



Decision and Reasons for Decision

Citation: *W44 and Queensland Police Service [2026] QICmr 104 (17 June 2026)*

Application Number: 318863

Applicant: W44

Respondent: Queensland Police Service

Decision Date: 17 June 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - noncompliance with application requirement - requirement to give sufficient information concerning the requested document to enable a responsible officer of the agency to identify the document - sections 43(2)(b) and 53(6) of the *Information Privacy Act 2009 (Qld)*

DECISION

1. I affirm the reviewable decision¹ refusing to deal with the access application under section 53(6) of the *Information Privacy Act 2009 (Qld)* (**IP Act**)² on the basis that it does not comply with the requirement to give sufficient information about the requested documents under section 43(2)(b) of the IP Act.³
2. My reasons for the decision follow.



Katie Shepherd
Assistant Information Commissioner

Date: 17 June 2026

¹ As defined in footnote 7.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023 (Qld)* (**IPOLA Act**) came into force, effecting changes to the IP Act and *Right to Information Act 2009 (Qld)* (**RTI Act**). As the application was made before this change, the IP Act and RTI Act **as in force prior to 1 July 2025** remain applicable 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 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.

³ I have made this decision under section 123(1)(a) of the IP Act in accordance with the delegation under section 139 of the IP Act.

REASONS FOR DECISION

Summary

3. The applicant applied to Queensland Police Service (**QPS**) under the IP Act for access to *'all documents relating to the prosecution'* of himself for the period January 2019 to May 2025.⁴
4. QPS consulted with the applicant to obtain further details about the request.⁵ The applicant provided some additional information,⁶ however, QPS decided⁷ to refuse to deal with the application under section 53(6) of the IP Act on the basis the application did not give sufficient information about the requested documents, and therefore did not comply with all relevant application requirements under section 43(2)(b) of the IP Act.
5. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's decision.⁸ During the review:
 - QPS provided further information in support of its decision⁹
 - OIC obtained information from QPS that would assist it in identifying documents¹⁰
 - OIC conveyed a preliminary view to the applicant that QPS was entitled to refuse to deal with his application;¹¹ and
 - the applicant maintained that they had provided sufficient details to enable the documents sought to be located.¹²
6. The issue for determination is whether the access application complies with relevant application requirements, specifically, the requirement imposed by section 43(2)(b) of the RTI Act to *'give sufficient information concerning the documents to enable a responsible officer of the agency to identify the document.'*
7. In making my decision, I have considered evidence, submissions, legislation and other material set out in these reasons (including footnotes). I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to freedom of expression,¹³ which includes the right to seek and receive information. I consider a decision-maker will be acting compatibly with this right when applying the law prescribed in the RTI Act and, therefore, I have acted in accordance with section 58(1) of the HR Act.

⁴ Access application received by QPS on 13 June 2025.

⁵ In accordance with section 43(3) of the IP Act. Letter from QPS to the applicant dated 9 July 2025.

⁶ Email to QPS dated 15 July 2025.

⁷ Decision dated 7 August 2025. This is the *reviewable decision* for the purpose of this review.

⁸ External review application dated 25 August 2025.

⁹ Submission to OIC dated 30 October 2025.

¹⁰ Email to QPS dated 11 February 2026 and QPS's submission dated 25 February 2026.

¹¹ Letter dated 6 March 2026.

¹² Submissions dated 8 and 13 March 2026.

¹³ Section 21 of the HR Act.

Relevant law

8. Section 43 of the IP Act specifies the requirements for a compliant access application, including that the application *'give sufficient information concerning the document to enable a responsible officer of the agency ... to identify the document'*.¹⁴
9. The Information Commissioner has previously recognised that, where there is ambiguity in the terms of an application, it is rarely appropriate to apply legal construction techniques in preference to consulting with the applicant for clarification.¹⁵ The scope of an access application should not be interpreted legalistically or narrowly¹⁶ – however, there are sound practical reasons for the documents sought being clearly and unambiguously identified, given the terms of an application set the direction and parameters of an agency's search efforts.¹⁷ While an applicant is not expected to know how agency documents are stored, created, or named, or the particular kinds of documents agencies produce, where the wording of the application requires the intervention of the RTI decision-maker before the documents can be identified, it will most likely be noncompliant.¹⁸
10. If a person purports to make an access application and the agency takes the view the application does not comply with relevant application requirements set out in section 43 of the IP Act, section 53 of the IP Act requires that the agency must:
 - make reasonable efforts to contact the person within 15 business days after the purported application is received
 - inform the person how the application does not comply with a relevant application requirement; and
 - give the applicant a reasonable opportunity to consult with a view to making the application in a form complying with all relevant application requirements
11. If, after giving the applicant a reasonable opportunity to consult with a view to making the application in a form complying with all relevant application requirements, the agency then decides that the application does not comply with all such requirements, the agency must give the applicant prescribed written notice of the decision under section 53(6) of the RTI Act.
12. The IP Act does not expressly address the procedure to be followed by the Information Commissioner before making a decision that an access application does not meet application requirements. Generally, the Information Commissioner, or their delegate, has the power to decide any matter in relation to an application that could have been decided by the agency;¹⁹ and is required to identify opportunities for early resolution and to promote settlement of external review applications.²⁰

¹⁴ Section 43(2)(b) of the IP Act.

¹⁵ *Robbins and Brisbane North Regional Health Authority* (1994) QAR 30 at [17].

¹⁶ *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) at [21].

¹⁷ See *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 at [8].

¹⁸ *J37 and Department of State Development, Infrastructure and Planning (Office of Industrial Relations)* [2025] QICmr 10 (12 March 2025) at [27] (J37).

¹⁹ Section 118(1)(b) of the IP Act.

²⁰ Section 103 of the IP Act.

Evidence and submissions

13. The scope as stated in the access application is set out below:

a. The subject matter of the documents you are seeking

Under full disclosure all documents relating to the prosecution of [the applicant] including:

Original indictment reports, charge sheets by attending police officer on duty at [a NSW police station]

all correspondence including fax, email and attachments and mobile phone records between Qld Police, DPP and NSW Police – [a NSW police station].

reports and records of correspondence including, fax, email with attachments, mobile phone records and diary entries [between a named Detective] (QLD) and [a named individual] representing NSW Police out of [a NSW police station]

copies of written, audio and video of witness statement

video recording of initial arrest and follow up raids and arrests at [the applicant's] home address

Attending officers statements/reports and their BWC numbers and audio, video footage (3 occasions, multiple officers)

Records of Officer in charge and the processing officer reports at each of the three stations [named QPS police station]

all Qld Government and QPS records held or archived relating to interviews with [the applicant] at his home address

all Qld Government and QPS records held or archived relating to interviews and correspondence with [the applicant] at the [first named QPS police station]

all Qld Government and QPS records held or archived relating to interviews and correspondence with [the applicant] at the [second named police station]

all Qld Government and QPS records held or archived relating to interviews and correspondence with [the applicant] at the [third named QPS police station]

records of personal goods seized and whereabouts of those personal goods

all records, correspondence between [the applicant] and the Ethical Standards Command and the outcomes of that correspondence

b. The type of documents

Under full disclosure, all internal and external correspondence with and between Queensland Police and New South Wales Police including emails and attachments, fax, reports, written notes, diary entries and audio and visual recordings held by Qld Government, Queensland Police and Ethical Standards, Police Commissions, RTI Roma St, during the date range.

c. The time period / date range you would like us to search within

January 2019 – May 2025

...

d. Where you think the documents may be located

Queensland Government; Queensland Police; DPP; Queensland Police Ethical Standards Unit; [the first, second and third named QPS police stations]; [a fourth named QPS police station].

14. In line with the obligation under section 53(2) of the IP Act, QPS wrote to the applicant,²¹ explaining how the application did not meet all relevant application

²¹ Section 53(6) of the IP Act.

requirements, and what was required from the applicant to enable QPS to identify the documents sought.²²

*The QPS is a large and decentralised organisation with the individual stations and regions maintaining police records. There is no central system, either state wide or at station level, that allows QPS personnel to readily identify “all information” etc. relating to a person **without further information to identify the specific incident/s, investigation or court matter** to which the requested documents relate and the specific type of documents you are requesting (e.g. statement, notebook entries, etc.).*

*Should you wish to amend the current scope and make a valid application, you must ... **clearly identify** what **specific documents** you are seeking access to, and provide sufficient information (such as time, date, place, officer's name, type of incident –court case, crime report / traffic accident / arrest / traffic ticket etc.) concerning **each** of the requested documents to enable this Unit to identify the incident/s to which the documents relate so that searches can be made to locate the documents.*

For example, if you are requesting documents in relation to a police investigation, the type of information that would assist us in identifying and locating the requested documents would be:

- *Were you a complainant: (the person who made a complaint to police);*
- *Were you a suspect / offender: (the person who was the subject of the investigation / complaint);*
- *Were you a third party / witness: (someone one who was interviewed in relation to an investigation but was neither a complainant or suspect / offender);*
- *The substance of the complaint / investigation: (what was it about e.g. assault, break and enter etc.);*
- *The date / place where the alleged offence occurred;*
- *The rank, name, establishment of the investigating officer;*
- *Did the matter result in someone being charged and subsequently facing the courts; and*
- *Was someone subsequently convicted.*

15. In response, the applicant stated, '[t]he information provided is sufficient and relates to one person' and therefore he 'would like to continue with the original request ... as outlined in the application.'²³

16. Having followed the process outlined in paragraph 10, QPS decided the access application did not satisfy the requirement to give sufficient information concerning the documents requested to enable identification of those documents by QPS officers. In the reviewable decision, QPS outlined as follows:²⁴

The applicant has had a large number of interactions with police between January 2019 and May 2025. Additionally, the application does not provide detail about the matters to which the application relates. Rather, it appears to encompass a range of matters or incidents across a number of QPS business areas and police stations.

²² QPS's letter to the applicant dated 9 July 2025.

²³ Applicant's email to QPS dated 15 July 2025.

²⁴ Decision dated 7 August 2025 at page 3.

17. In seeking an external review, the applicant submitted *‘[a]mple information was provided to ensure that documents were easy to identify and access.’*
18. On external review, QPS submitted:²⁵
 - it had *‘interpreted the scope of the application as extending beyond [the applicant]’s prosecutions’*
 - while the subject *‘section of the application could be read as limited to prosecution matters’*, the request for *‘all records and correspondence between [the applicant] and the Ethical Standards Command’* does not appear to be limited to matters relating to the applicant’s prosecutions
 - the *‘seeking’ section of the application appears to request information beyond prosecution-related matters, essentially seeking all information held by: Queensland Government, Queensland Police, Ethical Standards Command, Police Commissions’* and the fourth named police station; and
 - if the application is limited to *‘prosecutions’*, *‘it will be necessary for [the applicant] to clarify what is meant by “prosecutions” within the provided date range’* as, for example, some matters involved charges laid in 2018 with the court finalised proceedings in 2019’.
19. QPS’s submissions were put to the applicant by OIC and in response, the applicant provided submissions in support of his case, including the following:²⁶
 - *‘it is unreasonable to expect [the applicant] to provide details of charges or occurrence numbers’*
 - *‘plenty of information has been provided including a date range, officer names and stations involved’*
 - the meaning of the request is *‘quite clear’*
 - *‘There is nothing ‘ambiguous’ about the documents sought.’*
 - *‘There is nothing ‘ambiguous’ about where the documents are held, three clearly identified stations or a central archive.’*

Findings

20. I have considered the information set out in QPS’s noncompliance decision and in the submissions QPS has provided to OIC in support of that decision. I accept QPS’s position as set out in the reviewable decision that the applicant has *‘had a large number of interactions with police’* in the relevant date range, and that the scope spans *‘a range of matters or incidents across a number of QPS business areas and police stations’*. Given the extent of the applicant’s involvement with QPS during the relevant time period and the broad range of information requested from multiple different operational areas, I accept that further information about the particular incidents/matters/charges/proceedings would be required to enable QPS to identify responsive documents.
21. In my view, the wording of the application is unclear as to whether the applicant is seeking information only in connection with prosecutions; or whether it extends to

²⁵ Submission dated 30 October 2025.

²⁶ Submissions dated 8 and 13 March 2026.

other matters, such as his interactions with Ethical Standards Command . To my mind, even if it was limited to prosecutions, it is unclear as to which prosecutions are captured, e.g., those with charges laid from 2019 onwards or those with court proceedings being finalised from 2019 onwards (with charges laid prior to 2019). To this end, I note QPS's advice that the applicant has had a significant number of interactions with QPS during the relevant period. While the applicant submits that '*a person with reasonable skills would be able to locate them, given the extensive information provided in the initial request*', I am not satisfied he has provided sufficient details about all of the relevant matters of interest to him to assist QPS to identify responsive documents.

22. I recognise the applicant has listed categories of documents in which he is interested, and has included date ranges, officer names and involved stations. However, for QPS to identify relevant documents within the parameters the applicant has provided, there must also be sufficient particulars provided about the incidents/matters/charges/prosecutions to enable QPS to identify relevant documents within those date ranges and held by those stations. I am satisfied that without further identifying particulars, a QPS RTI officer would be required to interrogate all matters involving the applicant during the six year period, noting that they are significant in number, in an attempt to identify documents falling within the identified categories.
23. In summary, I am satisfied that the application scope lacks sufficient particularity to enable QPS to identify relevant documents. Accordingly, I find that the application does not comply with the requirement in section 43(2)(b) of the IP Act to give sufficient information concerning the requested documents to enable a responsible officer of the agency or Minister to identify them. I am therefore satisfied that it was open to QPS to refuse to deal with the application on the basis of noncompliance under section 53(6) of the RTI Act, and I affirm that decision.
24. The above are the reasons for my decision set out at paragraph 1.