



## Decision and Reasons for Decision

---

Citation:	<i>O29 and Queensland Police Service</i> [2019] QICmr 40 (25 September 2019)
Application Number:	313832
Applicant:	O29
Respondent:	Queensland Police Service
Decision Date:	25 September 2019
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - documents provided to agency by or on behalf of applicant - personal information and privacy - 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)

## REASONS FOR DECISION

### Summary

1. The applicant applied<sup>1</sup> to the Queensland Police Service (**QPS**) under the *Information Privacy Act 2009* (Qld) (**IP Act**) for access to:
  - Part 1:** various documents provided by the applicant and the applicant's agents to QPS; and
  - Part 2:** information about *'the inquest into the death of my [relative], including all witness statements pertaining to the suspicious disappearance of my [relative]'*between January 2014 and the date of the application.
2. QPS decided<sup>2</sup> to refuse to deal with the application<sup>3</sup> on the basis that it was expressed to relate to all documents containing information of a stated kind or relate to a stated subject matter, and it appeared that all of these documents were comprised of exempt information<sup>4</sup> as the *'related investigation remains open and ongoing'*.<sup>5</sup>

---

<sup>1</sup> By access application dated 8 January 2018, received on 25 January 2018.

<sup>2</sup> On 20 February 2018.

<sup>3</sup> Under section 59 of the IP Act.

<sup>4</sup> Under schedule 3, section 10(1)(a) of the *Right to Information Act 2009* (Qld) (**RTI Act**).

<sup>5</sup> At page 2 of QPS's decision.

3. In response to the applicant's request<sup>6</sup> for internal review, QPS upheld<sup>7</sup> its original decision. The applicant then sought<sup>8</sup> external review of QPS's internal review decision.
4. During the course of the external review QPS did not submit that its decision to refuse to deal with the applicant's application was justified. QPS agreed that the applicant was entitled to access some of the information, and released this information to them. Also, the applicant accepted that access to other information may be refused.
5. In relation to the information remaining in issue, for the reasons set out below, I am not satisfied that QPS has met the onus of establishing that its decision was justified or that the Information Commissioner should give a decision adverse to the applicant.<sup>9</sup> Therefore, I set aside QPS's decision and find that disclosure would not, on balance, be contrary to the public interest. On that basis, the applicant is entitled to access the information remaining in issue. A copy of the pages containing this information redacted in accordance with this decision will accompany the decision issued by this Office (OIC) to QPS.

## Background

6. Significant procedural steps relating to the external review are set out in the Appendix.
7. During the course of the external review, there were several significant delays in QPS providing requested information and documents to OIC.<sup>10</sup>
8. In summary, the substantive steps taken were:
  - I requested<sup>11</sup> submissions from QPS about its decision to refuse to deal with both Part 1 and Part 2 of the application, with particular reference to the 'related investigation' relied upon by QPS and, when a response was not forthcoming, asked QPS to conduct searches for documents responsive to Part 1 of the application.
  - I conveyed<sup>12</sup> a preliminary view to QPS that, as QPS's internal review decision did not explain how both Part 1 and Part 2 of the application could be the subject of the same investigation, and as there was limited information before me in support of QPS's decision, QPS had not satisfied the onus of establishing that its decision was justified.<sup>13</sup>
  - QPS located and provided me with<sup>14</sup> 44 documents and 9 audio recordings<sup>15</sup> responsive to Part 1 of the application. In relation to Part 2 of the application, QPS made submissions<sup>16</sup> regarding the ongoing nature of the inquest concerning the death of the applicant's relative.
  - In terms of Part 1 of the application, I conveyed<sup>17</sup> a preliminary view to QPS that, with the exception of 6 documents about which I proposed to provide a general description

<sup>6</sup> Requested by the applicant's agent on 13 March 2018.

<sup>7</sup> Internal review decision dated 19 March 2018.

<sup>8</sup> Requested by the applicant's agent on 27 March 2018.

<sup>9</sup> Under section 100(1) of the IP Act.

<sup>10</sup> As recorded in the Appendix to this decision. Appendices to OIC decisions do not usually record communications between OIC and agencies about overdue responses. However, in this review, these communications are considered significant, given the number and length of the delays caused by QPS's overdue responses.

<sup>11</sup> On 5 July 2018 and 23 October 2018.

<sup>12</sup> On 28 November 2018.

<sup>13</sup> Under section 100(1) of the IP Act.

<sup>14</sup> On 14 December 2018.

<sup>15</sup> While an audio recording is a type of document as defined in section 13 of the IP Act and section 12 of the RTI Act, audio recordings are referred to separately in this decision so as to distinguish them from text based documents.

<sup>16</sup> On 13 December 2018.

<sup>17</sup> On 11 January 2019.

to the applicant, on the basis of information then before me, the remaining information could be released to the applicant, as its disclosure could not reasonably be expected to either prejudice an investigation or be contrary to the public interest.

- In terms of Part 1 of the application, QPS agreed<sup>18</sup> to release some of the located documents and audio recordings to the applicant and, in terms of the information that it did not agree to release,<sup>19</sup> submitted that access to this information would, on balance, be contrary to the public interest. Regarding Part 2 of the application, QPS made further submissions regarding the ongoing nature of the inquest concerning the death of the applicant's relative.<sup>20</sup>
  - I then conveyed preliminary views to the applicant<sup>21</sup> that:
    - in terms of Part 1 of their application, some of the information that QPS did *not* agree to release<sup>22</sup> may be refused on the basis that disclosure would, on balance, be contrary to the public interest;<sup>23</sup> and
    - in terms of Part 2 of their application, information relating to the inquest concerning the death of the applicant's relative may be refused on the basis that disclosure could reasonably be expected to prejudice an ongoing investigation.<sup>24</sup>
  - The applicant was taken to accept these preliminary views.<sup>25</sup>
  - I also wrote to QPS to:<sup>26</sup>
    - a. convey a preliminary view that the information contained within parts of 56 pages may be released to the applicant as disclosure would not, on balance, be contrary to the public interest
    - b. propose that QPS release further information on 1 page<sup>27</sup> so as to achieve consistency with information already released to the applicant;<sup>28</sup> and
    - c. ask QPS to confirm whether 1 page<sup>29</sup> had been disclosed to the applicant,<sup>30</sup> as this page was not visible within the PDF provided to OIC,<sup>31</sup> which instead displayed an error message stating '*Insufficient data for an image*'.
  - QPS has not responded to my preliminary view at a. above, proposal at b. above, nor request at c. above.
9. In absence of a response from QPS, and noting the significant impact of ongoing delay on the applicant, I consider it appropriate to issue a formal decision to progress and finalise this external review.

## Reviewable decision

10. The decision under review is QPS's internal review decision dated 19 March 2018, refusing to deal with the applicant's access application under section 59 of the IP Act.

<sup>18</sup> On 28 March 2019. On 12 April 2019, QPS released a single PDF of the documents, redacted in accordance with its view on disclosure, to the applicant. On 15 May 2019, QPS released a copy of audio recordings, redacted in accordance with its view on disclosure, to the applicant.

<sup>19</sup> Comprised by 10 pages, parts of 178 pages, 6 audio recordings and parts of 3 audio recordings.

<sup>20</sup> On 2 July 2019.

<sup>21</sup> On 5 July 2019.

<sup>22</sup> Comprised by 10 pages, parts of 120 pages, 6 audio recordings and parts of 3 audio recordings.

<sup>23</sup> Under section 67(1) of the IP Act and section 47(3)(b) of the RTI Act.

<sup>24</sup> Under section 67(1) of the IP Act and section 47(3)(a) and schedule 3, section 10(1)(a) of the RTI Act.

<sup>25</sup> Having provided no response to OIC's preliminary view dated 5 July 2019. The preliminary view requested that the applicant provide a submission by 26 July 2019 and advised them that, if OIC did not hear from them by this date, OIC would proceed on the basis that they accepted OIC's view.

<sup>26</sup> Again, on 5 July 2019.

<sup>27</sup> Page 231.

<sup>28</sup> On 12 April 2019.

<sup>29</sup> Page 207.

<sup>30</sup> On 12 April 2019.

<sup>31</sup> On 19 June 2019.

## Evidence considered

11. Evidence, submissions, legislation and other material I have considered in reaching this decision are set out in these reasons (including footnotes and Appendix).

## Information in issue

12. As noted at paragraph 8 above, QPS has not responded to my preliminary view regarding parts of 56 pages (a.), nor my proposal that part of 1 page<sup>32</sup> be released for the purpose of consistency with information released on 12 April 2019 (b.).
13. Further, QPS has not confirmed whether 1 page<sup>33</sup> has been disclosed to the applicant (c.). In absence of any response from QPS, and in order not to disadvantage the applicant, I am proceeding on the basis that QPS has not released this page to the applicant.
14. Accordingly, the **Information in Issue** is comprised by the parts of 57 pages<sup>34</sup> (a. and b.) and 1 page<sup>35</sup> (c.). This information appears in the following types of documents:
- documents authored and/or signed by the applicant (**Category A information**)<sup>36</sup>
  - medical certificates for the applicant and another individual (**Category B information**);<sup>37</sup> and
  - other documents (**Category C information**).<sup>38</sup>

## Issues for determination

15. The issues for determination are:
- whether QPS has met the onus of establishing that the decision to refuse access was justified or that the Information Commissioner should give a decision adverse to the applicant under section 100(1) of the IP Act; and
  - if QPS has not met the onus, whether disclosure of the Information in Issue would, on balance, be contrary to the public interest under section 47(3)(b) of the RTI Act.

## Relevant law

16. On external review, section 100(1) of the IP Act provides that:

*... 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.*

17. The IP Act affords a person a right to be given access to documents of an agency to the extent they contain the applicant's personal information.<sup>39</sup> While the IP Act is to be

---

<sup>32</sup> Page 231.

<sup>33</sup> Page 207.

<sup>34</sup> Parts of pages 24-26, 66-68, 70-75, 89, 91-93, 103, 141-143, 145-150, 164, 166-168, 179, 202-203, 205, 208, 211-222, 224-225, 229-232, 244 and 272-274.

<sup>35</sup> Page 207.

<sup>36</sup> Page 207 and parts of pages 24-26, 66-68, 70-75, 89, 103, 141-143, 145-150, 164, 179, 202-203, 205, 208, 211-222, 224-225, 229-230, 244 and 273-274 of the documents located.

<sup>37</sup> Parts of pages 231 and 272 of the documents located.

<sup>38</sup> Parts of pages 91-93, 166-168 and 232 of the documents located.

<sup>39</sup> Section 40 of the IP Act.

administered with a pro-disclosure bias,<sup>40</sup> the right of access is subject to a number of exclusions and limitations, including grounds for refusing to deal with an application<sup>41</sup> and grounds for refusal of access.<sup>42</sup>

18. Relevantly, access to information may be refused if its disclosure would, on balance, be contrary to the public interest. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision maker must:<sup>43</sup>
  - identify factors irrelevant to the public interest and disregard them
  - identify factors in favour of disclosure of information
  - identify factors in favour of nondisclosure of information; and
  - decide whether, on balance, disclosure of the information would be contrary to the public interest.
19. 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 of, or a substantial segment of the community, as distinct from matters that concern purely private or personal interests.<sup>44</sup>

## Findings

20. QPS's decision under review refused to deal with the application on the basis that it was expressed to relate to all documents that contain information of a stated kind or relate to a stated subject matter,<sup>45</sup> and all such documents constituted exempt information.<sup>46</sup>
21. During the review, QPS did not submit that its decision to refuse to deal with the application *'was justified'*.<sup>47</sup> QPS agreed that the applicant was entitled to access some of the information, and released this information to them.
22. The information that QPS did *not* agree to release included the Information in Issue.<sup>48</sup> In terms of this information, QPS provided me with brief comments<sup>49</sup> that disclosure would disclose the personal information of other individuals and, while the applicant may know the personal information of the other individuals, *'this however, does not abrogate the QPS' responsibility to protect third party privacy'*.<sup>50</sup> To this limited extent, QPS conveyed its view that *'the information commissioner should give a decision adverse to the applicant'*.<sup>51</sup>
23. QPS did not address whether any other factors favouring nondisclosure apply, nor whether any factors favouring disclosure may apply. Further, QPS made no submissions regarding where the balance of the public interest lies. Nevertheless, on noting the nature of the Information in Issue,<sup>52</sup> and considering QPS's brief comments about personal

<sup>40</sup> Section 64(1) of the IP Act.

<sup>41</sup> Sections 59, 60 and 62 of the IP Act.

<sup>42</sup> Section 67(1) of the IP Act and section 47 of the RTI Act.

<sup>43</sup> Section 49(3) of the RTI Act.

<sup>44</sup> However, there are some recognised public interest considerations that may apply for the benefit of an individual.

<sup>45</sup> Under section 59 of the IP Act.

<sup>46</sup> Under schedule 3, section 10(1)(a) of the RTI Act.

<sup>47</sup> Section 100(1) of the IP Act.

<sup>48</sup> It also included some information that I considered may be refused. As noted at paragraph 8 above, the applicant is taken to have accepted my view in this regard.

<sup>49</sup> On 1 and 28 March 2019.

<sup>50</sup> Submission dated 1 March 2019.

<sup>51</sup> Section 100(1) of the IP Act.

<sup>52</sup> Specifically, the 56 part pages that QPS did not agree to release.

information, I proceeded on the basis that QPS's position was that disclosure would, on balance, be contrary to the public interest under section 47(3)(b) of the RTI Act.

24. Consequently, I conveyed<sup>53</sup> a preliminary view to QPS, explaining why I considered that this ground of refusal did not apply to the Information in Issue. To date, QPS has not responded to my preliminary view. I wrote to QPS<sup>54</sup> to advise that, in absence of any response, I took it that QPS accepted my view, and therefore QPS should release the Information in Issue to the applicant. To date, QPS has not done so.
25. QPS bears the onus of establishing that the Information Commissioner should give a decision adverse to the applicant. QPS has partially advanced the ground that disclosure would be contrary to the public interest. It has not responded to my preliminary view regarding why this ground does not apply to the Information in Issue specifically. Nor has QPS advanced any alternative ground for refusing access to the Information in Issue.
26. In absence of adequate submissions from QPS as to why it is of the view that access to the Information in Issue should be refused, presumably on the ground that its disclosure would be contrary to public interest, I am not satisfied that QPS has met the onus of establishing that *'the information commissioner should give a decision adverse to the applicant'*.<sup>55</sup>
27. External review by the Information Commissioner<sup>56</sup> is merits review—that is, an administrative reconsideration of a case which can be described as 'stepping into the shoes' of the primary decision-maker to determine what is the correct and preferable decision. As such, the Information Commissioner can decide any matter in relation to an application that could have been decided by QPS under the IP Act.<sup>57</sup> Having carefully considered all material before me, I will now set out my reasons regarding whether disclosure of the Information in Issue would, on balance, be contrary to the public interest.

### ***Irrelevant factors***

28. I have taken no irrelevant factors into account in making my decision.
29. I now turn to a consideration of the factors favouring disclosure and nondisclosure in relation to each category of Information in Issue separately below.

### ***Factors favouring disclosure and nondisclosure***

#### **Category A information**

30. The Category A information appears in the context of documents authored and/or signed by the applicant and comprises names, addresses, phone numbers, email addresses, signatures, relationships and health/wellbeing status of other individuals as well as a full page contained within an unsigned affidavit for the applicant.

---

<sup>53</sup> On 5 July 2019.

<sup>54</sup> On 19 August 2019.

<sup>55</sup> Section 100(1) of the IP Act.

<sup>56</sup> Or delegate under section 139 of the IP Act.

<sup>57</sup> Section 118(1)(b) of the IP Act.

31. A factor favouring disclosure arises where the information is the applicant's personal information.<sup>58</sup> The Category A Information includes a full page<sup>59</sup> contained within an unsigned affidavit of the applicant. Having carefully considered this page, I am satisfied that it comprises the applicant's personal information. I acknowledge the importance of providing individuals with access to their personal information held by government and therefore, I give significant weight to this factor favouring disclosure.<sup>60</sup>
32. I have carefully considered all factors listed in schedule 4, part 2 of the RTI Act, and can identify no other public interest considerations telling in favour of disclosure of the Category A information, beyond that identified above.
33. The RTI Act recognises that disclosing an individual's personal information to someone else can reasonably be expected to cause a public interest harm<sup>61</sup> and that a further factor favouring nondisclosure arises if disclosing information could reasonably be expected to prejudice the protection of an individual's right to privacy.<sup>62</sup>
34. While I acknowledge that some of the Category A information is the personal information of other individuals, I also note that those individuals are predominantly:
  - the applicant's extended family members, mentioned in contexts associated with native title matters; and
  - individuals who have acted as support persons for the applicant, mentioned in contexts when information was being conveyed by the applicant with the assistance of such persons.
35. Given these circumstances, I do not consider that providing an unredacted copy of the documents containing the Category A information to the applicant would be *disclosing* personal information of the other individuals to the applicant, as the information is already known to the applicant.<sup>63</sup> Further, I am satisfied that in the circumstances of this particular matter, there would be no intrusion into the privacy of the individuals concerned, and therefore the right to privacy of those other individuals will not be prejudiced as a result of access. Accordingly, I find that the factors relating to personal information and the right to privacy of other individuals do not apply in the circumstances of this matter.
36. I have carefully considered all factors listed in schedule 4, parts 3 and 4 of the RTI Act, and can identify no other public interest considerations telling in favour of nondisclosure of the Category A information, beyond those identified above.

### Category B information

37. The Category B information comprises the name of another individual identified as being the applicant's carer noted in a medical certificate for the applicant (**Certificate One**)<sup>64</sup> and details about another individual's special needs detailed in a medical certificate for

<sup>58</sup> Schedule 4, part 2, item 7 of the RTI Act. 'Personal information' is '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' – see definition in schedule 5 of the RTI Act and section 12 of the IP Act.

<sup>59</sup> Comprising page 207.

<sup>60</sup> Schedule 4, part 2, item 7 of the RTI Act.

<sup>61</sup> Schedule 4, part 4, section 6(1) of the RTI Act.

<sup>62</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>63</sup> See *Australian Broadcasting Corporation and Department of Child Safety, Youth and Women* [2018] QICmr 47 (21 November 2018) at [107] and *Seven Network (Operations) Limited and Department of Justice and Attorney-General; Department of Child Safety, Youth and Women* [2018] QICmr 48 (29 November 2018) at [45]. In these decisions, the Right to Information Commissioner observed that, where releasing personal information would not involve conveying to any person or entity information not already known to them, it cannot be said such release would *disclose* personal information within the meaning of the personal information harm factor, and that factor will therefore not apply.

<sup>64</sup> Page 272.

that other individual (**Certificate Two**).<sup>65</sup> Certificate Two appears to be written to also apply to the applicant as the practitioner notes the statements in the certificate about the other individual's special needs are *'true also regarding [the applicant].'*

38. As the special needs noted in Certificate Two are stated as applying to the applicant, I am satisfied that this information, as well as the information in Certificate One, comprises the applicant's personal information. As with the Category A information, I acknowledge the importance of providing individuals with access to their personal information held by government and therefore, I give significant weight to this factor favouring disclosure.<sup>66</sup>
39. I have carefully considered all factors listed in schedule 4, part 2 of the RTI Act, and can identify no other public interest considerations telling in favour of disclosure of the Category B information, beyond that identified above.
40. In relation to the name of the support person, given it is contained within a medical certificate which is for the benefit of the applicant (Certificate One) and can be presumed to be based on information provided to the medical practitioner by the applicant, I consider that disclosing Certificate One in full to the applicant does not disclose personal information of the support person to the applicant, nor does it prejudice the support person's right to privacy. Again, the information about the other individual is already known to the applicant. Accordingly, as with Category A, I find that the factors relating to personal information and the right to privacy of other individuals do not apply in the circumstances of this matter.
41. I have carefully considered all factors listed in schedule 4, parts 3 and 4 of the RTI Act, and can identify no other public interest considerations telling in favour of nondisclosure of the Category B information, beyond those identified above.

### Category C information

42. The Category C information comprises contact details (being addresses and phone numbers), contact person/secretary details and director details appearing in documents relating to a corporation,<sup>67</sup> current and past details of which can be accessed online,<sup>68</sup> and an advertisement containing an image of an individual.<sup>69</sup>
43. Given the Category C information is already within the public domain, I am satisfied that there is no basis not to disclose this information to the applicant.
44. I have carefully considered all factors listed in schedule 4, part 2 of the RTI Act, and can identify no other public interest considerations telling in favour of disclosure of the Category C information.
45. Personal information does not extend to corporations and while some of the Category C information is the personal information of other individuals, I am satisfied that it is publicly available and that disclosure would therefore not disclose personal information of other individuals nor would it prejudice their right to privacy. In these circumstances, I afford no weight to the factors favouring nondisclosure relating to disclosing personal information of other individuals or prejudicing the right to privacy of those individuals.

---

<sup>65</sup> Page 231.

<sup>66</sup> Schedule 4, part 2, item 7 of the RTI Act.

<sup>67</sup> Pages 91-93 and 166-168. For clarity, it does not include names and address details of members of the corporation as set out at pages 94 and 169 of the documents located.

<sup>68</sup> As viewed in the public register at <https://www.oric.gov.au/> (accessed on 9 September 2019).

<sup>69</sup> Page 232.



46. I have carefully considered all factors listed in schedule 4, parts 3 and 4 of the RTI Act, and can identify no other public interest considerations telling in favour of nondisclosure of the Category C information, beyond those identified above.

***Balancing the public interest***

47. I have considered the pro-disclosure bias in deciding access to information<sup>70</sup> and the applicant's right to access their personal information. In relation to the information within the Category A and B information which comprises the applicant's personal information, I afforded significant weight to this factor.
48. On the other hand, I considered that, in relation to the Category A and B information, the factors favouring nondisclosure of personal information of other individuals and prejudicing their right to privacy does not apply in the circumstances of this matter. In relation to the Category C information, while these factors apply, I have afforded them no weight in the circumstances of this matter.
49. For these reasons, overall I find that the balance of the public interest lies in favour of disclosure of the Information in Issue. Accordingly, I consider that access to the Information in Issue may be granted on the basis that its disclosure would not, on balance, be contrary to the public interest.

**DECISION**

50. I set aside QPS's decision and find that access to the Information in Issue may not be refused on the ground that its disclosure would, on balance, be contrary to the public interest. The applicant is therefore entitled to access the Information in Issue, in accordance with the right of access prescribed in section 40 of the IP Act.
51. I have made this decision as a delegate of the Information Commissioner, under section 139 of the IP Act.

---

A Rickard  
**Assistant Information Commissioner**

**Date: 25 September 2019**

---

<sup>70</sup> Section 44 of the RTI Act.

## APPENDIX

### Significant procedural steps

Date	Event
27 March 2018	OIC received the application for external review.
28 March 2018	OIC notified the applicant and QPS that the application for external review had been received, requesting procedural documents from QPS.
12 April 2018	OIC received procedural documents from QPS.
1 May 2018	OIC notified the applicant and QPS that the application for external review had been accepted, requesting from the applicant an authority for another person to act on their behalf.
4 July 2018	OIC received the applicant's authority for another person to act on their behalf.
5 July 2018	OIC requested further information from QPS by 23 July 2018 about the application for internal review and submissions about the decision refusing to deal with the application.
30 July 2018	OIC contacted QPS about QPS's overdue response to OIC's letter dated 5 July 2018.
16 August 2018	OIC contacted QPS about QPS's overdue response to OIC's letter dated 5 July 2018. QPS advised that it was unable to provide a response for the next two weeks due to staff absences.
12 September 2018	OIC contacted QPS about QPS's overdue response to OIC's letter dated 5 July 2018.
14 September 2018	OIC contacted QPS about QPS's overdue response to OIC's letter dated 5 July 2018.
17 September 2018	QPS advised OIC that it had contacted relevant work areas regarding OIC's request for further information on 5 July 2018 and expected to be in a position to respond by 21 September 2018.
11 October 2018	OIC contacted QPS about QPS's overdue response to OIC's letter dated 5 July 2018.
15 October 2018	OIC contacted QPS about QPS's overdue response to OIC's letter dated 5 July 2018.
19 October 2018	OIC contacted QPS about QPS's overdue response to OIC's letter dated 5 July 2018.
23 October 2018	OIC requested that by 6 November 2018 QPS: <ul style="list-style-type: none"> <li>• provide its overdue response to OIC's letter dated 5 July 2018; and</li> <li>• conduct searches for documents requested in the access application and provide OIC with a copy of the documents located and records of the searches conducted.</li> </ul>
9 November 2018	OIC contacted QPS about QPS's overdue responses to OIC's letters dated 5 July 2018 and 23 October 2018.
16 November 2018	QPS contacted OIC about QPS's overdue responses to OIC's letters dated 5 July 2018 and 23 October 2018.
23 November 2018	OIC contacted QPS about QPS's overdue responses to OIC's letters dated 5 July 2018 and 23 October 2018. QPS requested 10 further

Date	Event
	business days to respond and OIC granted an extension until 4 December 2018.
28 November 2018	OIC conveyed a preliminary view to QPS that it had not satisfied the onus of establishing that the decision was justified or that a decision adverse to the applicant should be given, seeking a response by 5 December 2019.
3 December 2018	Following a request from QPS, OIC granted an extension of time to QPS until 14 December 2018.
13 December 2018	OIC received QPS's submission.
14 December 2018	OIC received a copy of 44 documents and 9 audio recordings <sup>71</sup> from QPS.
11 January 2019	OIC conveyed a preliminary view to QPS about access to the 44 documents and 9 audio recordings, seeking a response by 25 January 2019.
6 February 2019	Following a request from QPS, OIC granted an extension of time for QPS to respond to OIC's letter dated 11 January 2019 until 25 February 2019.
28 February 2019	OIC advised QPS that if a response to OIC's letter dated 11 January 2019 was not received by 5:00pm on Friday, 1 March 2019, OIC would proceed with issuing a Notice to Produce under section 116 of the IP Act.
1 March 2019	OIC received QPS's submission, including a 64 page marked-up PDF ( <b>1 March 2019 PDF</b> ).
6 March 2019	<p>OIC wrote to QPS advising:</p> <ul style="list-style-type: none"> <li>the 1 March 2019 PDF did not include all 44 documents provided to OIC on 14 December 2018 - and therefore QPS had not provided OIC with its view regarding some of the documents located</li> <li>attachments to emails in the 1 March 2019 PDF were attached to the 1 March 2019 PDF via the 'paper clip' function, however the attachments were not included within the 64 page count, nor did they appear to have been considered by QPS, as they did not contain any mark-ups and were not referred to in QPS's submission; and</li> <li>QPS had not provided a submission about the 9 audio recordings.</li> </ul> <p>OIC asked that by 20 March 2019 QPS address these issues by completing a table provided by OIC and providing a single PDF document comprising the 44 documents located, including attachments to any email files, marked-up in accordance with QPS's view on disclosure.</p>
22 March 2019	Following a request from QPS, OIC granted an extension of time for QPS to respond to OIC's letter dated 6 March 2019 until 27 March 2019.
28 March 2019	OIC received the completed table from QPS, setting out QPS's view on disclosure.
29 March 2019	<p>OIC asked QPS to release information to the applicant by 12 April 2019 in accordance with QPS's view as set out in the completed table.</p> <p>OIC wrote to the applicant:</p>

<sup>71</sup> See footnote 13 above.

Date	Event
	<ul style="list-style-type: none"> <li>advising that QPS had agreed to release some of the information located by it and requesting that the applicant advise whether they continued to seek access to the information that QPS had <i>not</i> agreed to release; and</li> <li>conveying a preliminary view that access to documents relating to the inquest concerning the death of the applicant's relative (<b>inquest</b>) could be refused.</li> </ul> <p>OIC requested that the applicant respond by 30 April 2019.</p>
12 April 2019	QPS confirmed to OIC that it had released the documents, except for the audio recordings, to the applicant, and sought a one month extension of time to release the audio recordings.
16 April 2019	OIC granted QPS the requested extension and gave QPS until 10 May 2019 to release the audio recordings to the applicant.
14 May 2019	QPS advised OIC that the audio recordings would be posted to the applicant by registered mail on 15 May 2019.
23 and 24 May 2019	OIC received telephone messages from the applicant's agent which indicated that the applicant did not accept OIC's preliminary view and continued to seek access to the information that QPS had <i>not</i> agreed to release. Attempts by OIC to return the calls from the applicant's agent were unsuccessful.
27 May 2019	<p>OIC wrote to the applicant confirming that the applicant did not accept OIC's preliminary view conveyed on 29 March 2019 and continued to seek access to the information QPS had redacted from the documents released to them on 12 April 2019, and from the audio recordings released to them on 15 May 2019.</p> <p>OIC wrote to QPS requesting by 10 June 2019 copies of the redacted versions of the documents released to the applicant on 12 April 2019 and the audio recordings released to the applicant on 15 May 2019.</p>
11 June 2019	<p>OIC wrote to QPS requesting by 18 June 2019:</p> <ul style="list-style-type: none"> <li>a copy of the redacted information requested on 27 May 2019; and</li> <li>that, in relation to information relating to the inquest, QPS confirm the nature of the investigation, and whether the investigation was currently ongoing or had been finalised.</li> </ul>
19 June 2019	OIC wrote to QPS advising that if a response to OIC's email dated 11 June 2019 was not received by 10:00am on Friday, 21 June 2019, OIC would proceed with issuing a Notice to Produce under section 116 of the IP Act.
19 June 2019	OIC received from QPS a single PDF of the documents, redacted as per the version released to the applicant on 12 April 2019, and a copy of audio recordings, redacted as per those released to the applicant on 15 May 2019.
21 June 2019	<p>OIC wrote to QPS:</p> <ul style="list-style-type: none"> <li>advising that OIC could not open one audio recording and requesting that QPS provide the audio recording to OIC on a CD or USB device; and</li> <li>requesting that QPS provide a response to OIC's request on 11 June 2019 for information relating to the inquest.</li> </ul>

Date	Event
	OIC requested that QPS respond as soon as possible and by no later than 5:00 pm on Monday 24 June 2019.
25 June 2019	OIC issued to QPS a Notice to Produce under section 116 of the IP Act requesting that QPS provide to OIC by 2 July 2019 the outstanding audio recording and information relating to the inquest.
2 July 2019	OIC received from QPS the outstanding audio recording and information relating to the inquest.
5 July 2019	<p>OIC conveyed a preliminary view to the applicant that, with the exception of some additional information, access to the information QPS had redacted from the documents released to them on 12 April 2019, and from the audio recordings released to them on 15 May 2019, may be refused. OIC also conveyed a preliminary view that information relating to the inquest may be refused. OIC requested that the applicant respond by 26 July 2019.</p> <p>OIC also wrote to QPS:</p> <ul style="list-style-type: none"> <li>• conveying a preliminary view that some additional information could be disclosed to the applicant</li> <li>• advising that page 207 of the PDF, as received by OIC on 19 June 2019, was not visible, and requesting that QPS provide, by 12 July 2019, a copy of page 207 and confirm whether this page had been released to the applicant on 12 April 2019; and</li> <li>• ask that further information on page 231 be released so as to achieve consistency with information already released.</li> </ul> <p>OIC requested that QPS respond by 26 July 2019.</p>
29 July 2019	OIC sent an update to QPS, noting that its response to OIC's letter of 5 July 2019 was overdue.
2 August 2019	<p>In response to OIC's update of 29 July 2019, QPS responded stating <i>'An extension will be sought for this matter.'</i></p> <p>OIC sent an update to QPS, noting that its response to OIC's letter of 5 July 2019 was overdue.</p>
9 August 2019	OIC sent an update to QPS, noting that its response to OIC's letter of 5 July 2019 was overdue.
15 August 2019	OIC sent an update to QPS, noting that its response to OIC's letter of 5 July 2019 was overdue.
19 August 2019	<p>OIC wrote to QPS advising that:</p> <ul style="list-style-type: none"> <li>• unless QPS advised otherwise by 23 August 2019, OIC would take it to mean that QPS accepted OIC's preliminary view conveyed on 5 July 2019, which would mean that QPS should proceed to release the additional information to the applicant; and</li> <li>• as the applicant had not responded to OIC's preliminary view conveyed on 5 July 2019, once QPS released the additional information to the applicant, OIC would consider that all issues in the review were resolved and be able to finalise review informally under section 103(4) of the IP Act.</li> </ul>
23 August 2019	OIC sent an update to QPS, noting that its response to OIC's letter of 5 July 2019 was overdue.
30 August 2019	OIC sent an update to QPS, noting that its response to OIC's letter of 5 July 2019 was overdue.

Date	Event
6 September 2019	OIC sent an update to QPS, noting that its response to OIC's letter of 5 July 2019 was overdue.
13 September 2019	OIC sent an update to QPS, noting that its response to OIC's letter of 5 July 2019 was overdue. In response to OIC's update, QPS responded stating '[Decision-Maker] to review'.
23 September 2019	OIC sent an update to QPS, noting that its response to OIC's letter of 5 July 2019 was overdue.