



## Decision and Reasons for Decision

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**Citation:** *K96 and Griffith University [2026] QICmr 64 (23 April 2026)*

**Application Number:** 318616

**Applicant:** K96

**Respondent:** Griffith University

**Decision Date:** 23 April 2026

**Catchwords:** ADMINISTRATIVE LAW - RIGHT TO INFORMATION - PREVIOUS APPLICATION FOR SAME DOCUMENTS - request for certain documents relating to applicant - applicant made earlier applications for same documents - earlier applications were subject of completed external reviews - whether reasonable basis for reapplying - refusal to deal - section 62(3) of *Information Privacy Act 2009 (Qld)*

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - NONEXISTENT OR UNLOCATABLE - whether agency has conducted reasonable searches - whether agency has explained why documents do not exist - whether there are reasonable grounds to be satisfied the requested documents do not exist - whether access to further documents may be refused on the basis they are nonexistent or unlocatable - section 67(1) of *Information Privacy Act 2009 (Qld)* and sections 47(3)(e) and 52(1) of *Right to Information Act 2009 (Qld)*

### DECISION

1. For the below reasons, I vary<sup>1</sup> the reviewable decision of Griffith University (**University**) and find:

- parts 2 and 5 of the application seek access to documents the applicant has previously applied for and accordingly are subject to section 62 of the IP Act; and
- access to documents or further documents responsive to parts 3, 4, 6, 7, 8 and 9 of the application may be refused on the ground they do not exist or are unlocatable under section 67(1) of the IP Act and section 47(3)(e) of the RTI Act.

2. This means no further information is to be released to the applicant.

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<sup>1</sup> Under section 123(1)(b) of the *Information Privacy Act 2009 (Qld) (IP Act)*. 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, which 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.

3. My reasons for the decision follow.



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**A Rickard**  
**Assistant Information Commissioner**

**Date: 23 April 2026**

## REASONS FOR DECISION

### Background

4. The applicant applied to the University under the IP Act. The parties agreed to a nine-part scope<sup>2</sup> (which is set out as relevant in this decision).
5. The application was specified to include ‘*all [current] metadata associated with documents returned from each listed item*’.
6. The University did not make a considered decision within the applicable processing period and was therefore taken to have made a deemed decision refusing access to the requested information.<sup>3</sup> The University’s purported decision notice:<sup>4</sup>
  - decided to refuse access to parts 1, 2, 3, 4, 6, 8 and 9 on the basis the information was nonexistent or unlocatable;<sup>5</sup> and
  - located 24 pages<sup>6</sup> in response to parts 5 and 7 and refused access to parts of 20 pages on the basis the information is not relevant to the application.<sup>7</sup>
7. The applicant applied<sup>8</sup> to OIC for external review of the University’s decision.

### Reviewable decision

8. The decision under review is the University’s deemed decision taken to have been made on 19 March 2025 refusing access to the requested information.

### Evidence considered

9. The evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including the footnotes).
10. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.<sup>9</sup> 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 RTI Act.<sup>10</sup> I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

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<sup>2</sup> The applicant initially made an application to the University on 14 November 2024. On 3 December 2024, the University wrote to the applicant, inviting him to reduce the size of his application, as otherwise it considered that processing it would be a substantial and unreasonable diversion of its resources. The applicant provided a narrowed scope, however the University ultimately decided to refuse to deal with the application on the basis it did not comply with section 43 of the IP Act. The applicant applied to the Office of the Information Commissioner (**OIC**) for an external review of that decision. During the ensuing external review 318389, the University accepted OIC’s preliminary view that the application was compliant. Accordingly, the application was returned to the University to resume processing the application on 5 March 2025.

<sup>3</sup> Under section 66(1) of the IP Act.

<sup>4</sup> Dated 10 April 2025.

<sup>5</sup> Section 67(1) of the IP Act and sections 47(3)(e) and 52(1) of the RTI Act. Section 67(1) of the IP Act provides an agency may refuse access to a document of the agency in the same way and to the same extent the agency could refuse access to the document under section 47 of the RTI Act, were the document to be the subject of an access application under the RTI Act.

<sup>6</sup> During the review the University clarified the actual number of pages it had disclosed to the applicant was 30. Letter to OIC dated 11 November 2025.

<sup>7</sup> Section 88 of the IP Act.

<sup>8</sup> On 8 May 2025.

<sup>9</sup> Section 21(2) of the HR Act.

<sup>10</sup> *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573], wherein Bell J observed ‘*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 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).

## Issues for determination

11. During the review:

- the University agreed to disclose a small amount of further information; and
- the applicant accepted OIC's preliminary view<sup>11</sup> that access to documents responding to part 1 of the application may be refused on the basis they are the same documents as sought by the applicant in a previous application to the University. Accordingly, part 1 will not be addressed in this decision.

12. The issues for determination are whether:

- parts 2 and 5 of the application seek access to documents the applicant has previously applied for and accordingly are subject to section 62 of the IP Act; and
- access to documents or further documents responsive to parts 3, 4, 6, 7, 8 and 9 of the application may be refused on the ground they are nonexistent or are unlocatable.

## Relevant law

13. The IP Act provides an individual with a general right to be given access to documents of an agency to the extent they contain the individual's personal information,<sup>12</sup> however this right is subject to exclusions and limitations, including grounds for refusing to deal with an application and grounds for refusing access.

## *Previous application for same documents*

14. An agency may refuse to deal with an application where a previous application has been made for the same documents.<sup>13</sup>

15. Section 62 of the IP Act will apply where:

- (a) an applicant makes an access application (**previous application**) to an agency, and then makes a later access application (**later application**) to the same agency seeking access to one or more of the same documents<sup>14</sup>
- (b) the agency's decision on the previous application is the subject of a completed review (other than internal review) or an incomplete review;<sup>15</sup> and
- (c) the later application does not, on its face, disclose any reasonable basis for again seeking access to the documents.<sup>16</sup>

16. A review is defined in section 62(5)(b) of the IP Act to include an external review under the IP Act and a review will be taken to be complete if it has ended because of an informal resolution or because of a decision of the entity conducting the review.<sup>17</sup>

17. Where the above threshold requirements are met, an agency may refuse to deal with the later application to the extent it is for access sought under the previous application.

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<sup>11</sup> Letter to OIC dated 9 January 2026, received by OIC on 12 January 2026 (**Applicant's submission**).

<sup>12</sup> Section 40(1) of the IP Act.

<sup>13</sup> Section 62 of the IP Act.

<sup>14</sup> Section 62(1) of the IP Act.

<sup>15</sup> Section 62(3)(d) of the IP Act.

<sup>16</sup> Section 62(1)(b) of the IP Act.

<sup>17</sup> Section 62(6) of the IP Act.

### Nonexistent documents

18. The Information Commissioner's external review functions include investigating whether agencies have taken reasonable steps to identify and locate documents applied for by applicants.<sup>18</sup> However, access may be refused in circumstances where a document is nonexistent or unlocatable.<sup>19</sup>
19. A document will be *nonexistent* if there are reasonable grounds to be satisfied it does not exist.<sup>20</sup>
20. To be satisfied a document does not exist, the Information Commissioner has previously had regard to various key factors, including an agency's record keeping practices and procedures (including, but not limited to, its information management approaches).<sup>21</sup> By considering relevant key factors, the decision maker may conclude a particular document was not created because, for example, the agency's processes do not involve creating that specific document. In such instances, it is not necessary for the agency to search for the document. It is sufficient the relevant circumstances to account for the nonexistent document are adequately explained by the agency.
21. The Information Commissioner may also take into account the searches and inquiries conducted by an agency in determining whether a document is nonexistent. The key question then is whether those searches and inquiries amount to '*all reasonable steps*'.<sup>22</sup> What constitutes reasonable steps will vary from case to case, as the search and inquiry process an agency will be required to undertake will depend on which of the key factors are most relevant in the particular circumstances. Such steps may include inquiries and searches of all relevant locations identified after consideration of relevant key factors.<sup>23</sup>
22. A document is *unlocatable* if it has been or should be in the agency's possession and all reasonable steps have been taken to find it, but it cannot be found.
23. In determining whether a document is unlocatable, it is necessary to consider the specific circumstances of each case,<sup>24</sup> and in particular, whether:<sup>25</sup>
  - there are reasonable grounds to be satisfied the requested document has been or should be in the agency's possession; and
  - the agency has taken all reasonable steps to find the document.
24. The agency that made the decision under review has the onus of establishing the decision was justified, or the Information Commissioner should give a decision adverse to the applicant.<sup>26</sup>

<sup>18</sup> Section 137(2) of the IP Act. The Information Commissioner also has power under section 115 of the IP Act to require additional searches to be conducted during an external review. QCAT confirmed in *Webb v Information Commissioner* [2021] QCATA 116 (**Webb**) at [6] that the RTI Act '*does not contemplate that [the Information Commissioner] will in some way check an agency's records for relevant documents*' and, ultimately, the Information Commissioner is dependent on the agency's officers to do the actual searching for relevant documents.

<sup>19</sup> Sections 47(3)(e) and 52(1) of the RTI Act.

<sup>20</sup> Section 52(1)(a) of the RTI Act. For example, a document has never been created.

<sup>21</sup> *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) (**Pryor**) at [19] which adopted the Information Commissioner's comments in *PDE and University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) (**PDE**) at [37]-[38]. *PDE* addresses the application of section 28A of the now repealed *Freedom of Information Act 1992*. Section 52 of the RTI Act is drafted in substantially the same terms as the provision considered in *PDE* and, therefore, the Information Commissioner's findings in *PDE* are relevant.

<sup>22</sup> As set out in *PDE* at [49].

<sup>23</sup> As set out in *PDE* at [38].

<sup>24</sup> *Pryor* at [21].

<sup>25</sup> Section 52(1)(b) of the IP Act.

<sup>26</sup> Section 100(1) of the IP Act.

25. However, where an external review involves the issue of missing documents, the applicant bears a practical onus to establish reasonable grounds which demonstrate the agency has not discharged its obligation to take all reasonable steps to locate the requested documents. Suspicion and mere assertion will not satisfy this onus.<sup>27</sup> In assessing an agency's searches, the relevant question is whether the agency has taken *all reasonable steps* to identify and locate documents, as opposed to *all possible steps*.<sup>28</sup>

## Findings

### **Can the University refuse to deal with parts 2 and 5 of the application on the basis the applicant has previously applied for this information?**

#### **Part 2**

26. Part 2 of the current application requests:

*All documents and communications by the Health & Safety Advisor, Head of Griffith Business School and Program Director, Bachelor of International Business relating to workplace health and safety issues relating to me [2016-2017]*

(bold is my emphasis)

27. In a previous access application to the University on 7 February 2024 (**February Application**), the applicant requested documents within the timeframe 1 January 2016 to 31 December 2017 including:

*Records, documents, and supporting materials associated with notifiable Work Health and Safety (WHS) accidents, incidents and complaints; where I am identified in those records, documents and supporting materials.*

*Records, documents, and supporting materials associated with WHS accidents, incidents and complaints that are not notifiable; where I am identified in those records, document, and supporting materials.*

28. In another previous access application to the University on 15 June 2024 (**June Application**), the applicant requested documents within the timeframe 1 January 2016 to 15 June 2024 including:

*All documents and communications collected, created, received, disclosed, or disseminated by the Vice Chancellor, Deputy Vice Chancellor (Education), Vice Chancellor (Corporate Services), Pro Vice Chancellor (Business), and Program Director (Bachelor of International Business) in relation to workplace health and Safety (WHS) legislation / policy issues pertaining to me.*

(bold is my emphasis)

29. The February and June Applications were both subject to external review by OIC<sup>29</sup> and finalised by way of a formal decision.<sup>30</sup> Accordingly, I am satisfied both comprise previous applications which are the subject of completed reviews, and therefore fulfil criteria (b) at paragraph 15 above.

<sup>27</sup> *Parnell and Queensland Police Service* [2017] QICmr 8 (7 March 2017) at [23].

<sup>28</sup> See *Webb* at [6], where Judicial Member McGill observed 'even if, at least in theory, further and better searches might possibly disclose additional documents'... '[t]he question in any particular case is whether the tests in s 52 of the Act have been met', cited in *S55 and Queensland Police Service* [2023] QICmr 3 (30 January 2023) at [23].

<sup>29</sup> External reviews 317940 and 318219 respectively.

<sup>30</sup> *C81 and Griffith University* [2024] QICmr 47 (2 October 2024) (**C81**) and *S38 and Griffith University* [2025] QICmr 101 (17 December 2025) (**S38**) respectively.

30. The applicant submitted his request at part 2 of the current application is broader than his request in the February and June Applications.<sup>31</sup>
31. In this regard, he submitted that part 2's request for documents by specific individuals (i.e., the Health and Safety Advisor, Head of Griffith Business School and Program Director) about 'issues' is broader than the February Application's request, which was limited to workplace health and safety accidents, incidents and complaints. He contended *'it must be accepted that WHS incidents and complaints are not the same thing as WHS issues, which must be taken as relating to the broader category of risk management'*.
32. He also submitted that part 2's request for documents by the Program Director relating to 'issues' is broader than the June Application's request for documents by the Program Director relating to *'legislation / policy issues'*.
33. I am satisfied that, despite the differences in wording, part 2 of the current application seeks documents already requested in the February Application. Specifically, in relation to part 2's request for documents by the Health and Safety Advisor, Head of Griffith Business School and Program Director, I am satisfied the February Application's reference to both notifiable and non-notifiable work health and safety *'accidents, incidents and complaints'* where the applicant is identified is sufficiently broad to capture any documents involving the individuals in those roles relating to the applicant (if they existed).<sup>32</sup>
34. Further, in relation to part 2's request for documents by the Program Director, I consider the June Application's reference to workplace health and safety *'legislation / policy issues pertaining to [the applicant]'* is again sufficiently broad to capture any documents involving the individual/s in that specific role relating to the applicant (if they existed).
35. I am therefore satisfied criteria (a) at paragraph 15 above is met.
36. The current application does not, on its face, disclose any basis for requesting the same documents again. On external review, however, the applicant stated what he considers to be a reasonable basis. I have considered the applicant's submission, to the extent the merits review process may require me to do so.<sup>33</sup>
37. In relation to the June application, the applicant submitted:<sup>34</sup>
- ... no information was provided about [the University's] searches until the Information Commissioner issued a decision. This was procedurally unfair, which is one of the reasons the applicant has appealed the Information Commissioner's decision.*
38. This is incorrect. During the external review of the June application, OIC conveyed a preliminary view to the applicant, which included providing details of the searches undertaken by the University to locate documents, and the applicant made submissions in response.<sup>35</sup>

<sup>31</sup> Applicant's submission at [5] and [7].

<sup>32</sup> As noted at [15] of C81 in relation to workplace health and safety documents, OIC informed the applicant *'[u]sing your name as a search tool, the Associate Director, Health and Wellbeing, conducted a search of the University's injury management system, as well as its current (from 2017 to present) and historical (from 2012) GSafe systems which record all historical incidents, accidents and events. No responsive documents were located.'*

<sup>33</sup> In conducting a merits review, OIC stands in the shoes of the original decision maker and can take into account information available at the time the review decision is made – see *Palmer and Townsville City Council* [2019] QICmr 43 (3 October 2019) (**Palmer**) at [21]-[40]. A similar consideration of submissions on external review was undertaken in *H19 and Queensland Police Service* [2024] QICmr 32 (29 July 2024) at [28].

<sup>34</sup> Applicant's submission at [5].

<sup>35</sup> S38 at [42] and [61].

39. Accordingly, I do not accept the applicant's basis, as stated on external review, for again requesting the documents by the Program Director sought in the June Application is a reasonable basis. I also note he has offered no basis, let alone a reasonable basis, for again requesting the documents by the Health and Safety Advisor, Head of Griffith Business School, as well as the Program Director, as sought in the February Application.
40. I therefore conclude that criteria (c) at paragraph 15 above is satisfied.
41. As all three criteria are satisfied, I find section 62 of the IP Act applies to part 2 of the current application, and therefore I may refuse to deal with part 2 on the basis it seeks to access the same documents as requested in the February and/or June Applications.<sup>36</sup>

### ***Alternative ground***

42. Even if I am wrong in the sense argued by the applicant at paragraphs 30 to 32 above - and documents about 'issues' sought at part 2 of the current application are a broader category which extends beyond the documents requested in the February Application and the June Application - section 62 of the IP Act would nevertheless still apply to part 2 to the extent it seeks what the applicant considers to be narrower 'subsets' of documents requested in the two Applications.
43. The applicant appears to accept this.<sup>37</sup> Accordingly, the following comments are directed at documents requested at part 2 *other than* these documents (**Other Issues Documents**).
44. During the external review of the February Application, the applicant was asked to provide evidence which supported his belief that documents falling within the terms of that application ought reasonably be expected to exist; however, the applicant did not provide any evidence in this respect.<sup>38</sup>
45. Similarly, in this review, while the applicant contends that further workplace health and safety 'issues' may be documented, he has provided no indication of the nature of such issues, and no detail regarding the circumstances in which they could have arisen. On the material before me, it is unclear what broader workplace health and safety issues would prompt the creation of Other Issues Documents and be recorded in them.
46. In relation to the February and June Applications, after conducting searches, the University did not locate any responsive documents. In brief, the searches undertaken regarding the February Application were:<sup>39</sup>

*Using [the applicant's] name as the search tool, the Associate Director, Health and Wellbeing, conducted a search of the University's injury management system, as well its current (from 2017 to present) and historical (from 2012) GSafe systems which record all historical incidents, accidents and events. No responsive records were located'.*

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<sup>36</sup> Noting section 118(1)(b) of the IP Act provides the Information Commissioner may decide any matter in relation to an access application that could under the IP Act have been decided by the University.

<sup>37</sup> Applicant's submission at [7]. In stating '*unless the 'WHS issue' documents requested at part 2 of the current application relate specifically to an incident or complaint, there is no overlap*', he appears to accept the documents by the Health and Safety Advisor, Head of Griffith Business School and Program Director relating to an accident, incident or complaint requested in the February Application cannot be requested again in the current application. Further, in stating '*[d]ocuments associated with legislation and policy issues is narrower in scope than WHS issues, and therefore, the entire scope of Program Director documents isn't excluded by section 62 of the IP Act*', he appears to accept the documents by the Program Director relating to legislation and policy issues requested in the June Application cannot be requested again in the current application.

<sup>38</sup> C81 at [18] to [19].

<sup>39</sup> C81 at [15].

47. For the June Application, the University submitted that, for each of the five identified positions, it:<sup>40</sup>
- *identified -*
    - *the name of the individual that held the role while the applicant attended the University.*
    - *the names of any other individuals that held the role during the timeframe referred to in the application.*
    - *any generic email inboxes used by that job title; and*
    - *any support staff accounts linked to that job title, and*
  - *then, searched the Microsoft 365 accounts, Exchange Online (email and calendar) and Microsoft OneDrive for each of those accounts, as noted above using the applicant's full name as the search term.*
48. While the applicant made further submissions regarding what he perceives to be the inadequacy of these searches,<sup>41</sup> given the nature of them, I consider it reasonable to expect if any documents about broader issues relating to the applicant existed, they would have been located at this time, or at least referenced in located documents. However, as noted above, no documents were located.
49. In this regard, when I conveyed a preliminary view to the applicant in relation to part 2, I stated:<sup>42</sup>
- ... even if the refusal to deal ground did not apply, my view is that there is no meaningful outcome you could achieve through this review given my preliminary view in [relation to the June Application<sup>43</sup>] and OIC's formal decision in [relation to the February Application], that there are reasonable grounds to be satisfied that the documents you are seeking do not exist.*
50. In response, the applicant submitted<sup>44</sup> that, in conducting an external review, OIC is conducting a de novo merits review, which means a '*fresh decision must be made on new evidence*'. He stated:
- The Information Commissioner cannot simply defer to the findings made in other reviews, because of the nature of the external review. It is submitted that to do so, would import errors considered to be present in the outcomes of other reviews, which given the applicant's views, would mean any decision made in relation to this review would need to be appealed.*
51. What I understand the applicant to be submitting is that, in conducting a merits review, I cannot take into consideration findings in earlier OIC decisions regarding the applicant's previous external reviews, where such findings consider information the University has provided to OIC about relevant key factors (noted at paragraph 20 above), or about the searches and inquiries it has conducted. By the applicant's logic, even when I am aware that the University has conducted searches of locations where documents referred to in this application could (if they existed) reasonably be expected to be retained, I cannot take this into account in this review, because this is a different external review, and must instead require the University to repeat the same steps.
52. Not only would requiring this repetition be an unreasonable use of the University and OIC's time and resources, it misunderstands the nature of merits review. It is, of course, generally incumbent on the Information Commissioner to take into account the circumstances at the time of each particular external review when reaching the correct and preferable decision in that review.<sup>45</sup> However, this does not mean the Information

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<sup>40</sup> S38 at [44].

<sup>41</sup> Applicant's submissions at [12].

<sup>42</sup> Letter to the applicant dated 18 November 2025.

<sup>43</sup> At that stage, no formal decision had been issued by OIC.

<sup>44</sup> Applicant's submission at [11].

<sup>45</sup> *Palmer* at [21].

Commissioner is required to obtain 'new evidence' of the same searches simply because this is a separate review. Repetition of searches or inquiries would only be required if circumstances had changed, and there is nothing before me to suggest any change in circumstances which would render the searches noted at paragraphs 46 and 47 above inadequate or out of date.

53. In conclusion, even if my above finding that section 62 of the IP Act applies to part 2 does not include the Other Issues Documents, I find all reasonable steps have been taken to locate such documents, and therefore access to them may be refused on the ground they are nonexistent or unlocatable.

## **Part 5**

### ***Preliminary comments***

54. Part 5 of the current application requests:

*All documents associated with complaints or reports of sexual assault, sexual harassment, harassment, bullying and/or discrimination made by the following teachers against me:  
[Names of four University staff members]  
[2016-2017]*

55. As noted at paragraph 6 above, in its decision the University stated it had located documents responding to part 5 of the application.<sup>46</sup>

56. During the review, OIC was unable to identify any information alleging sexual assault or harassment, bullying or discrimination by the applicant among the documents provided by the University. The provided documents could generally be described as '[University] staff communications with the applicant, class lists and marks for exams/assessments'.<sup>47</sup>

57. OIC therefore asked the University to identify the information it had located in response to part 5. The University responded:<sup>48</sup>

*The OIC's assessment is accurate - there are no documents responsive to this request. It appears there was a processing error whereby documents were taken from the relevant dataset but were not actually relevant to the scope of the request.*

58. In my preliminary view to the applicant, I provided an explanation to the applicant that, although the University's decision referred to locating documents responsive to part 5 of the application, this was not in fact correct and reiterated the explanation provided by the University.<sup>49</sup> After the applicant raised a query about the information that had been deleted from the documents disclosed to him by the University,<sup>50</sup> he was given a further explanation which included the following:<sup>51</sup>

*[The University] submitted that there had been a 'processing error', as some of the disclosed documents are not relevant to the scope of your request. In other words, [the University] should not have disclosed these documents to you as they fall outside the scope of your application and it was incorrect for [the University] to state in its decision that it had located documents responsive to part 5. of the application, as no such documents were located.*

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<sup>46</sup> And part 7 as well.

<sup>47</sup> Email to the University dated 27 October 2025.

<sup>48</sup> Letter to OIC dated 11 November 2025.

<sup>49</sup> Letter to applicant dated 18 November 2025.

<sup>50</sup> Email to OIC dated 2 December 2025.

<sup>51</sup> Email to applicant dated 2 December 2025.

59. He was also advised of the general nature of information redacted from the located documents (i.e. information in emails about another student who was sitting an exam, and in spreadsheets comprising the names, contact details and assessment results of other students). Further, in the interests of giving the applicant a better understanding of the located information, with a view to informally resolving issues in relation to part 5, the University disclosed a small amount of further information to the applicant from a class spreadsheet, even though that information fell outside the scope of part 5.
60. In response, the applicant made a lengthy submission<sup>52</sup> about his belief that OIC had relied on section 121 of the IP Act<sup>53</sup> to conceal the existence of documents alleging sexual assault or harassment, bullying or discrimination by him.
61. The applicant's submission in this regard is incorrect. OIC does not share the applicant's understanding of section 121 of the IP Act. Further, OIC is not aware of the existence of documents comprising '*complaints or reports of sexual assault, sexual harassment, harassment, bullying and/or discrimination*' about him made by the individuals named in his application. It follows that OIC has not relied on section 121 to avoid disclosing the existence of any such documents to him.
62. It is unfortunate the University's decision stated that documents responsive to part 5 had been located even though that was not the case; however, as noted above, the applicant has been provided with an explanation, and even a small amount of information falling outside the scope of part 5 to give him a better understanding of what occurred.
63. I will now turn to the issue for determination regarding this part.

#### ***Previous application issue***

64. In the February Application, as well as requesting the documents noted at paragraph 25 above, the applicant requested the following documents within the timeframe 1 January 2016 to 31 December 2017:

*Records, documents, and supporting materials related to anonymous disclosures, informal disclosures, and formal concerns of sexual assault, sexual harassment, harassment, bullying and/or discrimination; where those records, documents and supporting materials pertain to allegations made against me.*

*Records, documents, and supporting materials associated with investigations, actions or precautionary actions related to reports of sexual assault, sexual harassment, harassment, bullying and/or discrimination; where those records, documents, and supporting materials pertain to investigations, actions, and/or precautionary actions directed at me.*

#### ***Additional Details***

***Relevant Policy:*** *Student Sexual Assault, Harassment, Bullying and Discrimination Policy.*

***Person Responsible:*** *The Deputy Registrar.*

65. As already mentioned at paragraph 29 above, I am satisfied the February Application is a previous application which is the subject of a completed review, and therefore meets criteria (b) at paragraph 15 above.

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<sup>52</sup> Applicant's submission at [33] and Appendix 1.

<sup>53</sup> Which provides the Information Commissioner may take steps they consider necessary to avoid disclosure exempt information or contrary to public interest information to an applicant.

66. In response to a preliminary view that part 5 of the current application seeks documents already requested in the February Application, the applicant submitted that part 5's request is broader than the February Application, because the February Application was limited to documents that relate to a student-only policy as noted in the 'Additional Details' part of that application.<sup>54</sup>
67. I accept the applicant's submission that there is a distinction between the scope of the February Application and part 5 of the current application, i.e. the February Application referred to a policy that was not in effect at the time the applicant was a student at the University, whereas the current application does not refer to documents created under that policy, or indeed any policy.
68. Relevantly, the University's decision regarding the February Application stated:<sup>55</sup>

*The first part of your scope refers to the Student Sexual Assault, Harassment, Bullying and Discrimination Policy. This policy did not come into effect until 15 February 2018, which is outside the date range of your request. **Prior to this date the University's Student Misconduct Policy would have applied and this is managed by the Student Integrity Unit.** As such, the RTI team asked the Student Integrity Unit to search their records in relation to part one of your request. Student Integrity has confirmed that no documents exist in relation to part one of your request.*

(bold is my emphasis)

69. The material before me is consistent with the University's above statement regarding its Student Misconduct Policy. I accept that, at the time the applicant was a student, the policy applicable to allegations of sexual assault, sexual harassment, harassment, bullying and/or discrimination by students was the Student Misconduct Policy.
70. Relevantly, the applicant requested documents relating to student misconduct allegations made against him within the timeframe 1 January 2016 to 18 March 2024 in another previous access application to the University on 19 March 2024 (**March Application**) as follows:
- a) *Student misconduct allegations made against me, and all documents associated with those student misconduct allegations.*
  - b) *Documents and materials associated with any preliminary investigations or investigations undertaken in response to misconduct allegations against me.*
  - c) *Issued warning/s; where those issued warnings concern me.*
  - d) *Allegation notice/s; where those allegations notices concern me.*
  - e) *Any documents held by the Student Misconduct Committee, Register, or Deputy Register, pertaining to student misconduct allegations made against me and subsequent actions taken in response to those allegations.*
  - f) *Meta-data associated with all documents found in relation to section 4 (a-e).*
71. The March Application was subject to external review by this Office<sup>56</sup> and finalised by way of a formal decision.<sup>57</sup> Accordingly, it is a previous application which is the subject of a completed review, and meets criteria (b) at paragraph 15 above.

<sup>54</sup> Applicant's submission at [31]-[32]. In this respect, the applicant referred to my finding in 317741, which was finalised by formal decision - *S25 and Griffith University* [2025] QICmr 2 (10 February 2025). In that decision at [27], I found a notation the applicant had added to the scope of his application in that matter meant that on a reasonable reading of the scope, the information the applicant was seeking related to documents created under the University's *Student Wellbeing and Safety Policy*, which did not come into effect until after the applicant had attended the University. In this matter, the applicant submitted '[t]o ensure consistency in the Information Commissioner's reasoning, the same must be said with regards to documents sought at items 1 & 2 [of the February Application] which relate to documents identified in a student-only policy (i.e. the Student Sexual Assault, Harassment, Bullying and Discrimination Policy (2018))'.

<sup>55</sup> Agency's decision dated 15 March 2024.

<sup>56</sup> External review 318033.

<sup>57</sup> *S59 and Griffith University* [2025] QICmr 29 (3 June 2025) (**S59**).

72. Further, while the March Application does not specifically refer to ‘*sexual assault, sexual harassment, harassment, bullying and/or discrimination*’ allegations, its general request for documents concerning student misconduct allegations would capture the entirety of part 5’s request for documents regarding specific types of allegations by the four named individuals (if they existed). I am therefore also satisfied criteria (a) at paragraph 15 above is met.<sup>58</sup>
73. The applicant offered no basis for requesting these documents again, either in his application or on external review. I therefore conclude that criteria (c) at paragraph 15 above is satisfied as well.
74. Given the above considerations, I find section 62 of the IP Act applies to part 5 of the current application, and therefore I may refuse to deal with part 5 on the basis it seeks to access the same documents as requested in the March Application.<sup>59</sup>

### ***Alternative ground***

75. In any event, the University conducted searches regarding documents responsive to part 5. As noted above, these searches correctly involved taking documents from the relevant dataset (i.e. documents relating to any of the four University staff members identified in part 5 containing references to the applicant) - but then incorrectly failed to consider whether those documents were in fact responsive to part 5 (i.e. whether the documents contained allegations of sexual assault, sexual harassment, harassment, bullying and/or discrimination against the applicant).
76. As a consequence, the searches identified the staff communications with the applicant, class lists and marks for exams/assessments discussed under the heading ‘Preliminary comments’ above. I consider it reasonable to expect that if there were any documents containing allegations of sexual assault, sexual harassment, harassment, bullying and/or discrimination against the applicant, they would have been located at this time, or at least referenced in located documents. However, as noted above, no such documents were located.
77. In these circumstances, I consider the University has taken all reasonable steps to locate relevant documents. Accordingly, even if my finding that I may refuse to deal with part 5 under section 62 of the IP Act were incorrect, all reasonable steps have been taken to locate documents responsive to part 5 of the current application, and therefore access to such documents may be refused on the ground they are nonexistent or unlocatable.

### ***Can access to documents responsive to parts 3, 4, 6, 7, 8 and 9 be refused on the ground they do not exist?***

#### **Part 3**

78. Part 3 of the application requests:

*All documents associated with complaints made about me under the university's student complaints policy [2016 - 2017]*

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<sup>58</sup> A second preliminary view stating this particular finding was not conveyed to the applicant. While I carefully weighed whether the applicant should be given the opportunity to respond make further submissions about this, I considered the following observation in *Calardu Penrith Pty Ltd v Penrith City Council* [2010] NSWLEC 50 at [180] (accepted in *Vega Vega v Hoyle & Ors* [2015] QSC 111 at [176]). is apt: ‘*Procedural fairness is not like a potentially endless game of tennis where every submission...hit over the net had to be returned...[n]or is procedural fairness to be equated with a duty of unlimited discovery*’.

<sup>59</sup> Noting section 118(1)(b) of the IP Act provides the Information Commissioner may decide any matter in relation to an access application that could under the IP Act have been decided by the University.

79. During the review, I conveyed a preliminary view to the applicant:<sup>60</sup>

*In relation to this part of your access application, [the University] submits that in response to your previous applications the Student Integrity Unit had conducted searches of the following and that no documents were located:*

- your student file; and
- student misconduct files in G Drive.

*Given that searches previously conducted by [the University] in response to your other applications would have covered the timeframe referred to in the application subject to this review, it is my preliminary view that [the University] has conducted reasonable searches to locate documents responsive to part 3. of your application and accordingly access may be refused to information of this nature on the ground that it is nonexistent or unlocatable.*

80. In response the applicant submitted<sup>61</sup> the Student Integrity Unit is not the entity responsible for handling student complaints. In this respect, the applicant referred to the various steps referred to in the University's **Student Complaint Policy**<sup>62</sup> for making a complaint, and submitted that searches should be undertaken of the student complaint files of the relevant Program Director and the business system maintained by the Student Ombudsman. In addition, the applicant submitted those searches should be undertaken using his name, student number and email address as the key words.

81. As noted above regarding part 5 of the current application, the applicant has requested information regarding allegations of misconduct, including allegations of sexual assault, sexual harassment, harassment, bullying and/or discrimination, against him in three access applications - namely the February and March Applications, as well as part 5. I also note the applicant has previously requested information about allegations of academic misconduct pertaining to him in the March Application.<sup>63</sup>

82. Largely, the searches for this misconduct information involved searches of the applicant's student file and student misconduct files, and were therefore conducted by the Student Integrity Unit. As noted in OIC's decisions regarding the February and March Applications, as well as above regarding part 5 of the current application, no misconduct documents have been located.

83. Complaints information, as requested by part 3 of the current application, is arguably broader than misconduct information. Having considered the Student Complaint Policy provided by the applicant, along with a version of the Student Misconduct Policy hyperlinked to it, it is my understanding that the former addresses complaints made by students; the latter addresses allegations of misconduct against students; and when complaints made under the former are considered sufficiently serious to support reports of possible misconduct under the latter, the two policies interlink.<sup>64</sup> It therefore appears the Student Integrity Unit may hold complaints information if and when a complaint leads to a report of possible misconduct, but not if a complaint did not result in such a report.

<sup>60</sup> Letter dated 18 November 2025.

<sup>61</sup> Applicant's submission at [16]-[21].

<sup>62</sup> The applicant provided a copy of the University Students Complaints Policy which shows it was approved on 6 October 2015 and was scheduled for its next review in 2020.

<sup>63</sup> Specifically, at item 1.a. of that access application '[a]ll documents associated with academic misconduct concerns, allegations and investigations, and outcomes pertaining to [the applicant]'.

<sup>64</sup> I have noted the version of the Student Misconduct Policy accessible via hyperlink in the provided Student Complaints Policy post-dates the timeframe specified in the current application. In external review 317741, the University provided a copy of the Student Misconduct Policies that were in effect for the timeframe the applicant attended the University. I am satisfied those policies are similar enough to support this understanding.

84. Under the Student Complaints Policy, when the complaint relates to the conduct of an *'individual [student] or a Group of students other than HDR candidates'*, as would be the case if a complaint was made about the applicant, step 1 is for the complainant to approach the student directly and attempt to resolve the issue informally; step 2 is for the complainant to make a complaint to the relevant University staff member; and then, if the complainant remains dissatisfied, step 3 is referral to the Student Ombudsman.
85. For all complaints, whether reported as possible misconduct or not, steps 2 and 3 in the Student Complaint Policy, as raised by the applicant, indicate where complaints documents would be held.
86. It is thus necessary to consider whether all reasonable steps have been taken to locate information relating to complaints about the applicant made under the step 2 – i.e., to the Program Director (Bachelor of International Business). If any such information is located, rendering referral to the Student Ombudsman under step 3 is a possibility, further enquiries related to such referral/s may also be required.
87. As noted at paragraph 28 above, the June Application requested documents within the timeframe 1 January 2016 to 15 June 2024 including:

*All documents and communications collected, created, received, disclosed, or disseminated by the ... **Program Director (Bachelor of International Business)** in relation to workplace health and Safety (WHS) legislation / policy issues pertaining to me.*

(bold is my emphasis)

88. OIC's decision of S38 – being my decision regarding the June Application – included the following.<sup>65</sup>

*During the review OIC requested that the University provide more detailed information about the search parameters used and the nature of the information located by the University which it stated did not respond to item 2 of the application. In response the University submitted that it conducted searches of the records requested by the applicant on its e-discovery system. The University provided the following information about the data sets compiled and how many records related to the applicant:*

Position title	Records in data sets	Records relevant to the applicant	Records in scope
...	...	...	...
Program Director (Bachelor of International Business)	684,453	2	Nil

*In conducting the searches of the data sets, the University stated that it used the applicant's first and last name together as a search term, which located the documents referred to above. It noted that when it tried to search the documents using either the applicant's individual first name or his last name as the search term, 'due to the prevalence of these terms and the size of the data sets, this resulted in an overwhelming number of documents making the search unmanageable'.*

89. The above reasons are relevant to consideration of part 3 of the current application as well. They confirm that, among the dataset of records relating to the relevant Program Director compiled by the University, use of "[applicant's first name] [applicant's last name]" as a search term identified only two records relating to the applicant. These reasons also include, in the next paragraph, the University's description of the

<sup>65</sup> At [37]-[38] - footnotes omitted.

documents identified as relating to the applicant.<sup>66</sup> No aspect of these descriptions could reasonably be considered to refer to documents responsive to part 3 of the current application.

90. Taking into account the comprehensive nature of the above searches of the relevant Program Director's documents, I consider it reasonable to conclude all reasonable steps to locate information relating to complaints about the applicant made to the Program Director have already been taken.<sup>67</sup>
91. In this regard, I have considered the applicant's suggestion that searches should be conducted using his student number and email as search terms. While such searches would be possible, it is necessary to distinguish between what steps are *possible* and what steps are *reasonable*.
92. The applicant's submissions only address policy and process that would apply *if* a complaint were made against him. Despite step 1 of the Student Complaints Policy involving a complainant approaching him directly to informally resolve a concern, he has provided no information about any complaints, nor even any circumstances which may have given rise to a complaint.
93. Even acknowledging that some complainants may wish to avoid trying to resolve an issue informally and move straight to step 2, I consider it unlikely that their complaint against an individual would include their student number or email address, but not their name. Similarly, I consider it unlikely that a University staff member such as the Program Director would record their handling of the complaint using only the subject individual's student number, and not their name. I therefore consider such searches extend beyond all reasonable steps.
94. Given the above, I am satisfied all reasonable steps have been taken to locate documents responsive to part 3. I therefore find that these documents may be refused on the ground they are nonexistent or unlocatable.

#### Part 4

95. Part 4 of the application requests:

*All documents associated with critical incidents that I have been identified in (critical incidents are defined in Griffith Policy) [2016-2017].*

96. During the review, I conveyed a preliminary view to the applicant:<sup>68</sup>

*In external review 318235, I informed you that [the University] had provided a submission that the **Critical Incident Policy** and Procedure did not come into effect until 4 July 2018, which is outside the timeframe of this application.*

*The policy that was in effect at the time you attended the University was the International Student Critical Incident Management Policy and Procedure (**International Incident Policy**), which [the University] provided you with a copy of in 318235. Having considered the International Incident Policy, the policy appears to relate to the reporting of critical incidents involving *international students*, by [University] staff members and registered homestay families. Given that I understand that you were not an international student, I consider that it*

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<sup>66</sup> At [39] – footnotes omitted.

<sup>67</sup> To the extent the applicant may consider his submission objecting to consideration of such findings (at paragraph 50) precludes these conclusions, I repeat and rely on above my above comments (at paragraphs 51 and 52).

<sup>68</sup> Letter dated 18 November 2025.

*is reasonable to conclude that any documents responding to this part of your access application are nonexistent.*

*However, even if you were part of an incident that involved an international student/s, I note that given the submission provided by [the University] below in relation to searches that it has previously undertaken, if any documents did exist, [the University] has undertaken reasonable searches to locate those documents:*

The Unit searched their relevant injury management system and GSafe system which record all historical incidents, accidents and events. No documents were located in relation to [the applicant's] request.

97. In response the applicant submitted<sup>69</sup> that, as he was enrolled in an international program and many international courses, *'the likelihood of him being recorded as involved in an incident involving an international student is significantly higher than a student undertaking a non-international based program'*. Regardless of the likelihood, the applicant has provided no information or evidence to support a reasonable belief that responsive documents ought to exist, nor has he provided any indication as to why it is reasonable to believe the University would hold any documents responsive to part 4 of the application (such as, for example dates or details of any incidents, or other people involved in such incidents).
98. He also submitted<sup>70</sup> the Critical Incident Policy which came into effect in 2018 *'is a 'revised' policy document - not a new policy document'*. Based on his view that a version of this Policy was in effect while he was a student, he considers searches of various locations, beyond GSafe and the injury management system which record WHS information, are required because *'[c]ritical incidents are not always going to involve an injury or near miss. A critical incident is defined as "a traumatic event, or the threat of such (within or outside Australia), which causes extreme stress, fear or injury"'*.
99. I have previously addressed the Critical Incident Policy and the associated procedure in an earlier external review with the applicant. This review was finalised by formal decision, which included the following:<sup>71</sup>
- Having considered the information provided by the University, I noted that the Critical Incident Policy and Procedure were approved by the University's Executive Group on 4 July 2018, and that extracts from the relevant Minutes related to a meeting in 2018 - after the applicant attended the University.*
100. There is nothing before me, in the applicant's submissions or otherwise, to call into question this finding regarding the Critical Incident Policy. Accordingly, to the extent the applicant identifies further searches for documents regarding *'the types of critical incidents that would not result in a incident or near miss'* based on his view that the Critical Incident Policy was operative during the timeframe of the current application, I consider such searches extend beyond all reasonable steps.
101. In relation to the applicant's submission<sup>72</sup> that the University failed to use his identity number as a search term when conducting searches in response to his February Application, this was addressed in OIC's decision which finalised the external review of the February Application. The delegate of the Information Commissioner in that matter found using the applicant's name as the search term for interrogating the relevant database was reasonable having regard to the terms of the application, and ought

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<sup>69</sup> Applicant's submission at [23].

<sup>70</sup> Applicant's submission at [23]-[26].

<sup>71</sup> K76 and Griffith University [2025] QICmr 85 (17 November 2025) at [38].

<sup>72</sup> Applicant's submission at [23]-[26].

reasonably be expected to have located any responsive documents or pointed to other avenues of search or inquiry.<sup>73</sup> Again, there is nothing before me to suggest any change in circumstances which would render searches using the applicant's identity number is now necessary.<sup>74</sup>

102. Having taken into consideration the above, I do not consider the applicant has satisfied the practical onus on him to establish reasonable grounds which demonstrate the University has not taken all reasonable steps to locate the requested documents. I cannot identify any reasonable basis to request that the University conduct further searches for documents responsive to part 4 of the application. Accordingly, I am satisfied all reasonable steps have been taken, and I find such documents may be refused on the ground they are nonexistent or unlocatable.

## Part 6

103. Part 6 of the application requests:

*All documents made by, and communications shared between the Manager, Student Equity Services or Disabilities Service Officers and the Head of Griffith Business School; where they concern me. [2016-2017]*

104. Like part 2 of the application (as set out above), and also like the June Application (relevant parts of which are also set out above), part 6 requests documents relating to specific roles, rather than particular individuals in those roles.

105. During the review, the University submitted<sup>75</sup> its '*current identity-matching process does not allow searching by job title at a specific point in time. The system tracks incumbents by name and Griffith ID number ... as job descriptions change over time*'. The University stated that, given this, it had worked with its Human Resources unit in an attempt to identify individuals who may have held the specific roles for the relevant timeframe. It also submitted:

*An all-tenancy search was conducted across the entire Microsoft 365 environment for the 2016-2017 period. This search identified any item containing the applicant's first or last name, in any order, context or format, within the requested timeframe. This is the most inclusive method for locating any electronic item referencing the applicant. Regardless of who held the roles mentioned, their communications involving the applicant would have been captured by this search.*

*While comprehensive, this method is extremely time-consuming and resource-intensive, both technically and in terms of manual review, as it returns a large volume of irrelevant results. We used this dataset to address any gaps created by the unknown identities referred to in the application.*

...

*These search terms will discover any results where the applicant is mentioned across subject lines, bodies of emails, document contents, and metadata.*

106. In relation to part 6 of the application in particular, the University submitted:<sup>76</sup>

*Documents and communication [sic] would be held within Microsoft 365 accounts: Exchange Online (email and calendar), and Microsoft OneDrive.*

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<sup>73</sup> C81 at [24] to [25].

<sup>74</sup> To the extent the applicant may consider his submission objecting to consideration of such findings (at paragraph 50) precludes these conclusions, I repeat and rely on above my above comments (at paragraphs 51 and 52).

<sup>75</sup> Letter to OIC dated 2 December 2025.

<sup>76</sup> Letter to OIC dated 11 November 2025.

*Google Drive was in use during this period for document storage. [The University] transitioned to Microsoft 365 in 2018, and all ongoing staff had their Google Drive transitioned to One Drive. Non-ongoing staff had their Google Drive decommissioned, and the data deleted, and therefore any documents held here have been destroyed.*

107. During the review, I conveyed a preliminary view to the applicant:<sup>77</sup>

*... [the University] stated that given the wording of the scope any documents would have been captured in the Pro-Vice Chancellor (Business)'s account as the 'Head of Griffith Business School'. [The University] identified the individual who held that position at the time you attended the University and conducted searches of their Microsoft 365: Exchange, OneDrive and Teams, using your name as the search term.*

*[The University] submitted that any information in a mailbox would be pre-Microsoft (ie. before 2018), however the individual acting in the position of Pro-Vice Chancellor (Business) has a current active account and 'therefore all personal account data for this staff member will have been migrated to M365'.*

108. In relation to the searches already undertaken by the University the applicant submitted<sup>78</sup> *'it is unclear why searches were conducted within MS 365 systems without using Purview'*. In relation to Microsoft Purview eDiscovery (**Purview**), the University explained that Purview *'is used for conducting all legally defensible discovery requests where the scope is known [or] suspected to be in the Microsoft tenancy'*<sup>79</sup> and confirmed it used Purview to:

- recover any residual data associated with the applicant's account, even though the account was inactive and the timeframe of the application was prior to the migration to Microsoft cloud services in 2018; mailbox data associated with the applicant; and mailbox data associated with all other data custodians identified within the scope of the application; and
- verify if any data associated with the applicant was located within any other Microsoft cloud services or data locations.

109. The applicant also listed<sup>80</sup> further information he considers should be provided about the University's record-keeping processes and the searches already undertaken. While the applicant may hold the view that this information is relevant and needed to satisfy himself about the adequacy of the searches, having considered the information provided by the University, I am not satisfied this information is required. Rather, I consider the information and explanations provided by the University about the searches and inquiries it has undertaken are sufficient for the purpose of determining whether the University has taken all reasonable steps.

110. In relation to further searches the applicant considers the University should undertake, he submitted<sup>81</sup> that searches of the accounts of all the individual roles referred to were in part 6 of his application, as those roles are referred to in the University's *Students with Disability Policy*. Having considered a copy of the policy provided by the applicant, I note it refers to (a) the *Head of School* in consultation with (b) the *Manager, Student Equity Services or Disabilities Service Officers* being responsible for:

- academic counselling services for students with disabilities
- the supervision and review of the progress of students with disabilities; and

<sup>77</sup> Letter dated 18 November 2025.

<sup>78</sup> Applicant's submission at [37].

<sup>79</sup> Letter to OIC dated 19 June 2025.

<sup>80</sup> Applicant's submission at [37]-[38].

<sup>81</sup> Applicant's submission at [36]-[38].

- the development of teaching and assessment methods appropriate to students with disabilities.
111. In terms of (a) the *Head of School*, the University submitted<sup>82</sup> any responsive documents would be captured in the account of the Pro-Vice Chancellor (Business), as the 'Head of Griffith Business School'. The University identified the individual who held that position at the time the applicant attended the University, and conducted searches of their Microsoft 365 (Exchange, OneDrive and Teams), using "[applicant's first name] [applicant's last name]" as the search term. The University also submitted any information in a mailbox would be pre-Microsoft (i.e. before 2018); however, the individual in question has a current active account and *'therefore all personal account data for this staff member will have been migrated to M365'*.
112. The applicant contended that a Pro-Vice Chancellor is not a Head of School. In support of this, the applicant provided the University's Position Statements for the '*Group Pro Vice Chancellor*' and '*Head of School*' from 2014 to demonstrate they are in fact different roles. I accept from the information provided by the applicant that it appears the role of Group Pro Vice Chancellor was separate to that of the Head of School in 2014; however, this information does not satisfy me that this remained the case in 2016-2017 or, if they were separate roles by 2016-2017, that both roles were filled at the time. I accept, as noted above, that the University worked with its Human Resources unit to identify the relevant individual, and it *'[u]ltimately determined the "Head of Griffith Business School" in 2016-2017 was the Pro Vice Chancellor (Business)'*.<sup>83</sup>
113. In terms of (b) the *Manager, Student Equity Services and Disabilities Service Officers*, the University stated it had not identified the individuals who held these roles. However, it conducted an all-tenancy dataset search across the entire Microsoft 365 environment for the 2016-2017 period using the following terms and did not locate any documents:<sup>84</sup>

"disability" AND "[applicant's first name] [applicant's last name]"  
 "disability" AND "[ applicant's first name]"  
 "equity" AND "[applicant's first name] [applicant's last name]"  
 "equity" AND "[applicant's first name]"  
 "[applicant's student identity number]" AND "disability"  
 "[applicant's student identity number]" AND "equity"  
 "manager" AND "equity"  
 "disability" AND "officer"  
 "disability" AND "service"  
 "Student Equity Services Manager"  
 "Student Equity Services"  
 "[a University staff member's first name] [the University staff member's last name]"  
 "[a variation on the same University staff member's first name] [the University staff member's last name]"

114. The applicant identified further searches he considers the University should undertake to locate documents responsive to part 6, including off-site locations and Queensland State Archives (**QSA**). In relation to off-site locations and QSA, the University submitted it used Content Manager, which it explained is an electronic document and records management system which is used to *'retain long term and permanent records described under a Retention and Disposal Schedule within the regulatory regime of the Public Records Act [QLD]'*. In response to the applicant's application, Content Manager was

<sup>82</sup> Letter to OIC dated 11 November 2025.

<sup>83</sup> Search certificate attached to the University's letter to OIC dated 19 June 2025.

<sup>84</sup> Letter to OIC dated 2 December 2025.

used 'to confirm if any records within the scope of the request had been retained as a record under a retention schedule'.<sup>85</sup>

115. In relation to the other additional searches the applicant considers the University should undertake, the applicant has provided no information or evidence to support a reasonable belief that responsive documents ought to exist. In this respect, the applicant has not discharged the practical onus on him to establish reasonable grounds which demonstrate the University has not taken all reasonable steps to locate documents responsive to part 6.
116. Given the above, I do not consider there is a reasonable basis upon which I may require the University to conduct further searches for documents responsive to part 6 of the application. I am satisfied all reasonable steps to locate these documents have been taken, and I find access to such documents may be refused on the ground they are nonexistent or unlocatable.

## Part 7

117. Part 7 of the application requests:

*All documents collected, created, received, disclosed, or disseminated as a result of my interactions with [name of University staff member] (Career / Employment Consultant) in late 2017 and early 2018.*

118. In relation to this part of the access application, the University located two emails from the named University staff member to the applicant and three journal entries made by that individual in relation to careers appointments the applicant attended. The University disclosed this information to the applicant in full.

119. In relation to the existence of any further information the University submitted:<sup>86</sup>

*The Career / Employment Consultant uses CareerHub for all student related records.*

*Searches of CareerHub were conducted by [the University staff member named in part 7] using the [applicant's] name.*

*Searches were conducted M365: Exchange, OneDrive, Teams.*

*Although the information is held in a personal mailbox from pre-Microsoft era (2018 and prior), [the University staff member named in part 7] has a current active account and therefore all personal account data for this staff member will have been migrated to M365.*

*Keywords used to search within the dataset: [applicant's first name] [applicant's last name] and [applicant's first name].*

*These searches cover the locations where the records are most likely to be held.*

120. In my preliminary view to the applicant, I conveyed my view that, having considered the University's submissions, it was my preliminary view it had conducted reasonable searches of the locations where documents would be expected to be located and accordingly access may be refused to any further information responding to part 7 of the application on the ground it is nonexistent.

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<sup>85</sup> Letter to OIC dated 19 June 2025.

<sup>86</sup> Letter to OIC dated 11 November 2025.

121. In response, in relation to the journal entries that the University had disclosed to him, the applicant requested<sup>87</sup> a further copy of these documents be provided to him *‘as they exist outside of an edit journal entry page’*. As noted in a previous decision involving the applicant and University,<sup>88</sup> section 83 of the IP Act deals with the form in which access can be provided to a document.<sup>89</sup> Given the University has provided the applicant with a copy of the journal entries, there is no further requirement for the University to provide the applicant with a further copy in the particular format specified by the applicant.
122. The applicant submitted<sup>90</sup> the University needed to conduct various further searches and inquiries.
123. Despite acknowledging *‘it is unlikely any documents would be held within Career Hub; which is a case management system’*, the applicant requested further searches of Career Hub be conducted using his email address, personal email, his student number and his unique student identifier as keywords. As noted above, the search of Career Hub conducted by the University staff member used the applicant’s name but did not use these keywords. Accordingly, searches using these keywords may be *possible*.
124. The applicant also submitted the University should have used Purview to conduct searches. In this regard, I refer to the University’s submission set out at paragraph 108..
125. He also submitted that other systems be searched - namely *‘email and correspondence tracking systems’*, *‘records management systems’*, and *‘Career Board - which supposedly records a student’s academic status and engagement with the service’*. It again may be the case that such searches are *possible*.
126. I have carefully considered the named University staff member’s searches of Career Hub using the applicant’s name, along with the searches of the Microsoft 365 account of this staff member, which included Exchange, OneDrive and Teams, using both “[applicant’s first name] [applicant’s last name]” and “[applicant’s first name]” as keywords. I accept, as submitted by the University, these *‘cover the locations where the records are most likely to be held’*. I also note these searches located three journal entries and two emails. I consider it reasonable to expect that, if there were any further responsive documents, they would have been located at this time, or at least referenced in located documents - however, nothing in the located documents suggests the existence of further documents.
127. I have also considered the applicant’s submissions about two circumstances in which responsive documents may have been received or created by the University staff member in question.
128. Firstly, the applicant submitted the University *‘has not produced any records associated with the relevant employment consultant’s actions in response to the applicant’s appointments with them (e.g. prospective employer contacts, background checks, other information obtained about the applicant for the purposes of providing him employment services)’*. Without further information, these submissions raise types of documents the applicant envisages a career / employment consultant employed by the University may create or receive in hypothetical situations, rather than actual circumstances.
129. Secondly, he submitted the University has not located any documents regarding its specialist employment program. This submission relates to a program that assists

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<sup>87</sup> Applicant’s submission at [42].

<sup>88</sup> S59 at [13].

<sup>89</sup> For example, providing a copy of a document or a reasonable opportunity to inspect a document.

<sup>90</sup> Applicant’s submission at [41]-[42].

students with disabilities.<sup>91</sup> However, the applicant has not provided any information to support that he was ever part of this employment program, nor does the information the University located and disclosed to the applicant suggest that was the case.

130. Having considered both the abovementioned searches, and the lack of any information before me to suggest actual circumstances in which responsive documents may have been received or created, I do not consider the applicant has satisfied the practical onus on him to establish reasonable grounds which demonstrate the University has not taken all reasonable steps to locate further documents responsive to part 7. In these circumstances, I consider the further searches suggested by the applicant at paragraphs 123 and 125 above, while *possible*, go beyond all *reasonable* steps.
131. The applicant also submitted the University should provide Career Hub metadata regarding the located documents (i.e., the two emails and three journal entries). This submission relates to the request in his application, as noted at paragraph 5 above, for *'all [current] metadata associated with documents returned from each listed item'*.
132. The IP Act provides *'metadata, about a document, includes information about the document's content, author, publication date and physical location'*.<sup>92</sup> Generally, metadata is information about data, especially in relation to its structure and organisation.<sup>93</sup>
133. In accordance with these definitions, the following information already provided to the applicant on the pages comprising the three journal articles and two emails comprises metadata:
  - for each journal entry – the CareerHub ID [number], Added [date and time] by [user], Last edited [date and time] by [user]; and
  - for each email – number of Opens (0), First opened, Last opened, Total clicks (0), From [email address], To [email address], Name [applicant name and number], Cc (nil), Bcc (nil), Start date [date and time], Finished [date and time], This email finished sending [date and time], Recipients (1), Failed/errors (0), Sent by [user], Sent as [email address] Sent [date and time].
134. The applicant did not specify any particular metadata sought by him, and may not have envisaged the provision of metadata to him in this particular form. Nevertheless, I consider the above information already provided to him is reasonably sufficient to satisfy this aspect of his request:
135. I cannot identify any reasonable basis to request that the University conduct further searches for further documents responsive to part 7 of the application. I am satisfied all reasonable steps to locate such documents have been taken, and I find they may be refused on the ground they are nonexistent or unlocatable.

## Part 8

136. Part 8 of the application requests:

*All documents collected, created, received, disclosed, or disseminated as a result of my interactions with [name of University staff member] in Trimester 2, 2017.*

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<sup>91</sup> The applicant provided an extract of the University's Annual Report 2018 which refers to services the University offers to students with disabilities.

<sup>92</sup> Section 48(3) of the IP Act.

<sup>93</sup> *Macquarie Dictionary Online* (Ninth Edition) <<https://www.macquariedictionary.com.au/>> (accessed on 1 April 2026).

137. In relation to this part of the application, the University submitted the individual referred to by the applicant is no longer a staff member at the University and accordingly could not be asked to conduct searches of his records. However, the University conducted searches of:<sup>94</sup>
- the Microsoft 365 account of named individual, which included Exchange and OneDrive using the applicant's name and/or the applicant's student number; and
  - the all-tenancy dataset search as referred to at paragraph 105 above, using "[applicant's first name] and "the last name of the named individual" as the search.
138. The University did not locate any documents in response to this part of the application.
139. I conveyed a preliminary view to the applicant that it appeared the University had conducted reasonable searches to locate documents responsive to this part of the application and accordingly access may be refused on the ground the documents are nonexistent or unlocatable.
140. The applicant submitted<sup>95</sup> the University needed to conduct various further searches and inquiries.
141. In addition, the applicant submitted if the named staff member was using Google apps at the time he ceased employment, the University should consider whether the individual transferred their ownership of his Google app files to the University. I do not consider it necessary to raise this issue with the University. In reaching this view, I have noted not only the University's explanation regarding use of Google Drive,<sup>96</sup> I have also noted the University's abovementioned submission regarding its searches of the named individual's Microsoft 365 account, which suggest he was an ongoing staff member at the time the transition to Microsoft took place.
142. In relation to the additional searches the applicant considers the University should undertake, the University's submission regarding Purview at paragraph 108 above is apposite.
143. Otherwise, I acknowledge further searches of the relevant learning management system, documents not transferred to M365, and ERP systems may be *possible*. However, the lack of any documents located as a result of the abovementioned M365 searches, which would seem relatively more likely to yield relevant documents, and the lack of any circumstances described by the applicant which ought reasonably be documented by the relevant staff member, indicate to me that while such searches are possible, they are not reasonable.
144. In terms of abovementioned lack of any circumstances described by the applicant, I confirm I have noted the applicant's submission "[i]t should be noted that the applicant met with [the former University staff member] on two separate occasions outside of classes / lectures, with one interaction lasting close to an hour". This, in my opinion, is not sufficient to support a reasonable belief that responsive documents ought to exist. The applicant has not provided any information about what the two interactions with the individual related to, why he considers they would have been documented, or the nature or contents of resulting documents envisaged by him.

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<sup>94</sup> Letter to OIC dated 11 November 2025.

<sup>95</sup> Applicant's submission at [44]-[45].

<sup>96</sup> Letter to OIC dated 11 November 2025, in which the University advised while the applicant was in attendance at the University, 'Google Drive was in use during this period for document storage. [The] University transitioned to Microsoft 365 in 2018, and all ongoing staff had their Google Drive transitioned to One Drive. Non-ongoing staff had their Google Drive decommissioned, and the data deleted, and therefore any documents held there would have been destroyed'.

145. In terms of searches of off-site locations and QSA, I repeat and rely on my above comments about the University's Content Manager at paragraph 114.
146. Insofar as the applicant contends that searches of back-up systems are required, in order to find a document is nonexistent,<sup>97</sup> section 52(2) of the RTI Act requires an agency to conduct a search of its backup system<sup>98</sup> *if* the agency considers the document has been kept in, and is retrievable from, the backup system.<sup>99</sup> However, I am satisfied the University's searches and inquiries, including interrogation of Content Manager, demonstrate a sufficient basis to conclude the documents were not kept in, or are retrievable from, a backup system, and therefore, searches of any such system are not required.
147. In conclusion, on the information before me, I am satisfied the University has taken all reasonable steps to locate documents responsive to part 8 of the access application. Accordingly, access may be refused to any such documents on the ground they are nonexistent or unlocatable.

### Part 9

148. Part 9 of the application requests:

*All documents collected, created, received, disclosed, or disseminated as a result of my interactions with Unitemps in July 2018 (according to my emails the appointment was with [name of University staff member], however I don't believe she was the person I spoke to when I went in).*

149. In relation to this part of the application, the University explained<sup>100</sup> '*Unitemps Griffith was an employment service for students and graduates and recruitment solutions for corporate clients*'. In relation to any records in this respect, the University submitted '*[d]ocuments and communication would be held within Microsoft 365 accounts Exchange Online (email and calendar) and Microsoft OneDrive, which could be associated with particular staff members or with the "unitemps" group*'.
150. In relation to the searches it conducted, the University submitted<sup>101</sup> it searched across any identity with the string '*Unitemps*' in the name (which included one archived account and 13 groups) of M365: Exchange, OneDrive and Teams using the applicant's name and July 2018. In relation to these searches, the University submitted the scope used in the search would '*provide a reasonable search for all data attributed to any group identity that includes "unitemps" and "[applicant's first name] [applicant's last name]" in "July 2018" that is still retained within M365 and related applications*'.
151. The University stated the named University staff member's account was no longer active and data from it, being pre-Microsoft data, would not have been automatically migrated, and therefore any references to this named staff member would be from secondary sources such as information in the mailboxes of other staff with active accounts. In this regard, the University searched M365: Exchange, OneDrive and Teams for all data attributed to "[named staff member's first name] [named staff member's last name]" and interactions with "[applicant's first name] [applicant's last name]" in "July 2018" for any information involving the named staff member still retained within M365.

<sup>97</sup> A search of a backup system is not required where documents are unlocatable under section 52(1)(b) of the RTI Act.

<sup>98</sup> Schedule 5 of the IP Act defines 'backup system' to mean '*a system that has, for disaster recovery purposes, copied electronic data onto a separate data storage medium, for example, onto a backup tape*'.

<sup>99</sup> Section 49 of the IP Act provides whilst an access application cannot require an agency to search for a document from a backup system, the agency may conduct searches of its backup system if the agency considers this is appropriate.

<sup>100</sup> Letter to OIC dated 11 November 2025.

<sup>101</sup> Letter to OIC dated 11 November 2025.

152. In addition, the University stated it identified another University staff member who might have been associated with interactions with the applicant and, accordingly, conducted searches of her active account, using “[applicant’s first name] [applicant’s last name]” and “[applicant’s first name]” as key words.
153. The University observed *[t[hese searches cover the locations where the records are most likely to be held]*, however it did not locate any documents as a result of them.
154. Having considered the abovementioned searches, I conveyed a preliminary view to the applicant that it appeared the University has conducted reasonable searches to locate documents responsive to this part of the application and accordingly access may be refused on the ground the documents are nonexistent or unlocatable.
155. In response, the applicant submitted<sup>102</sup> Unitemps *‘no longer exists. It is unclear whether Unitemps used Career Hub and Career Board and / or what happened to documents created / obtained by unitemps in providing services to the applicant once Unitemps ceased to exist’*.
156. While the applicant may hold the view that further information about Unitemps and its document management systems is relevant or needed to satisfy himself about the adequacy of the searches, having considered the information provided by the University I am not satisfied this information is required. I consider the information and explanations provided by the University about the searches and inquiries it has undertaken are sufficient for the purpose of determining whether the University has taken all reasonable steps.
157. The applicant also stated the University did not say whether it conducted searches within the account or storage container associated with the individual named in this part of the application. In this regard, I refer to the University’s submission noted at paragraph 151 above, and observe that further searches or inquiries relating to the University’s pre-Microsoft era may be *possible*.
158. The applicant also submitted<sup>103</sup> the University needed to conduct various further searches.
159. He again submitted the University should have used Purview to conduct searches. In this regard, I refer to the University’s submission at paragraph 108 above.
160. In addition, he submitted the University should conduct searches of its employment CMS, for example, Career Hub and Career Board and other unspecified record management system/s. Further searches of this nature may be *possible*.
161. Additionally, he submitted the University had not indicated whether it used the applicant’s *‘personal identifiers (i.e. name, student ID, and emails)’* when conducting its searches; yet also submitted, *‘seeing as searches were only conducted using [his] name’*, the University should conduct further searches using his student identity number or his email accounts (both University and personal) as keywords. The search terms used are set out at paragraphs 150 to 152 above, and therefore further searches using keywords as raised by the applicant may be *possible*.

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<sup>102</sup> Applicant’s submission at [47].

<sup>103</sup> Applicant’s submission at [47]-[49].

162. He also raised specific circumstances in which he considered responsive documents may have been received or created.
163. Firstly, he submitted the University has not located any documents regarding its specialist employment program. In this regard, I refer to my comments at paragraph 129 above.
164. Secondly, he submitted the University failed to locate emails associated with Unitemps/Career Hubs contacting the applicant in mid-2018, including an email received in July 2018, and a journal entry associated with interactions with the applicant in 2018. The applicant did not provide OIC with a copy of the *'notes / emails'* referred to by him. Given this, there is no material before OIC to support the existence of the journal entry or emails, and insufficient information to provide a reasonable basis for me requesting that the University conduct further searches for these particular documents.
165. Thirdly, he submitted:

*... I have been going over my notes / emails, and while the original email I received from Griffith regarding Unitemps was received in July 2018, the actual appointment took place in August 2018. As part 9 of the access application requests documents existing as a result of the applicant's interactions with Unitemps in July 2018, the appointment that was scheduled to take place in August is inclusive to the scope of the application – searches need to be expanded to cover the August period.*

166. This submission contends the terms of part 9 – i.e., *'All documents collected, created, received, disclosed, or disseminated as a result of my interactions with Unitemps in July 2018'* - should be construed as extending to documents regarding an appointment the applicant states occurred in August 2018, because that appointment was by arranged by email in July 2018, and therefore occurred as a result of an interaction in July 2018.
167. However, I consider that, when read as a whole, it was reasonable for the University to interpret part 9 as relating to documents created or received in July 2018. I do not consider it reasonable for the applicant, on external review and after *'going over my notes / emails'*, to at this point confirm or clarify that an interaction in July 2018 may have led to further interactions post-July 2018, and therefore further documents created or received post-July 2018, and he had intended that part 9 be construed as extending to these documents. The IP Act requires an applicant to provide sufficient information concerning documents requested to enable a responsible officer of the agency to identify them.<sup>104</sup> Expecting the University to recognise the ambiguity in phrasing relied on by the applicant, and to resolve interpretation of this ambiguity in favour of him, fails to provide the University with sufficient information. If the applicant sought access to documents regarding interactions post-July 2018, it was open to him to clearly request them, and remains so in a fresh access application should he choose to make one.
168. Finally, the applicant provided the name of a Unitemps officer, other than the Unitemps officer named in part 9, whom he said was responsible for engaging with the applicant. This was the individual referred to by the University at paragraph 152 above and, as noted, searches were conducted of this individual's account and no documents were located.
169. Taking into account the abovementioned searches, including searches of the account of the other Unitemps officer raised by the applicant, I do not consider the applicant has satisfied the practical onus on him to establish reasonable grounds which demonstrate

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<sup>104</sup> Section 43(2)(b) of the IP Act.

the University has failed to take all reasonable steps to locate documents responsive to part 9. The searches have been appropriately targeted and comprehensive, yet have not located any responsive documents, and therefore have not located any information which may suggest the existence of further documents in other, less likely, locations. While the further searches suggested by the applicant at paragraphs 157, 158, 160 and 161 above are *possible* steps, there is nothing before me to indicate they would be *reasonable* steps. Accordingly, I am satisfied documents responsive to part 9 may be refused on the ground they are nonexistent or unlocatable.

### **Metadata**

170. As noted at paragraph 5 above, the applicant's application requested metadata associated with the documents responsive to each part of his application. As set out above, the University incorrectly identified some documents as being responsive to part 5 of the application. Given these documents are outside the scope of the application, so too is the metadata associated with them. The only documents identified as a result of the University's searches were responsive to part 7 and, as set out above, I consider it reasonable to consider the information already provided to the applicant with the located documents includes metadata reasonably sufficient to satisfy this aspect of his request. I am satisfied all reasonable steps to locate relevant metadata have been taken, and access to further metadata may be refused on the ground it is nonexistent or unlocatable.

### **Conclusion**

171. The above are the reasons for my decision set out at paragraph 1.
172. 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.