OFFICE OF THE
Information Commissioner
QUEENSLAND

Decision and Reasons for Decision

Citation:	**Lower Mount Walker Community Action Group Inc and Economic Development Queensland Employing Office [2026] QICmr 131 (28 July 2026)**
Application Number:	**318836**
Applicant:	**Lower Mount Walker Community Action Group Inc (ABN 677 379 843)**
Respondent:	**Economic Development Queensland Employing Office**
Decision Date:	**28 July 2026**
Catchwords:	**ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - whether disclosure of information would found an action of breach of confidence - whether information is exempt information - sections 47(3)(a), 48 and schedule 3, section 8(1) of the *Right to Information Act 2009* (Qld)**
	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST INFORMATION - personal information of other individuals - whether disclosure would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)
	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - OTHER ACCESS AVAILABLE - company records - whether other access available under section 53 of the *Right to Information Act 2009* (Qld) - whether access may be refused under section 47(3)(f) of the *Right to Information Act 2009* (Qld)
	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT OR UNLOCATABLE - applicant submits further documents should exist - whether agency has taken all reasonable steps to locate relevant documents - whether further documents are nonexistent - sections 47(3)(e) and 52(1)(a) of the *Right to Information Act 2009* (Qld)

DECISION

1. I affirm[1] the reviewable decision[2] of Economic Development Queensland Employing Office (**EDQ**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) and find that:

    - access to information may be refused because it is exempt information
    - access to information may be refused because it is contrary to the public interest information
    - access to information may be refused because other access is available; and
    - access to information may be refused because it is non-existent.

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

3. My reasons for the decision follow.

[redacted]

R Moss
Principal Review Officer

Date: 28 July 2026

[1] Under section 110(1)(a) of the *Right to Information Act 2009* (Qld) (**RTI 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 RTI Act and *Information Privacy Act 2009* (Qld) (**IP Act**). As the applicant's application was made before this change, the RTI Act and IP 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.
[2] See paragraph 7 below.

REASONS FOR DECISION

Summary

4. The applicant applied to EDQ for access under the RTI Act to certain documents relating to a proposed battery energy storage facility.[3]

5. EDQ located 249 responsive pages. It decided[4] to give full access to 15 pages, partial access 41 pages, and to refuse access in full to 193 pages. Access was refused on exemption or public interest grounds, or on the basis that other access was available. Access was also refused to certain information on the ground that it was nonexistent.

6. The applicant applied[5] to Office of the Information Commissioner (**OIC**) for external review of EDQ's decision.

Reviewable decision

7. The decision under review is the decision of EDQ dated 17 July 2025.

Evidence considered

8. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes).[6] I have taken account of the applicant's submissions[7] to the extent they are relevant to the issues for determination in this review.

Information in issue

9. The information in issue is contained on 41 part pages and 193 full pages and is identified in paragraph 10 below.

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[3] On 10 April 2025. EDQ responded to the application with a notice, issued under section 41 of the RTI Act, of an intention to refuse to deal with the application on the basis that to do so would substantially and unreasonably divert EDQ's resources. Subsequent discussions between EDQ and the applicant resulted in an agreed narrowing of the terms of the access application. The final terms agreed on 14 May 2025 are set out in EDQ's decision dated 17 July 2025.

[4] Decision dated 17 July 2025. The decision was made on behalf of EDQ by Department of State Development, Infrastructure and Planning (**DSDIP**) pursuant to a delegation made under sections 30(3) and 30(4) of the RTI Act. While OIC has mostly dealt directly with DSDIP rather than EDQ throughout the external review, all references in these reasons will be to EDQ as the respondent agency.

[5] On 14 August 2025.

[6] Including the *Human Rights Act 2019* (Qld) (**HR Act**), to the extent necessary to do so. The participants in this review are not 'individuals', and only individuals have human rights under the HR Act (section 11). However, Kingham J in *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors* [2020] QLC 33 at [90] indicated that where section 58(1) of the HR Act applies, there need be no mover to raise human rights issues because that section requires the relevant public entity to properly consider engaged human rights and to not act or make a decision that is not compatible with human rights. To the extent then that it is necessary to observe relevant rights under section 58(1) of the HR Act, I am satisfied that I have done so. This is because in observing and applying the law prescribed in the RTI Act, as I have done in this case, an RTI decision maker will be '*respecting and acting compatibly with*' applicable human rights as stated in the HR Act (*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].) In this regard, I note Bell J's observations at [573] of XYZ on the interaction between the Victorian analogues of Queensland's RTI Act and HR Act: *'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'*.

[7] As contained in the applicant's external review application and in its letter dated 21 April 2026.

Issues for determination

10. The issues for determination are:

- whether access to information may be refused because it is exempt information (**Exempt Information**)[8]
- whether access to information may be refused because its disclosure would, on balance, be contrary to the public interest (**CTPI Information**)[9]
- whether access to information may be refused because other access is available (**Section 53 Information**);[10] and
- whether EDQ has taken all reasonable steps to locate documents responding to the terms of the access application (**Sufficiency of Search**).

Relevant law - exempt information

11. The RTI Act gives a right of access to documents of government agencies.[11] The Act must be applied and interpreted to further this primary object,[12] and is to be administered with a pro-disclosure bias.[13]

12. This right of access is subject to other provisions of the RTI Act, including grounds on which access may be refused. These grounds are to be interpreted narrowly.[14] Access may be refused to information to the extent the information comprises exempt information.[15]

13. Relevantly, information will be exempt information pursuant to schedule 3, section 8(1) of the RTI Act if its disclosure would found an action for breach of confidence. The test for exemption must be evaluated by reference to a hypothetical legal action in which there is a clearly identifiable plaintiff, with appropriate standing to bring an action to enforce an obligation of confidence said to be owed to that plaintiff by an agency such as EDQ.[16]

14. Following the decision of the Queensland Civil and Administrative Tribunal (**QCAT**) in *Ramsay Health Care v Office of the Information Commissioner & Anor*,[17] it has been established that the cause of action referred to in schedule 3, section 8(1) of the RTI Act can arise in either contract or equity.

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[8] Parts of pages 7, 12, 14, 20, 46, 55, 58, 59, 60, 61, 64, 207-210 and 213, and pages 21-29, 47-53, 66-204, 215-222 and 227-249 in full.
[9] Parts of pages 1, 2, 5, 6, 8, 9, 11, 13, 15, 18, 19, 30, 31, 32, 35-37, 45, 54, 62, 63, 205, 206, 211 and 212.
[10] Pages 38-44.
[11] Section 23(1)(a) of the RTI Act.
[12] Section 3(2) of the RTI Act.
[13] Section 44 of the RTI Act.
[14] Section 47(2)(a) of the RTI Act.
[15] Sections 47(3)(a) and 48, and schedule 3 of the RTI Act.
[16] *B and Brisbane North Regional Health Authority* (1994) 1 QAR 279 (***B and BNRHA***).
[17] [2019] QCATA 66 (***Ramsay***).

15. Under section 87(1) of the RTI Act, EDQ has the onus on external review of establishing that its refusal decision was justified or that the Information Commissioner should give a decision adverse to the applicant.

Findings

16. EDQ decided that the Exempt Information was subject to a contractual and/or equitable obligation of confidence and access was refused on that basis.

17. In terms of the claim for a contractual obligation of confidence, one of the documents in issue[18] comprises an Access Licence Deed entered into in 2024 between the Minister and a private entity. The Deed contains a confidentiality clause. Because EDQ claims the Deed, including the confidentiality clause, is exempt information, I am prevented by the operation of sections 107(1) and 108(3) of the RTI Act from discussing the contents of the clause in any detail. I acknowledge that the inability of the applicant to examine the confidentiality clause means that it is not able to make meaningful submissions about whether or not the scope of the asserted confidentiality exists, or if it does, whether it is restricted in some material way. However, that is the effect of the relevant nondisclosure provisions in the RTI Act.[19]

18. I have examined the Deed and the relevant provisions as to confidentiality contained within it. I am satisfied that clause 16 requires the parties to keep certain designated information confidential[20] under a contractual obligation not to disclose that information, and that the clause extends to the terms of the Deed itself. I am also satisfied that the clause continues to operate at the time of making my decision, and that there was an exchange of consideration moving between the parties to the Deed. Disclosure of the Deed would therefore give rise to an action for breach of contract.

19. As regards the remainder of the Exempt Information that concerns discussions between the parties leading up to, and surrounding, the execution of the Deed, such information arguably is covered by the confidentiality clause contained in the Deed and is therefore also subject to a contractual obligation of confidence. But even if it is not covered by the clause, I consider that this information is subject to an equitable obligation of confidence in any event.

20. The cumulative requirements to establish an equitable obligation of confidence are as follows:

- the information in question must be identified with specificity
- it must have the necessary quality of confidence
- it must have been received in circumstances importing an obligation of confidence; and

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[18] Pages 159-172 (and duplicates).
[19] See the discussion in *Park and Moreton Bay Regional Council & Ors* [2020] QICmr 39 (23 July 2020) at [16]-[20]; upheld by QCAT on appeal in *Park v Information Commissioner* [2021] QCATA 109 (15 September 2021).
[20] 'Confidential information' is defined in clause 1.1(i).

- there must be an actual or threatened misuse of the information.[21]

21. I consider that the first and second requirements are met by the Exempt Information. The information can be identified with specificity, and it possesses the necessary quality of confidence: it is not generally available in the public domain and is not common knowledge, and nor does it comprise trivial or useless information.

22. The third requirement is that the information must have been communicated and received in circumstances that import an obligation of confidence. Generally, an obligation of confidence is imposed at the time the information is imparted. It can be imposed expressly or by implication, based on the circumstances. This is usually the most difficult requirement to satisfy and requires that the *'recipient should be fixed with an enforceable obligation of conscience not to use the confidential information in a way that is not authorised by the confider of it.'*[22]

23. The existence and scope of any obligation of confidence will be determined both by what the entity receiving the information knew, and what they ought to have known in the circumstances. Even when there is no express mention of confidentiality (or otherwise), certain kinds of communications can be ones which the participants generally assume will be treated as confidential. It is necessary to consider and evaluate all of the relevant circumstances surrounding the supply of the information to determine whether those circumstances, as a whole, imparted an obligation of confidence.[23]

24. I have had regard to the sensitive nature of the information (much of it concerns the business or commercial affairs of a private entity in connection with a proposed commercial transaction), together with the fact that it was supplied and received in the context of discussions and negotiations anticipating or surrounding the execution of a contract between the Minister and the entity that contains an operational confidentiality clause. In those circumstances, I consider it was reasonable for the parties to have held an implied mutual understanding that such information was supplied and received in circumstances imparting an obligation of confidence.

25. It has been recognised that the public interest in having access to the particular information is another circumstance that may be taken into account when considering the matrix of relevant considerations attending the communication of the information.[24] I acknowledge that there is a public interest in the accountability and transparency of government regarding the agreements that it enters into on behalf of the community. I consider that disclosure of the Exempt Information that

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[21] *Ramsay Health Care v Office of the Information Commissioner & Anor* [2019] QCATA 66 at [94] (***Ramsay***), adopting previous formulations in *Optus Networks Pty Ltd v Telstra Corporation Ltd* (2010) 265 ALR 281 and *Smith Kline & French Laboratories (Aust) Ltd v Secretary, Department of Community Services & Health* (1990) 22 FCR 73. There will generally be a fifth element where the entity claiming to be owed the confidence is another government body. It is unlikely to apply in other circumstances.
[22] *B and BNRHA* at [76].
[23] *B and BNRHA* at [84]. See also *Cole and Department of State Development, Infrastructure and Planning (Office of Industrial Relations); & Ors* [2024] QICmr 67 (26 November 2024) at [39] for a discussion of various circumstances that may be relevant.
[24] *Ramsay* at [82].

surrounded the execution of the Deed would contribute to this public interest to a certain extent. However, when weighing this consideration in the mix of the weight to be afforded to the other circumstances attending the communication of the Exempt Information – particularly, the sensitive, commercial nature of the information as it relates to the affairs of a private entity, and the associated contractual context in which it was supplied and received – I am not satisfied that the public interest in accessing the information is sufficient to displace what I consider to be a reasonably held understanding of confidence existing between the parties.

26. As regards the final requirement for establishing the existence of an equitable obligation of confidence, a confidant's disclosure of confidential information inconsistent with the purpose for which it was received will be a breach of confidence. I am satisfied that disclosure of the Exempt Information would be inconsistent with the purpose for which it was received by EDQ (which was to inform or complete the terms of a confidential agreement between the Minister and a private entity). As EDQ noted in its decision, this is supported by the objections to disclosure submitted by the various entities with whom EDQ consulted about disclosure of the Exempt Information during the processing of the access application.

27. I am therefore satisfied that the cumulative requirements for establishing an equitable obligation of confidence are met by the Exempt Information.

28. I have considered the submission provided by the applicant on 21 April 2026 regarding the application of the exemption, however, it does not affect my findings above. The submission consists of a number of questions posed to OIC about the Exempt Information and the actions of EDQ, rather than any discussion about the requirements of the exemption provision and its application to the Exempt Information. While some of those questions may have been answered in the course of the discussion above, it should be noted that the RTI Act does not permit an applicant to ask questions about the content of documents in issue or their surrounding context. OIC's only role on external review is to review the agency's decision and to decide whether the decision should be affirmed, varied or set side.

29. In summary, I find that access to the Exempt Information may be refused because it is subject to a contractual and/or equitable obligation of confidence and is therefore exempt information under sections 47(3)(a), 48(1) and schedule 3, section 8(1) of the RTI Act.

Relevant law - CTPI Information

30. Access to information may be refused where its disclosure would, on balance, be contrary to the public interest.[25] 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. This means that, in general, a public interest consideration is one which is common to all members, or a substantial segment, of

[25] Sections 47(3)(b) and 49 of the RTI Act.

the community, as distinct from matters that concern purely private or personal interests.

31. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must take certain steps as set out in section 49(3) of the RTI Act, 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.

32. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of public interest lies in a particular case. I have considered these,[26] together with all other relevant information, in reaching my decision. I have also applied the RTI Act's pro-disclosure bias[27] and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.[28]

Findings

33. While the applicant did not advise that it accepted OIC's preliminary view that access to the CTPI Information may be refused under the RTI Act,[29] nor did it provide any submissions that addressed this issue.

34. The CTPI Information comprises personal information of third parties – mobile telephone numbers of public sector employees, and contact details for private sector employees, including email addresses and mobile telephone numbers.

35. I am unable, on the material before me, to identify any public interest factors favouring disclosure of the CTPI Information that would be sufficient to outweigh the public interest harm that automatically arises through disclosure of another individual's personal information under the RTI Act,[30] and the associated nondisclosure factor that recognises the public interest in protecting another individual's right to privacy.[31] I afford both of these factors strong weight in the public interest balancing test.

36. I acknowledge the public interest in the accountability and transparency of government generally, including in respect of the decisions it makes on behalf of the community.[32] However, given the nature of the CTPI Information, I am not satisfied that its disclosure would enhance these factors in any meaningful way, and I afford them only minimal weight in the public interest balancing test.

37. In summary, I find that the factors favouring nondisclosure of the CTPI Information outweigh the factors favouring disclosure, such that access to the CTPI Information

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[26] 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.
[27] Section 44 of the RTI Act.
[28] Section 47(2)(a) of the RTI Act.
[29] Communicated to the applicant on 12 March 2026.
[30] Schedule 4, part 4, section 6 of the RTI Act.
[31] Schedule 4, part 3, item 3 of the RTI Act.
[32] Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

may be refused under sections 47(3)(b) and 49 of the RTI Act because its disclosure would, on balance, be contrary to the public interest.

Relevant law - other access available

38. An agency may refuse access to a document that is reasonably available under another Act or administrative arrangement, whether or not the access is subject to a fee or charge.[33] The object of this ground for refusal has been described as follows:

> *…to provide for the continued efficacy of specialised schemes of access to government-held information, and their individual charging regimes, in the face of the broad scheme of access embodied in the FOI Act, and its charging regime*.[34]

39. The (then) Information Commissioner also observed as follows:

> *Before it would be proper for an FOI decision-maker to refuse access to a particular document under s.22(a) or s.22(b), the decision-maker should establish whether the applicant for access is clearly entitled to obtain full access to the document in issue under the relevant alternative access scheme, or whether that scheme reserves a discretion to the information provider to refuse access to particular applicants or to withhold parts of the particular document in issue … If there is any doubt, the FOI decision-maker should seek assurances from the information provider under the relevant alternative access scheme, that the applicant is entitled to full access to the particular document in issue, on payment of any applicable charge.*[35]

Findings

40. The Section 53 Information comprises company records that are available to be obtained via a search (after payment of a fee) of the registers maintained by the Australian Securities and Investments Commission.

41. The applicant has not provided any information to dispute this, nor any information generally regarding the application of section 53 of the RTI Act.

42. Accordingly, I find that access to the Section 53 Information may be refused under section 47(3)(f) of the RTI Act because other access to it is available.

Relevant law – sufficiency of search

43. The RTI Act permits an agency to refuse access to information where the requested information is non-existent or unlocatable.[36] A document will be nonexistent if there are reasonable grounds to be satisfied it does not exist.[37] A document will be

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[33] Sections 47(3)(f) and 53(a) of the RTI Act.
[34] In the context of discussing the equivalent provision in the repealed FOI Act: *JM and Queensland Police Service* (1995) 2 QAR 516 at [26] (***JM***).
[35] *JM* at [42].
[36] Sections 47(3)(e) and 52(1) of the RTI Act.
[37] Section 52(1)(a) of the RTI Act.

unlocatable if it has been or should be in the agency's possession and all reasonable steps have been taken to find the document, but it cannot be found.[38]

44. To be satisfied that a document does not exist, there are a number of key factors to consider, including the agency's structure, its recordkeeping practices and procedures and the nature and age of requested documents.[39] After considering relevant factors, a decision-maker may conclude that a particular document was not created because, for example the agency's processes do not require creation of that specific document. In such instances, it is not necessary for the agency to search for the document, but sufficient that the circumstances to account for the nonexistence are adequately explained by the agency. If searches are relied on to justify a decision that the documents do not exist, all *reasonable* steps must be taken to locate the documents.[40] What constitutes reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the circumstances.

45. OIC's external review functions include investigating and reviewing whether agencies have taken reasonable steps to identify and locate documents applied for by applicants.[41] On an external review, the agency or Minister who made the decision under review has the onus of establishing that the decision was justified or that the Information Commissioner should give a decision adverse to the applicant. However, where the issue of missing documents is raised, the applicant bears a practical onus of demonstrating that the agency has not discharged its reasonable search obligations.[42] Suspicion and mere assertion about the possible existence of additional documents will not satisfy this onus.[43]

Findings

46. When processing the access application, EDQ stated that it was unable to locate certain documents requested by the applicant – notes and minutes of some meetings, and documents or correspondence sent by EDQ to three named entities. EDQ therefore refused access to these documents as nonexistent within EDQ's records. In its decision, it stated as follows:

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[38] Section 52(1)(b) of the RTI Act.

[39] These factors are identified in *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) (***Pryor***) at [19], which adopted the (then) Information Commissioner's comments in *PDE and the University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) at [37]-[38] (***PDE***). These factors were more recently considered in *B50 and Department of Justice and Attorney-General* [2024] QICmr 33 (7 August 2024) at [15], *T12 and Queensland Police Service* [2024] QICmr 8 (20 February 2024) [12], and *G43 and Office of the Director of Public Prosecutions* [2023] QICmr 50 (12 September 2023) [19].

[40] In *Webb v Information Commissioner* [2021] QCATA 116 (***Webb***) at [6], McGill J observed that this does not extend to all *'possible'* steps.

[41] Section 130(2) of the RTI Act. The Information Commissioner also has power under section 102 of the RTI Act to require additional searches to be conducted during an external review. The Queensland Civil and Administrative Tribunal confirmed in *Webb* at [6] that this *'does not contemplate that* [the Information Commissioner] *will in some way check an agency's records for relevant documents'* and that, ultimately, the Information Commissioner is dependent on the agency's officers to do the actual searching for relevant documents.

[42] See *Mewburn and Department Local Government, Community Recovery Resilience* [2014] QICmr 43 (31 October 2014) [13].

[43] *Parnell and Queensland Police Service* [2017] QICmr 8 (7 March 2017) [23]; *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) [36]; *Y44 and T99 and Office of the Public Guardian* [2019] QICmr 62 (20 December 2019) [38].

In response to the application, comprehensive and systematic searches were undertaken by EDQ to search for and retrieve all documents captured by the application. These searches were undertaken using EDQ's knowledge of its organisational structure and practices and procedures concerning information management to appropriately identify the relevant locations to search and persons with whom to make enquiries.

Those searches did not locate any relevant documents that fall within the types or categories of documents described above.

I am satisfied that EDQ has taken all reasonable steps to find these documents, and there are reasonable grounds for me to be satisfied that those types or categories of documents do not exist in the possession or control of EDQ (as they were never created).

47. At the commencement of the review, EDQ provided OIC with copies of its search records which indicated that four officers had spent over 14 hours searching for and collating responsive documents. EDQ attested to the fact that searches were undertaken of EDQ's files, email system and 'schedule of concerns'. As noted, 249 responsive pages were located as a result of these searches.

48. In response to OIC's preliminary view that, on the available material, it appeared that EDQ had taken all reasonable steps in an effort to locate documents responding to the terms of the application, the applicant set out a timeline of events and posed a series of questions about the existence of certain documents, including asking OIC to provide written confirmation that EDQ held no written records documenting the events.[44]

49. As noted in the discussion at paragraphs 43-45 above, QCAT has confirmed that the Information Commissioner's power under section 102 of the RTI Act to require additional searches to be conducted during an external review does not contemplate that OIC will in some way check an agency's records for relevant documents. Ultimately, OIC is dependent on the agency's officers to do the actual searching for relevant documents.

50. As such, just as it is not OIC's role to conduct searches of an agency's records, nor is it OIC's role to provide an applicant with confirmation that documents do not exist. The only issue for OIC to determine is whether the agency has taken all reasonable steps to locate responsive documents. Where an applicant contends that there are missing documents, they bear the practical onus of demonstrating that the agency has not discharged its reasonable search obligations. As noted, suspicion and mere assertion about the possible existence of additional documents will not satisfy this onus.

51. In its timeline of events, the applicant referred to specific meetings between EDQ and a lobbyist and queried the existence of notes of the meeting. However, pages 6-7 and 11-12 (and duplicates) would appear to be a record of the meetings and to contain a summary of the issues discussed, as well as next steps.[45] I also note that one of the meetings is recorded simply as an 'introduction' that occurred over the

[44] Applicant's submission of 21 April 2026.
[45] Acknowledging that some of this information comprises Exempt Information.

telephone. Other notes of meetings are contained within the Exempt Information. Similarly, while the applicant has queried the existence of documents concerning the 'formalising' of the Access Licence Deed, documents meeting this description are contained within the Exempt Information.

52. As regards other of the applicant's contentions about missing documents, I note that item 2 of the access application sought access only to documents 'sent by' EDQ to the three parties between 1 May 2024 and 31 December 2024. To the extent that documents dealing with relevant matters either exist outside this timeframe, and/or were received, rather than sent, by EDQ, they will not fall within the scope of this part of the access application.

53. In any event, and on the available information, I am unable to identify any additional searches or inquiries that I consider it would be reasonable to ask EDQ to undertake in an effort to locate any additional responsive documents. I consider that the searches that EDQ undertook, based on its knowledge of its structure and record-keeping processes and procedures, were reasonable in all the circumstances.

54. In summary, I find that access to the requested documents may be refused under sections 47(3)(e) and 52(1)(a) of the RTI Act on the ground that they are non-existent within EDQ's records.

Conclusion

55. The above are the reasons for my decision set out in paragraph 1 above.

56. I have made this decision as a delegate of the Information Commissioner, under section 145 of the RTI Act.

--End--