



Decision and Reasons for Decision

Citation:	A61 and Queensland Corrective Services [2026] QICmr 108 (24 June 2026)
Application Number:	318787
Applicant:	A61
Respondent:	Queensland Corrective Services
Decision Date:	24 June 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST - body worn camera (BWC) and closed-circuit television (CCTV) recordings - audio visual footage within a corrective services facility - case notes and incident report - personal information and privacy of third parties - whether disclosure would, on balance, be contrary to the public interest - 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

I affirm¹ the reviewable decision of Queensland Corrective Services (**QCS**) and find² that access to the Refused Information³ may be refused on the grounds its disclosure would, on balance, be contrary to the public interest.⁴ This means that no further information will be released to the applicant. My reasons for this decision follow.



A Rickard
Assistant Information Commissioner
Date: 24 June 2026

¹ Under section 123(1)(a) 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.

² I have made this decision as a delegate of the Information Commissioner under section 139 of the IP Act.

³ Refer paragraph 5 below.

⁴ Section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

REASONS FOR DECISION

Background

1. The applicant applied⁵ to the QCS under the IP Act for access to:

...recent drug plan paperwork incidents reports and video footage of my visit [on particular date] between the hours of 9:30 am till 11:00 am as I have been accused of receiving contraband through visits I also want all of breaches and the incident report of this episode I am also requesting another part of video footage between the hours of 2 pm until 3:30 pm as was accused of handing contraband to a prisoner I need this footage to prove my innocents I want my case notes as well and any document including this matter and blue letter response [sic].

2. In response to the application, QCS located nine pages of documents, one body worn camera (**BWC**) recording and seven closed-circuit television (**CCTV**) recordings. QCS decided⁶ to release six pages in full, three pages in part and refused access to the remaining information on the grounds its disclosure would, on balance, be contrary to the public interest.
3. The applicant applied⁷ to the Office of the Information Commissioner (**OIC**) for external review of QCS's decision.
4. Attempts to informally resolve the external review were unsuccessful and the applicant requested OIC make this decision.⁸
5. The **Refused Information** considered in this decision comprises the information which QCS's decision refused to disclose – i.e. the small portions of information on three pages, one BWC recording and seven CCTV recordings. The issue for determination is whether disclosure of the Refused Information would, on balance, be contrary to the public interest.

Evidence considered

6. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes).
7. I have also had regard to the *Human Right Act 2019* (Qld) (**HR Act**), particularly the right to freedom of expression,⁹ which includes the right to seek and receive information and the right to privacy and reputation.¹⁰ I have also noted the right of persons deprived of liberty to be treated with humanity and dignity.¹¹ I consider a decision-maker will be 'respecting and acting compatibly with' those rights and

⁵ On 19 May 2025.

⁶ Decision dated 26 June 2025. This is the *reviewable decision* in this review.

⁷ External review application dated 7 July 2026 received on 16 July 2025.

⁸ Submissions dated 1 April 2026 received on 14 April 2026.

⁹ Section 21 of the HR Act.

¹⁰ Section 25 of the HR Act.

¹¹ Section 20 of the HR Act.

others prescribed in the HR Act, when applying the law prescribed in the RTI Act.¹² I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Relevant law

8. Under the IP Act, an individual has a right to be given access to documents of an agency to the extent they contain the individual's personal information.¹³ While the legislation is to be administered with a pro-disclosure bias,¹⁴ the right of access is subject to certain exclusions and limitations, including grounds for refusing access.¹⁵
9. Section 67(1) of the IP Act provides that access to a document may be refused on the same grounds upon which access to a document could be refused under section 47 of the RTI Act. Relevantly, access to information may be refused where its disclosure would, on balance, be contrary to the public interest.¹⁶
10. 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. 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
11. The RTI Act requires a decision maker to undertake certain steps in determining where the balance of the public interest lies, including identifying and disregarding irrelevant factors, identifying factors for and against disclosure, and deciding whether, on balance, disclosure of the information would be contrary to the public interest.
12. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of the public interest lies in a particular case. I have considered such factors,¹⁸ together with all other relevant information, in reaching my decision. I have also applied the IP Act's pro-disclosure bias¹⁹ and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.²⁰

¹² *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; and *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. I also note the following observations made by Bell J in *XYZ* at [573], on the interaction between equivalent pieces of Victorian legislation (namely, the *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic)): '*... 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 FOI Act.* I further note that OIC's approach to the HR Act (as set out in this paragraph) was considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23] (where Judicial Member DJ McGill SC saw '*no reason to differ*' from OIC's position).

¹³ Section 40 of the former 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: section 67(2) of the IP Act.

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

¹⁷ However, there are some recognised public interest considerations that may apply for the benefit of an individual. See Chris Wheeler, '*The Public Interest: We Know It's Important, But Do We Know What It Means*' (2006) 48 AIAL Forum 12, 14.

¹⁸ I have considered each of the public interest factors outlined in Schedule 4 of the RTI Act, and any relevant factors are discussed below. Some factors have no relevance. I note that the lists in Schedule 4 are non-exhaustive.

¹⁹ Section 64 of the IP Act.

²⁰ Section 67(2) of the IP Act and section 47(2) of the RTI Act.

Findings

13. I have not taken any irrelevant factors²¹ into account in reaching my decision.

Factors favouring disclosure

14. The applicant's personal information appears within the Refused Information, giving rise to a factor favouring disclosure²² to which I attribute significant weight. However, I also confirm that the applicant's personal information appears in such a way that it cannot be disclosed without also disclosing the personal information of other individuals. Given the sensitive nature of the personal information of others, I consider that the privacy factor favouring nondisclosure and personal information harm factor also carry substantial weight and address these at paragraph 26 below.
15. In terms of the factors relating to accountability, government operations and decisions, and background and contextual information,²³ noting the nature and extent of information already disclosed to the applicant, I consider that these factors warrant moderate weight.
16. I have noted the applicant's submissions²⁴ that:
 - he was '*spoken to by a QCS staff member in a very inappropriate way and was stripped search in a inappropriate way...*' [sic];
 - '*QCS have not followed several procedure they are ment to by law*' [sic]; and
 - '[he has] *been harassed by QCS staff*' [sic].
17. In my preliminary view to the applicant,²⁵ I explained that the Information Commissioner's jurisdiction is limited to determining whether QCS has correctly applied the provisions of the IP Act to relevant documents and cannot investigate complaints about the conduct of agencies or actions taken by their officers.
18. I accept the applicant's allegations are serious and recognise the importance of agency officials being accountable for the proper discharge of their functions and performance. Given this, I accept that disclosure of the Refused Information could reasonably be expected to *allow or assist inquiries* by the applicant into possible conduct deficiencies.²⁶ In the circumstances, I afford this factor favouring disclosure moderate weight.
19. However, having carefully examined the Refused Information, I am unable to identify any information that would provide evidence, or support the applicant's allegations noted at paragraph 16 above. Accordingly, I find that the factor favouring disclosure relating to *revealing or substantiating* that an agency or official has engaged in

²¹ Including the irrelevant factors identified in schedule 4, part 1 of the RTI Act.

²² Schedule 4, part 2, item 7 of the RTI Act.

²³ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

²⁴ External review application dated 7 July 2026, received 16 July 2025.

²⁵ Preliminary view dated 18 March 2026.

²⁶ Schedule 4, part 2, item 5 of the RTI Act.

misconduct or negligent, improper or unlawful conduct²⁷ does not apply. If I am wrong in this regard and it does apply,²⁸ I consider it should be given no more than low weight, given the particular contents of the Refused Information.

20. The applicant submitted he requires the Refused Information to '*defend [himself] and to provide to [his] lawyer*'.²⁹ He also submitted³⁰ that he has been adversely affected by alleged conduct of QCS officers, particularly his submission that he has '*been punished by QCS and lost [his] visits for 6 months and privileges*' which has '*had a big impact on [his] mental health*'. I also note he considers that having access to the Refused Information is '*the only way [he] can prove his innocents*' [sic].³¹
21. Given these particular submissions, I have considered the administration of justice for a person factor favouring disclosure.³² In determining whether this factor applies, I must consider whether:
 - a. the applicant has suffered loss, or damage, or some kind of wrong, in respect of which a remedy is, or may be, available under law
 - b. the applicant has a reasonable basis for seeking to pursue the remedy; and
 - c. disclosing the information held by an agency would assist the applicant to pursue the remedy, or evaluate whether a remedy is available or worth pursuing.³³
22. These considerations relate to initiating proceedings. As noted at paragraph 20 above, the applicant's submissions refer to *defending* himself. Accordingly, I informed the applicant that if he or his lawyer required specific information to defend a civil or criminal allegation, alternative avenues of access such as subpoenas or notices of non-party disclosure may be available and preferable given they would yield documents without redactions related to the RTI Act's limitations on disclosure.³⁴
23. Noting the rest of the applicant's submissions mentioned at paragraph 20 above, it appears possible that the applicant's reference to *defending* himself may be a figure of speech, and he is in fact seeking the Refused Information for the purpose of proceedings he wishes to commence. In this regard, having taken into account the particular content of the Refused Information, I consider that the disclosure of the Refused Information would be unlikely to assist the applicant to pursue any legal remedy. In my opinion, the Refused Information is unlikely to provide the applicant with any further insights in relation to why QCS took particular actions beyond those which he is already aware of from his involvement in circumstances as they occurred

²⁷ Schedule 4, part 2, item 6 of the RTI Act.

²⁸ For example, if the factor is considered applicable to the BWC recording on the basis it may indicate that a QCS officer turned off their BWC prior to the completion of an interaction with the applicant, if it is requirement or practice that BWC recordings are taken for the duration of all interactions.

²⁹ Access application dated 19 May 2025.

³⁰ Submissions dated 1 April 2026 received on 14 April 2026.

³¹ Ibid.

³² Schedule 4, part 2, item 17 of the RTI Act.

³³ *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17] and confirmed in *10S3KF and Department of Community Safety* (Unreported, Queensland Information Commissioner, 16 December 2011).

³⁴ Preliminary view dated 18 March 2026.

and the released information. I acknowledge that the Refused Information could, however, be of use in evaluating whether a remedy is available or worth pursuing. Given this, I afford this factor low weight.

24. I have carefully considered the remaining factors favouring disclosure in schedule 4, part 2 of the RTI Act and more generally and, taking into account the material before me, including the applicant's submissions, I am unable to identify any further factors favouring disclosure.

Factors favouring nondisclosure

25. The Refused Information contains information about procedures used to identify and monitor the behaviour of offenders within the correctional centre where the applicant is currently accommodated. Parts of it also contain the personal information, specifically the names and opinions, of public sector workers employed by QCS. Further, parts of it contain the personal information of other prisoners.
26. The disclosure of an individual's personal information to someone else (other than the individual seeking that information) would cause a public interest harm³⁵ and may also prejudice the protection of an individual's right to privacy.³⁶ Given the nature of the Refused Information, I consider that disclosing the personal information of other individuals would constitute an unwarranted intrusion into their privacy and this factor, together with the public interest harm factor, must be afforded significant weight.
27. On external review, QCS submitted³⁷ that the release of the Refused Information would reveal operational techniques and other internal processes and decision-making used during the management of prohibited activities which would (or, at minimum, could), in turn, be exploited by those engaging in such activities. QCS submitted:

While there is public interest in individuals accessing information about themselves, this interest is substantially outweighed by the strong public interest in:

- *Protecting the integrity of correctional centre security*
- *Ensuring the continued effectiveness of [...] processes*
- *Maintain the security of staff, prisoners and the wider community*

The risk of prejudice to QCS' law enforcement and public safety functions is significant, ongoing and not capable of being mitigated by partial release without undermining operational methods.

Given the ongoing operational use of the methods and procedures documents (sic) in these records, release would pose a real and significant risk to the effectiveness of QCS' law enforcement and security functions.

³⁵ Schedule 4, part 4, item 6(1) of the RTI Act.

³⁶ Schedule 4, part 3, item 3 of the RTI Act.

³⁷ Submission dated 26 November 2025.

28. The RTI Act recognises a public interest harm in disclosing information brought into existence for the security or good order of a corrective services facility.³⁸ Specifically, the RTI Act identifies this harm arises in relation to information that is:
 - in the possession of, or brought into existence by, QCS; and
 - a telephone, audio or visual recording made in or of a corrective services facility or part thereof, or a document to the extent it contains or refers to same.
29. The cognate of this public interest harm factor in the RTI Act's predecessor was also specific in its focus on the relevance of recordings to maintaining the security and good order of corrective services facilities.³⁹
30. The RTI Act also includes a related, broader factor favouring nondisclosure which may include but is not confined to such recordings: disclosure could reasonably be expected to prejudice the security or good order of a corrective services facility.⁴⁰
31. The CCTV and BWC components of the Refused Information contain images capturing internal and external areas within the corrective services facility where the applicant is currently accommodated; and the small portions of information on three pages also include sensitive information relevant to the corrective services facility. The CCTV and BWC footage depict areas of the corrective services facility, including the visitations area and areas not accessible by the public, showing the layout of those parts of the facility.
32. In my view, the public interest in maintaining secure custodial environments is significant. Corrective services facilities, including that where the applicant is currently accommodated, must operate in a controlled and secure manner to ensure community safety, including the safety of all persons within the facility such as staff and visitors. Noting that information released under the RTI Act is done so on the basis that there can be no control over or limitation placed on its further dissemination,⁴¹ I accept QCS's submissions on this point and am satisfied that the release of the CCTV and BWC recordings may jeopardise the security and/or good order of corrective services facilities in Queensland, particularly that in which the applicant is currently accommodated. Therefore, I afford the harm factor significant weight with respect to the BWC and CCTV recordings.
33. I also afford the factor favouring nondisclosure significant weight regarding not only these recordings, but also the portions of information on the three pages. In terms of the latter, I have reached this conclusion taking into account the nature of the redacted information and again noting the lack of any limits on dissemination of information once it is disclosed via an access application.

³⁸ Schedule 4, part 4, section 5 of the RTI Act.

³⁹ See *Explanatory Notes to the Corrective Services Bill 2006* (Qld) which inserted a provision with the same wording as section 42AA of the now repealed *Freedom of Information Act 1992* (Qld).

⁴⁰ Schedule 4, part 3, item 10 of the RTI Act.

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

Balancing the public interest

34. For the applicant's personal information within the Refused Information, I have afforded significant weight to the relevant factors regarding. I have also given factors relating to government accountability and transparency moderate weight. Further, I have identified factors about assisting inquiry into potential conduct deficiencies and revealing such deficiencies, as relevant, and afforded them moderate and no to low weight respectively. Finally, I have concluded that the factor regarding administration of justice warrants low weight.
35. On the other hand, I have identified a number of factors which favour nondisclosure of the Refused Information. For the reasons addressed above, I afford significant and determinative weight to these factors relating to prejudice to privacy and the harm associated with disclosure of other individuals' personal information, and prejudice and harm to the safety, security and good order of a corrective services facility.
36. On balance, I am satisfied that the public interest factors favouring nondisclosure of the Refused Information outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Information in Issue would, on balance, be contrary to the public interest and access may be refused on that basis.⁴²

Conclusion

37. These are the reasons for my decision stated on page 1 above.

⁴² Under section 47(3)(b) of the RTI Act.