



Decision and Reasons for Decision

Citation:	<i>W35 and Queensland Corrective Services [2026] QICmr 88 (2 June 2026)</i>
Application Number:	318817
Applicant:	W35
Respondent:	Queensland Corrective Services
Decision Date:	2 June 2026
Catchwords:	ADMINISTRATIVE LAW – REFUSAL OF ACCESS – documents relating to complaints about the applicant – personal information and privacy of other individuals – prejudice flow of information to regulatory agency – section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld)

DECISION

1. I vary the reviewable decision¹ of Queensland Corrective Services (**QCS**) and find that access to all information in the Requested Documents² may be refused under section 67(1) of the *Information Privacy Act 2009* (Qld) (**IP Act**) and sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld) (**RTI Act**) on the basis that disclosure would, on balance, be contrary to the public interest.³
2. My reasons for the decision follow.



Joanne Kummrow
Information Commissioner

Date: 2 June 2026

¹ Defined in paragraph 4 of these reasons for decision.

² Defined in paragraph 3 of these reasons for decision.

³ On 1 July 2025, key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) came into force, affecting significant changes to the IP Act and RTI Act. As the access application was made prior to 1 July 2025, references in these reasons for decision are to the IP Act and RTI Act as in force prior to 1 July 2025 in accordance with transitional provisions in Chapter 8, Part 3 of the IP Act and Chapter 7, Part 9 of the RTI Act.

REASONS FOR DECISION

Background

3. The applicant applied⁴ to QCS under the IP Act for access to documents relating to complaints made about the applicant when they were employed by QCS (**Requested Documents**).⁵
4. QCS determined⁶ to neither confirm nor deny that QCS held the Requested Documents.⁷
5. The applicant applied⁸ to the Office of the Information Commissioner (**OIC**) for external review of QCS's decision.
6. On external review, QCS provided a submission⁹ confirming that it would no longer rely on the neither confirm nor deny refusal and instead submitted that access to the Requested Documents may be refused on the basis that disclosure would, on balance, be contrary to the public interest.¹⁰
7. In reaching my decision in this review, I have taken into account evidence, submissions, legislation and other material as set out in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information¹¹ and in doing so, I have acted in accordance with section 58(1) of the HR Act.¹²

Relevant law

8. Under the IP Act, an individual has a right to be given access to documents in the possession or under the control of an agency to the extent they contain their personal information.¹³ While the legislation is to be administered with a pro-disclosure bias,¹⁴ the right of access is subject to certain limitations, including grounds for refusing access, as set out in the IP Act and RTI Act.¹⁵ Relevantly, access to information may be refused where its disclosure would, on balance, be contrary to the public interest.¹⁶
9. The term *public interest* refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens.

⁴ Access application dated 17 May 2025. Scope of application narrowed by agreement on 4 June 2025.

⁵ QCS located 21 pages responsive to the applicant's access application.

⁶ Dated 1 August 2025. This is the reviewable decision.

⁷ Under section 69 of the IP Act.

⁸ On 1 August 2025.

⁹ Submission dated 12 December 2025.

¹⁰ Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

¹¹ Section 21 of the HR Act.

¹² OIC's approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

¹³ Section 40 of the IP Act.

¹⁴ Section 64 of the IP Act.

¹⁵ Section 67(1) of the IP Act and section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly: see section 67(2) of the IP Act.

¹⁶ Sections 47(3)(b) and 49 of the RTI Act.

This means that in general, a public interest consideration is one which is common to all members of, or a substantial segment of, the community, as distinct from matters that concern purely private or personal interests.¹⁷

10. The RTI Act explains the steps that the decision maker must take in deciding the public interest¹⁸ and identifies factors in Schedule 4 that may be relevant to deciding the balance of the public interest. I have considered all these factors, together with other relevant information in reaching my decision, and discuss relevant factors below.

Applicant submissions

11. On external review, the applicant submitted:¹⁹

Since my removal from my role in [Month and Year], I have been attempting to obtain clear reasons for the decision and the material relied upon. I have not been provided with a meaningful explanation by QCS. I have therefore had no practical ability to understand the basis for the adverse action taken against me.

To my knowledge, I was not included in any proper investigative process: I was not interviewed, questioned, provided with warnings, or given an opportunity to respond to concerns or address credibility issues. Refusing access to the documents in full leaves me unable to understand what was alleged, what evidence was relied upon, and how conclusions were reached.

At present, the refusal of access operates in practice to shield the underlying assertions from scrutiny, while I have borne the harm. This creates a substantial imbalance, particularly given my reduced financial capacity following job loss, and effectively denies me an informed pathway to seek justice or to take lawful steps to correct any inaccurate information held about me.

...

I am also currently studying [subject] at university. Any adverse material or adverse findings held about me have the potential to cause serious and lasting consequences for my professional future, employment prospects, and ability to complete my studies. The continued refusal to provide access prolongs the harm and prevents me from taking informed steps to protect my livelihood and future career.

There is a strong public interest in accountability in the conduct of workplace investigations by a public authority such as QCS. Transparency in how complaints are assessed, how evidence is weighed, and how decisions are reached supports confidence in institutional integrity—particularly where serious adverse employment consequences result.

In my case, the severity of the consequences (employment loss, financial harm, and professional impacts) and the prolonged lack of clarity materially strengthen the public interest in disclosure of information about me, including information that explains the basis for decisions affecting me. Procedural fairness and natural justice is not possible where i'm [sic] unable to understand or respond to the substance of what was alleged and relied upon.

Without access, I cannot reasonably determine whether I should seek legal advice, make complaints to oversight bodies, or take steps to correct or respond to adverse allegations.

¹⁷ However, there are some recognised public interest considerations that may apply for the benefit of an individual.

¹⁸ Section 49(3) of the RTI Act.

¹⁹ Submission dated 3 March 2026.

I have serious concerns that the adverse material about me may have arisen through coordinated or misleading complaints involving workplace colleagues and/or prisoners. I am not asserting this lightly. It is precisely because I have been denied access to the substance of the material relied upon, and excluded from any proper process, that I cannot test what was claimed, by whom, and on what basis.

....

This raises serious concerns regarding the reliability of any information used in an investigation and underscores my need to access the relevant documentation to determine whether further lawful action is warranted.

More broadly, refusing access to allegations and evidence while relying upon those allegations and evidence to remove a person from employment risks reinforcing an unsafe environment for workers in custodial settings. If complaints can be relied upon without meaningful scrutiny, and the affected person is denied access to understand and respond, it creates conditions where allegations can be weaponised—particularly where reputationally serious allegations can have disproportionate consequences.

Findings

12. I have considered the factors set out in schedule 4 of the RTI Act and not taken any irrelevant factors into account. I have also applied the IP Act's pro-disclosure bias²⁰ and had regard to Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.²¹
13. In the circumstances of this case, I am satisfied the following public interest factors favouring disclosure arise for consideration:
 - enhance QCS's accountability in its handling and assessment of complaints²²
 - reveal the reason for QCS decisions made in relation to received complaints and background or contextual information that informed decisions²³
 - provide an applicant with access to documents including their personal information²⁴
 - allow inquiry into possible deficiencies in the conduct of the agency²⁵
 - reveal that information before the agency was incorrect or misleading;²⁶ and
 - contribute to the administration of justice generally and for a person.²⁷
14. On the other hand, there are a number of factors which I consider favour nondisclosure of the Requested Documents, as listed below:
 - protection of an individual's right to privacy²⁸
 - safeguarding an individual's personal information²⁹

²⁰ Section 58 of the IP Act.

²¹ Section 67(2) of the IP Act.

²² Schedule 4, part 2, items 1 and 3 of the RTI Act.

²³ Schedule 4, part 2, item 11 of the RTI Act.

²⁴ Schedule 4, part 2, item 7 of the RTI Act.

²⁵ Schedule 4, part 2, item 5 of the RTI Act.

²⁶ Schedule 4, part 2, item 12 of the RTI Act.

²⁷ Schedule 4, part 2, item 16 and 17 of the RTI Act.

²⁸ Schedule 4, part 3, item 3 of the RTI Act.

²⁹ Schedule 4, part 4, section 6 of the RTI Act.

- prejudice to the flow of information to QCS as a 'regulatory agency'³⁰
- prejudice QCS's ability to obtain confidential information in the future;³¹ and
- prejudice QCS's ability to effectively provide for the safe custody and welfare of people in prison and QCS employees.

15. I discuss these factors, and the relative weight I have applied to each in the circumstances of this case, below.

Factors favouring disclosure

16. I acknowledge that disclosing the Requested Documents would, to some degree, enhance the accountability and transparency of QCS in terms of how it deals with and investigates complaints. In attributing weight to these factors, it is relevant to consider the particular nature of the Requested Documents, which substantially includes source complaint information. In the circumstances of this matter, I consider disclosure would enhance accountability and transparency of QCS to a moderate degree and I therefore afford these factors³² moderate weight.
17. I accept that disclosure of the Requested Documents would provide the applicant with a more fulsome understanding of the substance of the complaints and the type of information which led to any QCS action. I accept that disclosure of the Requested Documents would enhance the applicant's understanding of what was before QCS in assessing the complaints and provide further context to the circumstances of the complaints. For these reasons, I afford this factor³³ moderate weight.
18. As outlined earlier in these reasons, the Requested Documents are substantially in the nature of the originating documents authored by the complainants and provided to QCS prior to any assessment or investigation commencing. However, I consider that disclosure of the Requested Documents could reasonably be expected to allow inquiry into any possible deficiencies in QCS's actions or conduct to a certain degree. Accordingly, I afford this factor³⁴ moderate weight.
19. There is a public interest in an individual being provided with access to their personal information held by a government agency. To the extent the Requested Documents contain information that refers to the applicant, I consider this factor³⁵ applies and should be afforded moderate weight. However, because the information has been provided by complainants in a personal capacity, it also contains their personal information which serves to counter the pro-disclosure factor, as discussed below.
20. Given the workplace complaint context to which the Requested Documents relate, by their very nature, they comprise opinions and versions of events as expressed by the complainants. This inherent subjectivity does not mean that information provided to QCS is necessarily incorrect or misleading. It is a matter for QCS to

³⁰ Schedule 4, part 3, item 13 of the RTI Act.

³¹ Schedule 4, part 3, item 16 of the RTI Act.

³² Schedule 4, part 2, items 1 and 3 of the RTI Act.

³³ Schedule 4, part 2, item 11 of the RTI Act.

³⁴ Schedule 4, part 2, item 5 of the RTI Act.

³⁵ Schedule 4, part 2, item 7 of the RTI Act.

consider any complaint information; to the extent the applicant is dissatisfied with the handling of any broader enquiry or investigation of the matter, that is beyond the role of the Information Commissioner under the IP Act.

21. I acknowledge that the applicant is seeking information for procedural fairness reasons, and I have addressed this factor separately below. While I accept that disclosing the Requested Documents may provide the applicant with additional context/background to actions taken or decisions made by QCS, as discussed above, I do not consider they would necessarily reveal that information is incorrect or misleading. For these reasons, I afford this factor³⁶ no weight.
22. The applicant submits they are seeking information for procedural fairness reasons. I accept that, to some degree, disclosure of the Requested Documents may contribute to the administration of justice for the applicant and, generally,³⁷ as it would provide the applicant with the complete details of any complaints made against them to the QCS while they were an employee. However, I consider these factors carry only low weight in favour of disclosure.

Factors favouring nondisclosure

23. I am satisfied that the Requested Documents contain the personal information of complainants, who expressed their concerns in their own words, or contain accounts of alleged conduct made to QCS. This raises two factors favouring nondisclosure, in terms of safeguarding another person's right to privacy and causing a public interest harm by disclosing personal information of another individual.³⁸ While I am limited in the level of detail I can include in these reasons about what the complainants said in correspondence to QCS, given the particular context and circumstances, I consider disclosure would result in a significant level of intrusion into the complainants' private sphere and cause a significant level of public interest harm by disclosing their personal information associated with their complaint.
24. The RTI Act also recognises that the public interest favours nondisclosure of information where it could reasonably be expected to prejudice the flow of information to a regulatory agency.³⁹ Obtaining contemporaneous information from parties who have concerns is, to my mind, integral to the effectiveness of QCS discharging its obligations, as an employer, to provide safe custody and welfare of people in prison and its employees. If source complaint documents and statements were subject to routine and unconditional disclosure under the IP Act and RTI Acts, complainants would likely be reluctant to provide full and frank statements to QCS. This lack of information would prejudice QCS's ability to effectively provide for the safe custody and welfare of people in prison and those it employs or engages to work in prisons. I am satisfied that this important public interest factor is enlivened by the Requested Documents, and I afford it significant weight in favour of nondisclosure.

³⁶ Schedule 4, part 2, item 12 of the RTI Act.

³⁷ Schedule 4, part 2, items 16 and 17 of the RTI Act.

³⁸ Schedule 4, part 3, item 3 and schedule 4, part 4, section 6 of the RTI Act.

³⁹ Schedule 4, part 3, item 13 of the RTI Act.

25. I have also taken into account that complainants submitted their communications to QCS confidentially and the potential for disclosure to prejudice QCS's ability to obtain confidential information in the future. For similar reasons to those outlined in the preceding paragraph, I consider that complainants, may be less forthcoming about the full details of their complaint if QCS was in the practice of routinely disclosing complaint information, including source statements of complaints, under the IP Act. In the circumstances of this matter, I afford this factor⁴⁰ significant weight.
26. In affording weight to the applicable nondisclosure factors outlined above, I have also had regard to the principle that there can be no control over further dissemination of information disclosed under the IP Act. This is particularly relevant in protecting the personal information of other individuals and safeguarding information that is provided to QCS on the presumption of confidentiality.⁴¹
27. On balance, I am satisfied that the weight of the public interest factors favouring nondisclosure exceeds that of the factors favouring disclosure of the Requested Documents. Accordingly, I find that access to the Requested Documents may be refused under sections 67(1) of the IP Act and 47(3)(b) of the RTI Act as disclosure would, on balance, be contrary to the public interest.
28. The above are the reasons for my decision set out at paragraph 1.

⁴⁰ Schedule 4, part 3, item 16 of the RTI Act.

⁴¹ *FLK and Information Commissioner* [2021] QCATA 46 at [17].