



Decision and Reasons for Decision

Citation: *S50 and Queensland Police Service [2026] QICmr 89*
(3 June 2026)

Application Number: 318782

Applicant: S50

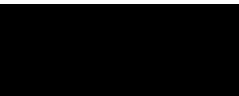
Respondent: Queensland Police Service

Decision Date: 3 June 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST INFORMATION - request to access the mailing addresses of two 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)

DECISION

I affirm¹ the reviewable decision of Queensland Police Service (**QPS**) and find that access may be refused to the information sought by the applicant, as its disclosure would, on balance, be contrary to the public interest.² This means that no information is to be released to the applicant. My reasons for the decision follow.



T Lake, Principal Review Officer

Date: 3 June 2026

¹ Under section 110(1)(a) of the *Right to Information Act 2009* (Qld) (**RTI Act**).

² I have made this decision as a delegate of the Information Commissioner under section 145 of the 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, 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.

REASONS FOR DECISION

Summary

1. The applicant applied³ to the Queensland Police Service (**QPS**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) to access the 'current mailing address(es)' of two individuals.
2. QPS located relevant information within its QPRIME system and, on 10 June 2025, decided to refuse access to that information (**Original Decision**) on the ground its disclosure would, on balance, be contrary to the public interest.
3. The applicant applied for internal review and, on internal review, QPS affirmed the Original Decision.⁴
4. The applicant then applied⁵ to the Office of the Information Commissioner (**OIC**) for external review.

Reviewable decision and evidence considered

5. The decision under review is QPS' internal review decision dated 10 July 2025.
6. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes). I have taken account of the applicant's submissions⁶ to the extent that they are relevant to the issue for determination in this review.
7. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.⁷ 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.⁸ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.⁹

Information in issue

8. The requested information appears on 2 pages located by QPS (**Information in Issue**).

³ Access application dated 28 April 2025.

⁴ By decision dated 10 July 2025.

⁵ By email dated 11 July 2025 (**External Review Application**).

⁶ Being those in the External Review Application and the applicant's emails dated 21 November 2025 and 10 March 2026.

⁷ Section 21 of the HR Act.

⁸ *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].

⁹ 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*'.

Issue for determination

9. The issue for determination is whether disclosure of the Information in Issue would, on balance, be contrary to the public interest.

Relevant law

10. The RTI Act gives a right of access to documents of government agencies.¹⁰ However, this access right is subject to other provisions of the RTI Act, including grounds on which access to information may be refused.
11. One such refusal ground is where the disclosure of information would, on balance, be contrary to the public interest.¹¹ 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.¹² 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, although there are some recognised public interest considerations that may apply for the benefit of an individual.
12. In deciding whether disclosure of information would, on balance, be contrary to the public interest, section 49 of the RTI Act requires a decision-maker to identify any irrelevant factors and disregard them; identify relevant public interest factors favouring disclosure and nondisclosure; balance the relevant factors favouring disclosure and nondisclosure; and decide whether disclosure of the information in issue would, on balance, be contrary to the public interest.
13. Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of public interest lies in a particular case. I have considered these lists, together with all other relevant information, in reaching my decision.¹³

Findings

14. I have taken no irrelevant factors¹⁴ into account in making this decision.

Analysis of public interest factors favouring disclosure and nondisclosure

15. The applicant's submissions outline the steps he has taken to recover money under a tenancy arrangement he had entered with the individuals named in the access application—that is, he has obtained an order from the Queensland Civil and Administrative Tribunal (QCAT) for payment of money to him and, to proceed with

¹⁰ Section 23(1)(a) of the RTI Act.

¹¹ Sections 47(3)(b) and 49 of the RTI Act.

¹² Refer to Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 *AIAL Forum* 12, 14.

¹³ I have also kept in mind the RTI Act's pro-disclosure bias (section 44 of the RTI Act) and that access refusal grounds are to be interpreted narrowly (section 47(2)(a) of the RTI Act).

¹⁴ Including the irrelevant factors identified in schedule 4, part 1 of the RTI Act.

enforcement proceedings, he submitted that he requires the requested addresses to serve relevant documents.¹⁵ The applicant considers that these circumstances favour disclosure of the Information in Issue and that his access request *'is a tenancy issue, and addressing homelessness, the big umbrella, is a public concern'*.¹⁶

16. Public interest factors relating to Government accountability and transparency will arise where disclosing information could reasonably be expected¹⁷ to:
 - promote open discussion of public affairs and enhance the Government's accountability¹⁸
 - contribute to positive and informed debate on important issues or matters of serious interest;¹⁹ and
 - inform the community of the Government's operations, including, in particular, the policies, guidelines and codes of conduct followed by the Government in its dealings with members of the community.²⁰
17. The applicant submitted that he expected QPS *'to be fully abreast of the steps or procedures in enforcement proceedings'* that he is following.²¹ While I accept that there is a public interest in law enforcement agencies, such as QPS, being accountable and transparent in the conduct of their functions, the enforcement proceedings referenced by the applicant do not relate to QPS' law enforcement functions—instead, they concern civil debt collection arising out of a contractual arrangement which did not involve any Government agency. Given this, there is nothing before me which indicates that disclosure of the Information in Issue, given its nature, could be expected to promote open discussion of public affairs, inform the community about any Government operations or enhance Government accountability. Accordingly, I do not consider that the public interest factors in schedule 4, part 2, items 1 and 3 of the RTI Act apply.
18. I acknowledge that disclosure of the Information in Issue is important to the applicant and homelessness in Queensland is a matter of serious community interest. However, the applicant has not explained how he considers disclosing the Information in Issue—which is limited to the addresses of two individuals—could be expected to contribute to a 'positive and informed' debate on the housing issues he has raised. Noting the limited nature of the Information in Issue, I do not consider its disclosure could be expected to contribute to a positive and informed debate on important issues or matters of serious interest and, for that reason, I find that the public interest factor in schedule 4, part 2, item 2 of the RTI Act does not apply.

¹⁵ External Review Application and the applicant's emails dated 21 November 2025 and 10 March 2026.

¹⁶ Applicant's email dated 21 November 2025.

¹⁷ 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. See, for example, *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.

¹⁸ Schedule 4, part 2, item 1 of the RTI Act.

¹⁹ Schedule 4, part 2, item 2 of the RTI Act.

²⁰ schedule 4, part 2, item 3 of the RTI Act.

²¹ External Review Application.

19. Under the RTI Act, a public interest factor favouring disclosure will arise where disclosing information could reasonably be expected to contribute to the administration of justice for a person. In determining whether this public interest factor applies, I must consider whether:²²
- the applicant has suffered loss, damage, or some kind of wrong, in respect of which a remedy is, or may be, available under the law
 - the applicant has a reasonable basis for seeking to pursue the remedy; and
 - 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.
20. QCAT has confirmed that this public interest factor refers to the '*ordinary processes for the administration of justice for a person*'.²³ The applicant has described the loss which he suffered and the legal processes that he has, to date, pursued in respect of that loss. Having considered the applicant's submissions, I consider disclosure of the Information in Issue could be expected to assist the applicant to continue his legal processes. Accordingly, I am satisfied this factor applies. As to the weight to be afforded to this factor, I note that the applicant has acknowledged that other avenues exist to obtain the requested information.²⁴ In the circumstances of this matter and taking the nature of the Information in Issue into account, I afford this factor moderate weight.
21. The applicant's submissions generally canvas the fairness of processes for recovery of debts.²⁵ Public interest factors arise under the RTI Act where disclosing information could reasonably be expected to advance the fair treatment of individuals in accordance with the law in their dealings with agencies²⁶ or contribute to the administration of justice generally, including procedural fairness.²⁷ While I understand the applicant's interest in accessing the Information in Issue, he has not clearly explained how he considers its disclosure would advance his fair treatment in his future dealings with QPS, or any other agency. Nor am I satisfied that there is any reasonable expectation that disclosing the Information in Issue could contribute, in a meaningful way, to the general administration of justice (including procedural fairness) for any person. For these reasons, to the extent these factors may apply to favour disclosure of the Information in Issue, I afford them no weight.

²² *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17] and confirmed in *IOS3KF and Department of Community Safety* (Unreported, Queensland Information Commissioner, 16 December 2011) at [16]–[17].

²³ *Deemal–Hall v Office of the Director of Public Prosecutions* [2024] QCATA 131 at [12].

²⁴ Applicant's email dated 21 November 2025. I also note that QPS had referred to separate information access processes in the Original Decision.

²⁵ For example, in the applicant's email dated 21 November 2025, he submitted '*The non-disclosure of the requested addresses 'help' these former tenants to mock our legal setup, while the disclosure sends the strongest message to these former tenants and their likes that we indeed have a (legal) setup or system that works, and defaulters that want to run away with legal debts will be fished out to, for example, sanitise the Queensland housing industry.*'

²⁶ Schedule 4, part 2, item 10 of the RTI Act. This public interest factor is about providing information to advance fair treatment in an applicant's future dealings with agencies.

²⁷ Schedule 4, part 2, item 16 of the RTI Act. I note that the fundamental requirements of procedural fairness—that is, an unbiased decision-maker and a fair hearing—should be afforded to a person who is the subject of a decision (refer to *Kioa v West* (1985) 159 CLR 550 at 584 per Mason J).

22. I have considered all the public interest factors in schedule 4, part 2 of the RTI Act and I cannot identify any other public interest factors which would apply to favour disclosure of the Information in Issue.²⁸
23. The RTI Act recognises that disclosing an individual's personal information to someone else can reasonably be expected to cause a public interest harm.²⁹ I am satisfied that the Information in Issue is the personal information of individuals other than the applicant, which gives rise to this public interest factor. In determining the weight to be afforded to this factor, I consider the harm that could be expected to arise from disclosure of this personal information under the RTI Act, where there can be no restriction on its use, dissemination or publication, would be significant. Accordingly, I afford this factor significant weight in favour of nondisclosure.
24. In this regard, the applicant submitted that he '*promised to strictly use the requested information for regulated post-tenancy issues (e.g. enforcement proceedings and associates)*'.³⁰ While I have no reason to believe that the applicant has made this submission other than in good faith, the RTI Act confers no power on the Information Commissioner to exact any undertaking, or to impose any condition, concerning the use to which a person granted access to a document under the RTI Act will put the document (or the information contained within it). I therefore cannot exclude the possibility that the Information in Issue could be further disseminated or published, and I must also take into account that there is no mechanism under the RTI Act to prevent such disclosure. For these reasons, I do not consider the applicant's submission negates, or reduces, the weight that I have afforded to the nondisclosure factor in the preceding paragraph.
25. Where disclosing information could reasonably be expected to prejudice the protection of an individual's right to privacy, this also gives rise to a public interest factor favouring nondisclosure.³¹ Given the nature of the Information in Issue, I consider its disclosure under the RTI Act would represent a significant intrusion into the privacy of these other individuals (noting again that the RTI Act does not restrict how information disclosed in response to an access application is used, disseminated or published). On this basis, I afford this privacy factor significant weight.

²⁸ The Information in Issue is not the applicant's personal information and the factor in schedule 4, part 2, item 7 of the RTI Act therefore does not apply. Given its nature, I also cannot see how disclosing the Information in Issue could reasonably be expected to, for example, ensure effective oversight of expenditure of public funds (schedule 4, part 2, item 4 of the RTI Act); allow or assist enquiry into, reveal or substantiate, agency or officer conduct deficiencies (schedule 4, part 2, items 5 and 6 of the RTI Act); reveal the reason for a government decision or any background or contextual information that informed the decision (schedule 4, part 2, item 11 of the RTI Act); reveal the information to be incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant (schedule 4, part 2, item 12 of the RTI Act); or reveal environmental or health risks or measures relating to public health and safety (schedule 4, part 2, item 14 of the RTI Act). In the event that further relevant factors exist in favour of disclosure, I am satisfied that there is no evidence before me to suggest that any would carry sufficient weight to outweigh the weight that I have afforded to the public interest factors that favour the nondisclosure of the Information in Issue.

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

³⁰ External Review Application.

³¹ Schedule 4, part 3, item 3 of the RTI Act. The concept of '*privacy*' is not defined in the IP Act or the RTI Act. It can, however, essentially be viewed as the right of an individual to preserve their '*personal sphere*' free from interference from others (paraphrasing the Australian Law Reform Commission's definition of the concept in '*For your information: Australian Privacy Law and Practice*' Australian Law Reform Commission Report No. 108 released 12 August 2008, at paragraph 1.56).

Conclusion

26. I have identified and considered the public interest factors which are relevant to the Information in Issue. For the reasons addressed above, I afford significant weight to the nondisclosure factors relating to the personal information and privacy. On the other hand, I have afforded moderate weight to the factor favouring disclosure which relates to the administration of justice for a person. I also consider factors relating to fair treatment and the general administration of justice apply to favour disclosure, however, I have afforded them no weight, given the nature of the Information in Issue and the circumstances of this matter.
27. On balance, I am satisfied that the public interest factors favouring nondisclosure of the Information in Issue outweigh the factors which favour 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.³²
28. The above are the reasons for my decision.

--End--

³² Under section 47(3)(b) of the RTI Act.