



Decision and Reasons for Decision

Citation:	R96 and Queensland Corrective Services [2026] QICmr 113 (30 June 2026)
Application Number:	318964
Applicant:	R96
Respondent:	Queensland Corrective Services
Decision Date:	30 June 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - LAW ENFORCEMENT AND PUBLIC SAFETY INFORMATION - whether disclosure of information could reasonably be expected to prejudice a system or procedure for the protection of persons, property or the environment - whether access to information may be refused on the basis that it is exempt - section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(a) and 48 and schedule 3, section 10(1)(i) of the <i>Right to Information Act 2009</i> (Qld)

DECISION

I affirm¹ the reviewable decision of Queensland Corrective Services (**QCS**) and find that access may be refused to the information remaining for consideration, as it comprises exempt information.²

¹ Under section 123(1)(a) of the *Information Privacy Act 2009* (Qld) (**IP Act**).

² I have made this decision as a delegate of the Information Commissioner under section 139 of the 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 7, part 9 of the RTI Act and chapter 8, part 3 of the IP 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 RTI Act and IP 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-2009-013>> and <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-014>> respectively.

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

My reasons for the decision follow.



T Lake
Principal Review Officer

Date: 30 June 2026

REASONS FOR DECISION

Summary

1. The applicant applied to QCS under the IP Act to access his personal information within certain types of documents.³
2. QCS located 196 pages as relevant to the application. QCS fully released 189 pages to the applicant and decided⁴ to refuse access to parts of the remaining 7 pages, on the basis they comprised exempt information or information which would, on balance, be contrary to the public interest to disclose.
3. The applicant then applied to the Office of the Information Commissioner (**OIC**) for external review of QCS' decision to refuse access to information within three nominated case notes.⁵
4. During the review, QCS disclosed some further case note information to the applicant, however, the applicant continues to seek access to the refused content of a case note dated 14 February 2025 (**Information in Issue**).

Reviewable decision

5. The decision under review is QCS' decision dated 4 June 2025.

Evidence considered

6. The evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including the footnotes).
7. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.⁶ I consider 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 RTI Act.⁷ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.⁸

³ Access application dated 2 May 2025. This application was made by the Prisoners Legal Service on behalf of the applicant.

⁴ Decision dated 4 June 2025.

⁵ By letter dated 11 September 2025, which was received by OIC on 19 September 2025 (**External Review Application**). As the applicant did not seek review of QCS' decision to refuse access to other portions of information, it was not necessary to consider the applicant's entitlement to access that other information and it is not addressed in this decision.

⁶ Section 21 of the HR Act.

⁷ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111].

⁸ 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 Freedom of Information Act*'.

Information in issue

8. During the review, I conveyed a preliminary view⁹ to the applicant about the remaining refused case note information and invited the applicant to confirm whether he continued to seek access to that remaining refused case note information (or any part of it).¹⁰ In response, and as mentioned in paragraph 4 above, the applicant confirmed that he only sought access to the Information in Issue.¹¹
9. In the decision under review, QCS described the Information in Issue as information *'relating to processes used by QCS for the management of offenders whilst incarcerated'*¹² and refused access to it on the basis it comprised exempt information. Although the IP Act restricts the amount of detail I can provide about the Information in Issue in these Reasons for Decision,¹³ I can also confirm that the Information in Issue relates to the applicant.¹⁴

Issue for determination

10. The issue for determination is whether the Information in Issue comprises exempt information and access to it may be refused on that basis.

Relevant law

11. Under the IP Act, an individual has a right to be given access to documents of a Queensland government agency, to the extent they contain the individual's personal information.¹⁵ This access right is subject to limitations, including grounds upon which access to information may be refused.¹⁶
12. One refusal ground is where information comprises exempt information¹⁷ and information will qualify as exempt where its disclosure would reasonably be expected to prejudice a system or procedure for the protection of persons, property or the environment.¹⁸ This exemption will apply if each of the following requirements are met:

⁹ It is the practice of OIC to convey a preliminary view, based on an assessment of the material before the Information Commissioner (or delegate) at that time, to an adversely affected participant. This is to explain the issues under consideration to the participant and affords them the opportunity to put forward any further information they consider relevant to those issues. It also forms part of the Information Commissioner's processes for resolution of external reviews.

¹⁰ Letter dated 20 March 2026.

¹¹ Applicant submission dated 5 April 2026, which OIC received on 20 April 2026.

¹² In respect of the Information in Issue, the decision under review also stated that its aim was to *'identify and assess an offender's risk within a correctional environment'* by examining a number of factors.

¹³ By virtue of section 121(3) of the IP Act.

¹⁴ In the applicant's submission dated 5 April 2026, he submitted that he only needed to *'get the gist of the case note'* to know if it related to him. By letter dated 24 April 2026, I confirmed to the applicant that the Information in Issue did relate to him.

¹⁵ Section 40 of the IP Act. *'Personal information'* is defined in section 12 of the IP Act as *'information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion'*.

¹⁶ Section 67(1) of the IP Act provides that access may be refused to information in the same way and to the same extent as information may be refused under the RTI Act. The grounds on which access can be refused under the RTI Act are set out in section 47 of the RTI Act.

¹⁷ Sections 47(3)(a) and 48 of the RTI Act. Schedule 3 of the RTI Act identifies the types of information which Parliament has determined will comprise exempt information under the RTI Act.

¹⁸ Schedule 3, section 10(1)(i) of the RTI Act.

- there exists an identifiable system or procedure
 - it is a system or procedure for the protection of persons, property or environment; and
 - disclosing the information under consideration could reasonably be expected to¹⁹ prejudice that system or procedure.
13. Schedule 3, section 10(2) of the RTI Act sets out certain circumstances where the exemptions in schedule 3, section 10(1) will not apply (**Exceptions**).

Findings

14. The applicant submitted that he:²⁰
- is only interested in the Information in Issue if it is '*a negative case note*', and he requested OIC's opinion about whether the case note is '*negative*'; and
 - considers that QCS' processes relating to the management of prisoners is already accessible via Custodial Operations Practice Directives.
15. Having carefully reviewed the Information in Issue, I can confirm that it refers to certain processes which are used by QCS for the management of offenders whilst incarcerated. However, noting the restrictions placed upon me by the IP Act, I am unable to address the applicant's request for further details about the nature of the Information in Issue.²¹
16. I am satisfied that the QCS processes referenced in the Information in Issue are identifiable procedures for the protection of persons or property. While I have noted the applicant's submissions about publicly accessible QCS process information, I do not consider that this particular process information is publicly accessible.
17. The RTI Act places no restriction on how information disclosed in response to an access application is used, disseminated or published. Given the particular nature of the Information in Issue, I consider its disclosure could alert individuals about how, and when, these particular processes are utilised by QCS.²² I also consider that this could enable individuals to alter their conduct in ways that may impact the effectiveness of these processes. In these circumstances, I am satisfied there is a reasonable expectation that disclosure of the Information in Issue could prejudice the QCS procedures.

¹⁹ The phrase '*could reasonably be expected to*' has been considered previously by the Information Commissioner and, in essence, requires that the expectation must be based in reason (as distinct from something that is irrational, absurd or ridiculous) and not merely a possibility. The expectation must also arise as a result of disclosure, rather than from other circumstances (refer, for example, to *Sheridan and South Burnett Regional Council and Others* [2009] QICmr 26 (9 April 2009) at [189]–[193], referring to *Attorney-General v Cockcroft* (1986) 64 ALR 97).

²⁰ Applicant's submission dated 14 May 2026, which was received by OIC on 28 May 2026.

²¹ I confirmed this to the applicant by letter dated 1 June 2026.

²² In this regard, I note that, in the decision under review, QCS stated: '*... if the type of information which has been refused becomes known, offenders may try to suppress information or provide misleading information, and in such circumstances, QCS will not obtain the accurate information it needs to make a proper assessment, and will not be able to properly consider all the relevant risk factors to arrive at a decision which takes proper account of the safety of a correctional centre*'.

18. There is no information before me which indicates that any of the Exceptions in schedule 3, section 10(2) of the RTI Act arise in this matter.
19. Accordingly, I find that the Information in Issue meets the requirements of the exemption in schedule 3, section 10(1)(i) of the RTI Act and access to it may be refused on that basis.²³
20. The above are the reasons for my decision set out at page 1.

²³ Under section 67(1) of the IP Act and section 47(3)(a) and 48 and schedule 3, section 10(1)(i) of the RTI Act.