administration of the CP Act.²⁷ For section 187(2) to apply, the following elements must be satisfied:
 - the information was received by a person listed in section 187(1) performing functions under or in relation to the administration of the CP Act
 - the information is about another person's affairs; and
 - none of the exceptions in section 187(3) or (4) apply.
16. However, information does not qualify as exempt information under schedule 3, section 12(1) of the RTI Act if the exception in schedule 3, section 12(2) of the RTI Act applies: *'if it is only personal information of the applicant'*.

Findings

17. Section 186A(1) prohibits the disclosure of a notifier *to another person*. Having carefully considered the Category A Information, I am satisfied that *some* parts of it identify a person/s who made a notification/s under the CP Act. Accordingly, I am satisfied that these parts of the Category A Information are subject to the prohibition on disclosure in section 186A(1) of the CP Act and qualify as exempt information under schedule 3,

²¹ Section 40(1)(a) of the IP Act. *Personal information* is defined in section 12 of the IP Act as '*information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion*'.

²² Section 67(1) of the IP Act sets out that an agency may refuse access to a document in the same way and to the same extent that the agency could refuse access to the document under section 47 of the RTI Act were the document the subject of an access application under the RTI Act.

²³ Section 47(3)(a) of the RTI Act.

²⁴ Sections 48(1) and 48(2) of the RTI Act.

²⁵ That is, the chief executive, an authorised officer, a police officer, a doctor or a nurse – see section 186 of the CP Act.

²⁶ The term 'person's affairs' is not defined in the CP Act or the *Acts Interpretation Act 1954* (Qld). *Macquarie Dictionary* (online at 12 December 2025) 'affair/s' (matters of interest or concern) (a private or personal concern), adopted in *7CLV4M and Department of Communities* (Unreported, Queensland Information Commissioner, 21 December 2011) at [30].

²⁷ As listed in section 187(1)(a) of the CP Act.

section 12(1) of the RTI Act - unless any of the exceptions to the section 186A(1) prohibition on disclosure of information apply (as discussed below).

18. In any event, I am satisfied that the entirety of the Category A Information comprises information about the 'affairs' of individuals other than the applicant - that is, matters of private or personal interest or concern to them. Further, I am satisfied that this information was received or obtained by Departmental officers who were performing functions under or in relation to the administration of the CP Act, and note that public service employees are among the persons to whom section 187 of the CP Act applies.²⁸ Accordingly, I am satisfied that the Category A Information is subject to the prohibition on disclosure in section 187(2) of the CP Act and qualifies as exempt information under schedule 3, section 12(1) of the RTI Act - unless any of the exceptions to section 187(2)'s prohibition on disclosure of information apply (as discussed below).
19. Sections 186A(2) and 187(3) and (4) of the CP Act contain a number of exceptions to the prohibitions on disclosure of information given or received under the CP Act.
20. Of relevance to this review, section 187(4)(a) of the CP Act provides that access may be given to another person to the extent that the information is about the other person. Additionally, schedule 3, section 12(2) of the RTI Act provides that information is not exempt information under schedule 3, section 12(1) if the information is only personal information of the applicant. Where information is not about the applicant, or where the information is about the applicant but is not solely about the applicant,²⁹ or where an applicant's personal information cannot be separated from the personal information of other individuals, these exceptions will not apply, and the information will remain exempt.
21. The parent on behalf of the child applicant submitted that the exception to the exemption has been applied too narrowly and that:³⁰

Much of the excluded material appears to relate both to my children and to the notifier or another person.

In such cases, partial release (with redaction) is possible.

22. I have carefully considered the Category A Information and am satisfied that all of it is about individuals other than the child applicant. I note that frequently, the Category A Information is also about the child applicant, but this information about the applicant is intertwined with the information of the other individuals. I therefore find that the Category A Information is not solely about the child applicant or only the personal information of the child applicant. I am therefore satisfied that the exceptions in section 187(4)(a) of the CP Act and schedule 3, section 12(2) of the RTI Act do not apply to the Category A Information because it is not only about the child applicant.
23. Arguably, the applicant's parent's comment that '[m]uch of the excluded material appears to relate both to my children ...'³¹ could be construed as contending that the applicant's parent has, or could, provide consent to disclosure on behalf of the applicant's sibling -

²⁸ Section 187(1)(a)(i) of the CP Act.

²⁹ In *Hughes and Department of Communities, Child Safety and Disability Services* (Unreported, Queensland Information Commissioner, 17 July 2012), Assistant Information Commissioner Corby considered whether the exception in section 187(4)(a) of the CP Act applies to shared information about the applicant and other persons. She observed at [26]: '*The CP Act exception only applies where the information is solely about the applicant. Thus where information is simultaneously about the applicant and others, the CP Act exception will not apply*'. See also the note to section 187(4) of the CP Act, which states '[f]or the disclosure of information that is about the person and a third party, see section 188C'. Section 188C(1) of the CP Act provides that the chief executive may disclose information that is about a person and 'also about someone else' to the person, however this discretion does not extend to OIC and its exercise is not a reviewable decision which may be considered on external review.

³⁰ Email to OIC dated 17 November 2025.

³¹ Email to OIC dated 17 November 2025.

and therefore could be construed as raising the exception in section 187(3)(e) of the CP Act. This exception enables access to information to be given if the person to whom the information relates consents in writing. However, as well as requiring written consent, this exception requires that the person in question is, or has become, an adult. Accordingly, regardless of any consent the parent may provide, or purport to provide,³² on the child applicant's sibling's behalf, that sibling also remains a child, and therefore this exception cannot apply.

24. The parent on behalf of the child applicant raised several public interest arguments that they considered supported the disclosure of the Category A information, including that disclosure could reasonably be expected to:³³
- enable the parent to correct inaccurate information
 - ensure transparency in child protection processes
 - support the right to procedural fairness - including where the Department has relied on information to restrict contact or sought long term orders, procedural fairness requires the parent be given access to this information
 - ensure the Courts make decisions based on accurate material; and
 - support the cultural rights of Aboriginal children and their families.
25. Further the parent submitted that the CP Act does not automatically override natural justice and should be considered in context when the Category A Information:
- may have been used by the Department in its decision-making
 - affects Court outcomes; and
 - has already been circulated among multiple government bodies.
26. While I acknowledge the submissions made by the parent, they do not raise matters that I am able to take into consideration. The types of information set out in schedule 3 of the RTI Act are exempt information - that is, information the disclosure of which Parliament has considered would, on balance, be contrary to the public interest.³⁴ Once I am satisfied that the information qualifies as exempt information, there is no scope for me to take the matters raised by the applicant into account.
27. I consider the requirements of sections 186A(1) and/or 187(2) of the CP Act are met and no exceptions in the CP Act or schedule 3, section 12(2) of the RTI Act apply. I therefore find that the Category A Information is exempt information under schedule 3, section 12(1) of the RTI Act and access to it may be refused on this ground.

Category B Information

Relevant law

28. Where an application is made on behalf of a child, the applicant is taken to be the child, rather than the parent.³⁵
29. The IP Act provides an individual a right to access documents of an agency to the extent they contain the individual's personal information.³⁶ This access right is subject to certain

³² Given the order granting long term guardianship of the child applicant to the Department's chief executive after commencement of this review, the parent may not now be in a position to provide consent on behalf of the child applicant in any event.

³³ Email to OIC dated 17 November 2025.

³⁴ Section 48(2) of the RTI Act.

³⁵ Refer to footnote 2 above.

³⁶ Section 40(1)(a) of the IP Act.

limitations, including grounds for refusing access.³⁷ One such refusal ground is where the:³⁸

- information is sought under an application made by or for a child
- information sought comprises the child's personal information; and
- disclosure of that information would not be in the child's best interests.

30. The IP Act and RTI Act provide limited guidance as to what factors are to be considered in deciding whether disclosure of information would not be in the child's best interests.³⁹ QCAT has observed that the question of whether disclosure of the information under the IP Act would, or would not, be in the best interests of the child is to be decided objectively, by reference to identifiable objective factors either advancing or damaging the interests of the child.⁴⁰
31. The 'best interests of the child' principle is set out in the United Nations' Convention on the Rights of the Child (1989) (**Convention**),⁴¹ and has since been applied in Australia in a number of legal contexts, particularly in family law⁴² and administrative law.⁴³ Courts have also recognised that 'best interests' is a multi-faceted test and incorporates the wellbeing of the child, factors that will affect the future of the child, the happiness of the child, immediate welfare, as well as matters relevant to the child's healthy development.⁴⁴
32. In *Re Bradford and Director of Family Services; Commissioner, Australian Federal Police*,⁴⁵ the applicant sought access under the *Freedom of Information Act 1982* (Cth) to information about her four children that was held by the Director of Family Services. In that case, President Curtis noted that, if there are child protection issues, disclosure of any information that undermines the relationship between the child and the agency charged with the protection of children may not be in the child's best interests.⁴⁶ The Information Commissioner has also previously recognised that it would not be in a child's best interests to disclose information where that disclosure may impact the child's trust in a child protection agency or which may result in damage to the relationship between the child and the agency.⁴⁷
33. A child's right to privacy is also recognised in the Convention.⁴⁸ Australian courts accept that children reach varying levels of autonomy and independence prior to turning 18 and

³⁷ Section 67(1) of the IP Act sets out that an agency may refuse access to information in the same way and to the same extent that the agency could refuse access to the document under section 47 of the RTI Act were the document the subject of an access application under the RTI Act. Section 47(2)(a) of the RTI Act also states that it is Parliament's intention that the grounds on which access may be refused are to be interpreted narrowly.

³⁸ Sections 47(3)(c) of the RTI Act.

³⁹ Section 50(3) of the RTI Act requires an agency, in considering whether disclosure would not be in the best interests of the child, to have regard to whether (a) the child has the capacity to understand the information and the context in which it was recorded and (b) make a mature judgement as to what might be in his or her best interests, unless the access application was made for the child (as is the case in this review).

⁴⁰ *FLK v Information Commissioner* [2021] QCATA 46 (**FLK**) at [8]. In this decision, Judicial Member McGill SC further observed at [8] that where an access application has been made by a child personally, section 50(3) of the RTI Act 'shows that the opinion of the child is not to be conclusive as to where the best interests of the child lie'.

⁴¹ Ratified by Australia in December 1990. This Convention provides that the best interests of the child is a 'primary consideration' in decisions concerning children and defines 'children' as everyone under 18 years.

⁴² For guidance, see section 60CC of the *Family Law Act 1975* (Cth) (**Family Law Act**). In the family law context, courts have recognised that the 'best interests of the child' is not a straightforward test - refer, for example, to *CDJ v VAJ* (1998) 197 CLR 172 at 219, where the High Court (in the majority judgment) noted that determining 'best interests' involved a 'discretionary judgement in respect of which judges can come to opposite but reasonable conclusions'.

⁴³ *Minister of State for Immigration and Ethnic Affairs v Ah Hin Teoh* (1995) 183 CLR 273.

⁴⁴ I also note that section 60CC of the Family Law Act sets out the matters to be considered by a court when determining what is in a child's best interests.

⁴⁵ (1998) 52 ALD 455 (**Re Bradford**).

⁴⁶ *Re Bradford* at 458-459.

⁴⁷ *2YSV6N and the Department of Communities, Child Safety and Disability Services* [2014] QICmr 25 (5 June 2014) at [45].

⁴⁸ See, for example, Article 16 of the Convention.

that a right to privacy, whilst generally low for a young child in relation to their parent, will strengthen as the child's understanding and maturity grows.⁴⁹

Findings

34. The Category B Information is sought under an application made for a child. It comprises a small amount of information on one page of the Information in Issue, and records information obtained by the Department during a home visit by Department Officers with the child applicant who was living with carers. As such, it is the child's personal information.
35. In determining whether disclosure of the Category B Information, would or would not, be in the best interests of the child (particularly given the age of the child), I have carefully considered the material before me, including the contents of the Category B Information, the decision under review and the submissions received from the parent on behalf of the child applicant.
36. The parent's submissions include that:⁵⁰
- they as the parent of the child are best placed to understand what is or is not in their child's best interests
 - withholding the information prevents them from supporting their child, particularly given it is critical that the parent know whether:
 - the information is accurate or was misinterpreted
 - the child was influenced, anxious or distressed at the time; or
 - follow-up supports are needed
 - they question whether disclosure of the Category B Information would undermine the trust between the child and the Department, as they consider that this '*is speculative and not supported by evidence*'
 - failure to disclose the Category B Information can cause greater harm⁵¹
 - transparency promotes welfare⁵²
 - the information has already influenced the Department's decisions in relation to child safety; and
 - the Convention 'requires decisions to be made transparently and in partnership with parents'.
37. Determining the best interests of a child is a multi-faceted test and includes consideration of the factors that will affect the future and immediate welfare and happiness of the child - in some cases, this will not align with the views of the parent.⁵³ While I have carefully considered and taken into account the parent's submissions, I am unable to address some of these directly in this decision, as to do so would disclose the nature of the Category B Information.⁵⁴ However, in relation to the first dot point at paragraph 36, I note that QCAT has confirmed that '*the legislation does not in terms attribute any special significance to the opinion of the child's parent as to what is in the best interests of the child*'.⁵⁵

⁴⁹ *Marion's case (Secretary, Department of Health and Community Services v JWB and another (1992) 175 CLR 218 at [19]* referring to *Gillick v West Norfolk and Wisbech Area Health Authority [1986] 1 AC 112*; see also *AZ4Z4W and the Department of Communities, Child Safety and Disability Services [2014] QICmr 26 (5 June 2014)* at [34].

⁵⁰ Email to OIC dated 17 November 2025.

⁵¹ In this respect, the parent submitted that withholding information from the parent means that misunderstandings cannot be corrected, the parent cannot provide reassurance or support, misinformation can influence case plans and court decisions and the child's long-term relationship with the parent can be affected.

⁵² In this respect, the parent submitted that it is in the child's best interests that the parent is aware of what is said about him, how he is represented, whether supports are needed and whether statements have been altered or mischaracterised.

⁵³ *P64 and Queensland Police Service [2019] QICmr 56 (6 December 2019)*.

⁵⁴ Section 121(3) of the IP Act.

⁵⁵ *FLK* at [7].

38. In relation to the parent's submission that they consider that it is '*speculative*' that disclosure of the Category B Information would undermine the trust between the child and the Department and that there is no evidence to support this, in the case of *FLK*, QCAT stated that an unwillingness of a child to disclose information in the future '*... may not apply in every case, but the proposition that there is a risk that it could occur in a particular case is obvious enough*⁵⁶ and found that there was '*no reason why [the Information Commissioner] was not able to proceed on that basis*'.⁵⁷
39. In addition, while I acknowledge the parent's submission regarding the Convention, the question of whether the Department has complied with the Convention in its dealings with the parent falls outside OIC's jurisdiction.
40. In this case, the practical effect of disclosure would be that the Category B Information would be released to the parent on behalf of the child applicant. The Category B Information comprises the personal opinions of the child obtained during the Department's home visit with the child and his carers. I consider that disclosure of the Category B Information under the IP Act could reasonably impact the child's willingness to speak freely with the Department (or others) in the future, out of fear that any information disclosed may be shared. This, in turn, could reasonably be expected to prejudice the Department's ability to perform its child protection functions.
41. In the circumstances of this matter, the child is 11 years old and accordingly their right to privacy is expanding. The information was provided in sensitive family circumstances, where the Department has long-term guardianship over the child applicant and the child applicant lives with carers, rather than the parent who made the application on behalf of the child. Given this, I consider that disclosure of the Category B Information could potentially discourage the child from openly communicating with the Department (or others) in the future, if they expect the Department to later disclose the information to a parent.
42. I acknowledge that the material before me indicates that the parent cares greatly for the child applicant and is motivated to ensure their protection and address concerns that they have about steps taken by the Department. I also acknowledge that the parent considers that some of the information relied on by the Department is inaccurate or misleading; however, I consider the Department's statement in its decision that '*[d]isclosure of personal information to a parent responsible for harm would likely violate the child's right to privacy and could negatively affect their emotional well-being*' is also pertinent. In these circumstances and considering that the Category B Information comprises the sensitive personal information of the child gathered by the Department while exercising its child safety functions, I am satisfied that disclosure of the information would not be in the best interests of the child applicant. I therefore find that access to the Category B Information can be refused under sections 47(3)(c) and 50(2) of the RTI Act.

Category C Information

Relevant law

43. Section 88 of the IP Act provides that an agency may give access to a document subject to the deletion of information it considers is not relevant to the terms of an access

⁵⁶ *FLK* at [13] (*FLK*). Although this matter related to very different factual circumstances being an allegation of conduct made to Queensland Police Service, I consider that the comments made by the Tribunal also apply to circumstances where children are providing information to the Department.

⁵⁷ *FLK* at [14]. I also note that the Tribunal found that OIC's finding in that matter was a factual conclusion – see in particular [13] to [14] and [18].

application. This provision does not set out a ground for refusal of access. Rather, it provides a mechanism to allow irrelevant information to be deleted from documents which are identified for release to an applicant. In deciding whether information is irrelevant, it is necessary to consider whether the information has any bearing upon, or is pertinent to, the terms of the application.⁵⁸

Findings

44. As noted above, during the review OIC conveyed a preliminary view to the parent on behalf of the child applicant. In relation to the Category C Information, OIC acknowledged that the parent had made separate access applications on behalf of two of their children and explained that the Category C Information that had been deleted in this matter on the ground of irrelevance did not relate to the child applicant in this matter, rather it related to the child applicant's sibling. Given this, it was appropriate for the Category C Information to be deleted, as it relates to the sibling and not the child applicant.
45. The parent on behalf of the child applicant submitted that child safety casework for siblings is typically cross-referenced, interlinked and built on a shared household history and shared events, allegations and safety assessments and information about one child may impact the steps taken by the Department in relation to their sibling.⁵⁹
46. In addition, the parent submitted that deleting the '*cross-referenced information*' removes context and affects the parent's ability to:⁶⁰
 - understand how decisions were formed
 - identify factual errors
 - ensure procedural fairness; and
 - correct inaccuracies affecting both children's cases.
47. As noted at paragraph 9, the Category C Information comprises records of the outcomes of Court proceedings relating to the child applicant's sibling. While I acknowledge that these documents were located on the child applicant's file, the IP Act provides an individual with a right to access documents of an agency to the extent they contain the individual's personal information.⁶¹ The Category C Information does not contain the child applicant's personal information.
48. The Court proceedings related to both the child applicant and their sibling, however generally the Department made records of the outcomes of those proceedings for each child individually. Where those records relate to the child applicant in this matter, the Department has disclosed that information to the applicant. Where those records relate to the sibling of the child applicant they have been disclosed in response to the access application for the sibling. Accordingly, despite the parent's concerns about the effect of not disclosing the Category C information as referred to at paragraph 46, the parent is already in possession of a copy of the Category C Information, albeit copies disclosed to the parent in response to the application made on behalf of the sibling.
49. Given that the scope of the application seeks the personal information of the subject child applicant and the Category C Information comprises information relating solely to

⁵⁸ *Underwood and Department of Housing and Public Works* (Unreported, Queensland Information Commissioner, 18 May 2012) at [15] citing *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [52].

⁵⁹ Email to OIC dated 17 November 2025.

⁶⁰ Email to OIC dated 17 November 2025.

⁶¹ Section 40(1)(a) of the IP Act.

the sibling of the child applicant, I find that this information falls outside the scope of the application and accordingly the Category C Information can be deleted from the copies of documents released to the applicant under section 88 of the IP Act.

DECISION

50. For the reasons set out above, I vary the Department's decision⁶² and find that:

- access to the Category A Information may be refused on the ground that it comprises exempt information the disclosure of which is prohibited by the CP Act⁶³
- the Category B Information comprises the child's personal information the disclosure of which would not be in the child's best interests,⁶⁴ and
- the Category C information may be deleted on the basis that it is not relevant to the access application.⁶⁵

51. 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.



A Rickard
Assistant Information Commissioner

Date: 20 February 2026

⁶² Under section 123(1)(b) of the IP Act.

⁶³ Under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the RTI Act.

⁶⁴ Under section 67(1) of the IP Act and sections 47(3)(c) and 50 of the RTI Act.

⁶⁵ Under section 88(2) of the IP Act.