



Decision and Reasons for Decision

Citation: N40 and Department of Youth Justice and Victim Support [2026] QICmr 96 (10 June 2026)

Application Number: 318726

Applicant: N40

Respondent: Department of Youth Justice and Victim Support

Decision Date: 10 June 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - DISCLOSURE PROHIBITED BY ACT - whether disclosure is prohibited by section 288 of the *Youth Justice Act 1992* (Qld) - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(a), 48 and schedule 3, section 12(1) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - whether disclosure would, on balance, be contrary to the public interest - prejudice to the security or good order of a corrective services facility or a youth detention centre - section 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

DECISION

I affirm¹ the reviewable decision of the Department of Youth Justice and Victim Support (**Department**) and find that access to the Information in Issue² may be refused on the ground that it comprises exempt information or its disclosure would, on balance, be contrary to the public interest.³ This means that no further information is to be released to the applicant. My reasons for the decision follow.



K Zaidiza
Manager, Right to Information
Date: 10 June 2026

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

² As defined in paragraph 15.

³ I have made this decision as a delegate of the Information Commissioner under section 139 of the IP Act.

REASONS FOR DECISION

Background

1. An application on behalf of a child⁴ was made, under the IP Act,⁵ to the Department for access to documents relating to an incident that occurred involving the applicant in a particular youth detention centre and the applicant's transfer between the youth detention centre and a hospital including incident reports, case notes and recordings.
2. The Department located 172 pages and 2 Body Worn Camera (**BWC**) recordings and decided⁶ to refuse access to 15 pages, parts of 24 pages and 2 BWC recordings on the basis that the information is exempt or its disclosure would, on balance, be contrary to the public interest.
3. The applicant applied⁷ to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision seeking access to the refused information. During external review the applicant also raised concerns regarding the sufficiency of the Department's searches and indicated that CCTV recordings should have also been located.⁸

Steps in external review

4. During the review OIC conveyed a preliminary view⁹ to the Department that further information was suitable for release, particularly email correspondence between the applicant's parent and the Department and a document called *staff assault post incident checklist*. The Department agreed with OIC's view and released this further information to the applicant.¹⁰
5. OIC also conveyed a preliminary view¹¹ to the applicant that:
 - 2 BWC recordings and a small amount of information contained in the documents were exempt from disclosure under schedule 3, section 12 of the RTI Act and section 288 of the *Youth Justice Act 1992* (Qld) (**YJ Act**) (**YJ Exemption**); and
 - the remaining information contained in the documents comprised mobile phone numbers and information regarding security codes the release of which would prejudice the security or good order of a youth detention centre, and therefore would, on balance, be contrary to the public interest to disclose.

⁴ Application dated 5 May 2025. Under schedule 1 of the *Acts Interpretation Act 1954* (Qld), a child is an individual who is under 18.

⁵ On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) (**IPOLA Act**) came into force, effecting changes to the IP Act and *Right to Information Act 2009* (Qld) (**RTI Act**). As the applicant's application was made before this change, the IP Act and RTI Act **as in force prior to 1 July 2025** remain applicable to it. This is in accordance with transitional provisions in chapter 7, part 9 of the RTI Act and chapter 8, part 3 of the IP Act, which require that applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted. Accordingly, references to the RTI Act and IP Act in this decision are to those Acts.

⁶ Decision dated 19 June 2025. This is the *reviewable decision* in this review.

⁷ On 19 June 2025. A legal representative has acted on behalf of the applicant throughout the external review.

⁸ Submissions dated 24 October 2025.

⁹ Email correspondence dated 15 September and 30 September 2025.

¹⁰ On 9 October 2025.

¹¹ Letter dated 15 September 2025.

6. In response,¹² the applicant agreed to the redaction of mobile numbers. However, in relation to the 2 BWC recordings they indicated that *'any steps to remove the exempt information and enable release of the footage should be taken, for example by blurring the footage and removing any audio that would identify another child.'* In relation to the information that is said to prejudice the security or good order of a youth detention centre facility *'we press the application and disclosure to the greatest extent possible.'*
7. As indicated in paragraph 4 above, OIC conveyed a view to the Department that further information, particularly the document called *staff assault post incident checklist* was suitable for release and the Department agreed and released this document to the applicant. After the further release, the applicant did not further object to the refusal of information the disclosure of which would prejudice the security or good order of a youth detention centre facility and therefore it is no longer an issue in this review.¹³
8. The applicant raised concerns regarding the sufficiency of searches conducted by the Department and stated that *'the notice did not mention whether any CCTV footage relating to the incident was identified in the agency's search. If there is CCTV footage, we submit this would fall within the scope of the application which sought any records relating to the incident and provided examples of the types of documents which may be relevant.'*¹⁴
9. OIC requested the Department to conduct further searches, and as a result the Department located an additional 23 pages and 24 recordings (14 BWC and 10 CCTV). The Department initially submitted that this further information was exempted from disclosure because it had been obtained, used or prepared for an investigation by a prescribed crime body or another agency in the performance of the crime body's prescribed functions.¹⁵ OIC conveyed this view to the applicant.¹⁶
10. In response, the applicant submitted that such investigation was finalised and therefore further release should be considered.¹⁷ After conducting further enquiries with the Department, it agreed to release the 23 pages to the applicant and some further documents located relevant to the scope of the application.¹⁸ However, in relation to the 24 recordings located, the Department submitted:¹⁹

Despite the view that the initial decision was justified... with respect to the 24 CCTV footage files [sic]... as per the decision in Dept of YJ v Information Commissioner & Ors [2019] QCATA 143 29 October 2019, this agency does not accept that pixelation is an effective tool for use in obscuring the personal information of others particularly as it relates to confidential youth justice information.

¹² Submissions dated 26 September 2025.

¹³ This was confirmed by email to the applicant on 27 October 2025.

¹⁴ Submissions dated 24 October 2025.

¹⁵ Schedule 3, section 10(4) of the RTI Act.

¹⁶ Letter dated 27 March 2026.

¹⁷ Submissions dated 7 April 2026.

¹⁸ Released to the applicant on 12 May 2026.

¹⁹ Email dated 27 April 2026.

There are **three recordings** that depict other individuals subject to the YJ Act that would be exempt under schedule 3, section 12 of the RTI Act

The remaining **21 recordings** contain highly sensitive information as many of the camera angles show information about the detention centre that, in some cases, is not even known to long term detainees but certainly not known by the public; release would raise significant security issues for the facility and would be contrary to the public interest and should be refused.

11. OIC conveyed a preliminary view²⁰ to the applicant that:
 - in relation to the 3 recordings (1 CCTV and 2 BWC)– whilst they contain the personal information of the applicant, that information is intertwined with the personal information of another child who is, or has been, dealt with under the YJ Act and therefore falls within the YJ Act exemption; and
 - in relation to the remaining 21 recordings (9 CCTV and 12 BWC) – these comprise information relating to the security or good order of a youth detention centre facility and therefore its disclosure would be contrary to the public interest.
12. The applicant disagreed with OIC’s preliminary view and made further submissions in support of their position.²¹
13. As part of the review, the applicant proposed access via inspection of the CCTV and BWC depicting the specific incident in resolution of the review; however the Department was not agreeable to this proposal and therefore OIC informed the parties that the review was to continue to a formal resolution.
14. Therefore, the issue for determination in this review is whether the Information in Issue as described below may be refused on the ground that it is exempt or its disclosure would, on balance, be contrary to the public interest.

Information in issue

15. While the RTI Act prevents me from describing exempt information or contrary to public interest information in any detail,²² the Information in Issue generally comprises:
 - 3 recordings and 2 BWC which depict individuals dealt with under the YJ Act other than the applicant (**Category A Information**); and
 - 21 recordings which depict the layout of the youth detention centre and relate to the security or good order of a youth detention centre facility (**Category B Information**).

Evidence considered

16. The evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including the footnotes).

²⁰ Email dated 7 May 2026.

²¹ Submissions dated 4 June 2026.

²² Section 108(3) of the RTI Act.

17. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information,²³ as well as rights relating to children and persons deprived of liberty.²⁴ 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 IP Act and RTI Act.²⁵ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Category A Information

Relevant law

18. Under the IP Act, an individual has a right to be given access to documents of a Queensland government agency, to the extent they contain the individual's personal information.²⁶ This right of access is subject to limitations, including the grounds on which access to information may be refused.²⁷
19. One ground of refusal is where information comprises exempt information.²⁸ Relevantly, information is exempt information if its disclosure is prohibited by section 288 of the YJ Act, unless it is only personal information of the access applicant.²⁹
20. Section 288 of the YJ Act (together with a number of surrounding provisions) provides that a person who has gained, gains, or has access to, confidential information relating to a child who is being, or has been, dealt with under the YJ Act through involvement in the administration of the Act must not intentionally disclose that information to anyone, other than in accordance with part 9, division 2 of the YJ Act.³⁰
21. '*Confidential information*' is relevantly defined in section 284 of the YJ Act:
- confidential information, relating to a child, includes –*
(a) *identifying information about the child; ...*
22. '*Identifying information about a child*' is defined in schedule 4 of the YJ Act as meaning:

²³ Section 21 of the HR Act.

²⁴ Sections 26 and 30 of the HR Act.

²⁵ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. I further note that OIC's approach to the HR Act (as set out in this paragraph) was considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23] (where Judicial Member DJ McGill SC saw '*no reason to differ*' from OIC's position).

²⁶ Section 40 of the IP Act. '*Personal information*' is defined in section 12 of the IP Act as '*information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion*'.

²⁷ Section 67(1) of the IP Act provides that access may be refused to information in the same way and to the same extent as information may be refused under the RTI Act (which is set out in section 47 of the RTI Act).

²⁸ Schedule 3 of the RTI Act identifies the types of information which Parliament has determined will comprise exempt information under the RTI Act.

²⁹ Schedule 3, sections 12(1) and (2) of the RTI Act.

³⁰ Sections 283, 287 and 288 of the YJ Act.

information that identifies the child, or is likely to lead to the identification of the child, as a child who is being, or has been, dealt with under this Act.

Example –

Each of the following is identifying information about a child if it identifies the child, or is likely to lead to the identification of a child, as a child who is being or has been dealt with under this Act –

(a) the child's name, address, school or place of employment;

(b) a photograph, picture, videotape or other visual representation of the child or someone else.

23. Section 286 of the YJ Act provides that a person 'discloses' confidential information to someone else if the person:

- orally discloses the information to the other person; or
- produces to the other person, or gives the other person access to, a document containing the information; or
- discloses the information to the other person in another way.

24. The question of what constitutes disclosure of confidential information for the purpose of the YJ Act was considered by The Queensland Civil and Administrative Tribunal (**QCAT**) in *Department of Youth Justice v Office of the Information Commissioner & Ors*³¹ (**DYJ**). In that matter, QCAT confirmed that the disclosure which is prohibited by section 288 of the YJ Act is not limited to a disclosure to a person who does not already know the child, and the child's status under the YJ Act.

Findings

25. As noted above, the Category A Information comprises information contained in 3 recordings and 2 BWC recordings which depict the applicant's interactions with other individuals.

26. The applicant's representative submitted that disclosing the Category A Information to the applicant will not breach the disclosure prohibition in section 288 of the YJ Act. More specifically, the applicant's representative submitted:³²

In line with the pro-disclosure bias of the Information Privacy Act 2009 (Qld), any steps to remove the exempt information and enable release of the footage should be taken, for example by blurring the footage and removing any audio that would identify another child.

Whether a document contains identifying information is a question of fact to be determined on each case. As such, the decision in Department of Youth Justice v Office of the Information Commissioner & Ors; Department of Youth Justice v Office of the Information Commissioner & Anor should not be applied without consideration for the particular facts of this case.

The Applicant seeks disclosure of the body worn camera footage with all potentially identifying information relating to the second child removed, for example by placing a black box over the second child's image and removing audio.

³¹ [2019] QCATA 143.

³² Submissions dated 26 September 2025 and 24 October 2025.

In our view, that would render the body worn camera footage no longer exempt information.

27. In this regard, I note the following observations in DYJ:³³

Section 288 contains a number of prohibitions. By reference to the language of that section, and the definitions and qualifications found in the YJ Act, one prohibition might be formulated as being that a person to whom the section applies must not “record or use, or intentionally disclose or produce to another person a document containing information about a child that identifies the child, or is likely to lead to the identification of the child, as a child who is being, or has been, dealt with under this Act, or give to another person access to such a document”. Neither the prohibition itself, nor the broader context provided by the statute, provide a basis for restricting the prohibition. An examination of the text of the statute, including the definitions read in the context of the sections which draw on them, would show that the prohibition on disclosure found in s 288 would apply to confidential information, relating to a child, as the expression is defined, without further restriction.

...

It may be accepted that the question whether material identifies a person is a question of fact. The findings of the delegate on that question are not in issue in the appeal. What is in issue is the test used by the delegate for determining whether, in light of those findings, disclosure of the information would be in breach of the prohibition in s 288 of the YJ Act. That test is a result of the construction of the delegate of the relevant statutory provisions. It is a determination of the legal effect of those provisions, rather than whether the facts came within the meaning of an expression found in a statute, as ordinarily understood.

28. Following the reasoning in DYJ, I find that, notwithstanding the applicant may know the other individuals identified in the released documents and their status, if any, under the YJ Act, this knowledge does not, of itself, take disclosure of the Category A Information outside the prohibition specified in section 288 of the YJ Act. Accordingly, I am satisfied that disclosure of the Category A Information to the applicant is the type of disclosure which is prohibited by section 288 of the YJ Act.
29. As the Category A Information contains the personal information of other individuals, I am therefore satisfied that schedule 3, section 12(2) of the RTI Act does not apply. I have also considered that the YJ Act permits disclosure of information for a limited number of authorised purposes, set out in sections 289 to 297A of the YJ Act. I am satisfied that none of these apply however, in the circumstances of this review.
30. The applicant’s representative proposed release of the recordings with pixelation or blurring. Again, while I am limited in the extent to which I can describe the content of the Category A Information, I can confirm that it captures other individuals’ personal information – comprising both images and voices – which mostly appears intertwined with personal information of the applicant. In the circumstances of this matter and having carefully reviewed the Category A Information, I am satisfied that

³³ DYJ at [39] and [45].

the pixelation suggested by the applicant would be insufficient to deidentify those other individuals.³⁴

31. For the above reasons, I find that the Category A Information comprises exempt information and access to it may be refused on that basis.³⁵

Category B Information

Relevant law

32. Access to information may also be refused where its disclosure would, on balance, be contrary to the public interest.³⁶ 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. However, there are some recognised public interest considerations that may apply for the benefit of an individual.³⁷
33. In deciding whether disclosure of information would, on balance, be contrary to the public interest, section 49 of the RTI Act sets out the process a decision-maker must take, namely:
- 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 would, on balance, be contrary to the public interest.
34. Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of the public interest lies. I have considered these factors, together with other relevant information and discuss my findings below. I have also kept in mind the pro-disclosure bias of the RTI Act and that the refusal grounds are to be interpreted narrowly.³⁸

Findings

35. The Category B Information comprises 21 recordings which depict the applicant in a youth detention centre and procedures in place for the safety and protection of individuals whilst in a youth detention centre facility.³⁹

³⁴ That is, the suggested redactions could not ensure that only the applicant's confidential information remained in Recordings.

³⁵ Pursuant to section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the RTI Act. I note that the Information Commissioner has no discretion to disclose exempt or contrary to the public interest information (as specifically stated in section 118(2) of the IP Act).

³⁶ Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

³⁷ Chris Wheeler, *The Public Interest: We Know It's Important, But Do We Know What It Means* (2006) 48 AIAL Forum 12, 14.

³⁸ Section 47(2)(a) of the RTI Act.

³⁹ Section 67(1) of the IP Act and schedule 4, part 3, item 10 of the RTI Act.

36. I have not taken any irrelevant factors into account in respect of the Category B Information.
37. Generally, there is a strong public interest in the disclosure of government held information in order to promote openness and transparency in government and to enhance the government's accountability.⁴⁰ While I consider that these public interest factors apply with respect to the Department in this case, I am of the view that the weight attributable to these factors is lowered given the information that has already been released to the applicant. I therefore afford these factors low weight.
38. In relation to the recordings depicting the applicant, I acknowledge that they contain the personal information of the applicant.⁴¹ However, they also depict the layout, daily routines and construction of the detention centre facilities, enlivening a factor favouring nondisclosure that relates to the safety, security and good order of a youth detention centre (as discussed in paragraph 41 below).
39. In relation to the recordings, the Department submitted:⁴²

*'The remaining **21 recordings** contain highly sensitive information as many of the camera angles show information about the detention centre that, in some cases, is not even known to long term detainees but certainly not known by the public; release would raise significant security issues for the facility and would be contrary to the public interest and should be refused.*

... The youth detention centre environment is not a routine public service environment and staff of the youth detention centres are exposed to risks not experienced by mainstream public service officers. For example, youth detention centre staff have been threatened with personal violence and damage to property; and in some cases, actual injury and property damage has been incurred. The department contends that the blurring will not address the broader security concerns associated with release.

Disclosure of information that could reasonably be expected to prejudice the security or good order of a corrective services facility is identified as a factor favouring non-disclosure in the public interest at schedule 4, part 3, section 10 of the RTI Act.

Although youth justice detention centres are not corrective services facilities under the Corrective Services Act 2006, the list of public interest considerations in the RTI Act is not exhaustive, and a similar consideration is relevant in the youth detention context.

Protecting the security of these facilities is of the utmost importance, and the consequences of a failure in the security of a detention centre can result in harm to the young people and/or staff and potentially others. On this matter, it is not possible to address these security risks by blurring or pixelating the surrounds. These considerations pertain to all of the footage and far outweigh any pro-disclosure consideration. Disclosure of the footage recorded within the detention centre could reasonably be expected to prejudice the security or good order of the youth detention centre and must be refused.'

⁴⁰ Section 67(1) of the IP Act and schedule 4, part 2, items 1, 2, 3 and 11 of the RTI Act.

⁴¹ Section 67(1) of the IP Act and schedule 4, part 2, item 7 of the RTI Act.

⁴² Email dated 27 April 2026.

40. Category B Information captures internal areas within the detention centre and response procedures relative to incidents that pose risks to the security and good order including that which the applicant may have been involved in. The recordings depict areas of the detention centre where the incident occurred, as well as other areas traversed by the applicant and staff including areas which the public are not permitted to access. It also includes information about the layout of the routine of staff officers, and general response procedures followed by staff.
41. Disclosure of the Category B Information could reasonably be expected to prejudice ongoing security strategies and risk-management frameworks, undermine physical and procedural safeguards, enable detainees or external individuals to identify weaknesses within the youth detention centre, increase the likelihood of riots, assaults, or escape attempts compromising the safety of detention centre staff, visitors, and young people. Disclosure of this type of information would impair the security and good order of the centre and could result in harm to the young people or staff.⁴³
42. In my view, the public interest in maintaining secure custodial environments is significant. Custodial environments, including detention centres as well as corrective services facilities, must operate in a controlled and secure manner to ensure community safety. I am satisfied that disclosure would be likely prejudicial to the security of the detention centre, particularly considering that release under the IP Act imposes no restrictions on its use, dissemination or re-publication. On this basis, I have afforded this nondisclosure factor significant weight.
43. The applicant submits that the public interest factors favouring nondisclosure relating to corrective services information are confined to adult corrective services facilities established under the *Corrective Services Act 2006* and do not extend to youth detention centres. Particularly the applicant has submitted:⁴⁴

'The Applicant is detained in a youth detention centre, and not a "correctional centre" or a "corrective services facility". The Right to Information Act 2009 (RTI Act) includes provisions specific to corrective services facility but that is defined in a limited way to refer to corrective services facilities under the Corrective Services Act 2006 (ie, adult correctional centres). The effect is that neither of schedule 4, Part 3, Item 10 or Part 4, Item 5 are relevant.

While the public interest in maintaining the security of a youth detention centre is a factor that may be relevant to deciding the public interest, it is not afforded the same level of protection by Parliament under the RTI Act as a corrective services facility, and so should not be afforded the same weight in consideration. Parliament could have readily included similar provisions in respect of youth detention centres but did not.'

44. I do not accept this submission; rather, I agree with the Department's statement that '[a]lthough youth justice detention centres are not corrective services facilities under the *Corrective Services Act 2006*, the list of public interest considerations in

⁴³ Section 67(1) of the IP Act and schedule 4, part 3, item 10 of the RTI Act.

⁴⁴ Email dated 4 June 2026.

the RTI Act is not exhaustive, and a similar consideration is relevant in the youth detention context.'

45. In the circumstances of this case, I agree with the Department's position that information concerning the management, operation, security, safety and incident response procedures of a youth detention centre gives rise to similar public interest considerations.⁴⁵
46. The rationale for nondisclosure is the protection of the secure and effective administration of detention facilities, the safety of detainees, staff and visitors, and the prevention of information being used in a manner that could prejudice the maintenance of good order or security.
47. To construe a public interest factor of this nature as only applying to adult corrective services facilities would be inconsistent with the purpose of youth detention centres and would fail to recognise that they perform comparable custodial functions and are subject to similar security, safety and operational considerations. Accordingly, I am satisfied that a factor favouring nondisclosure is capable of applying to information concerning youth detention centres where disclosure could reasonably be expected to prejudice the safe, secure and effective operation of those facilities.⁴⁶
48. The applicant further stated that:⁴⁷

'Children in the care of the State are especially vulnerable, and as recognised by s26 of the Human Rights Act 2019 (Qld), deserving of "the protection that is needed by the child, and is in the child's best interests, because of being a child.'

Our understanding is that at least some of the CCTV footage should depict an incident during which our client's [injury] during the implementation of a restraint. Viewing the events immediately leading up to, and during the incident, is necessary for our client to understand [their] rights and interests in relation to that injury – sustained while [they were] a child in the care of the State. It is difficult to understand how footage of the specific incident would reveal routine "staff locations and movements" such that it could prejudice the security of the centre, given it was a specific incident.'

49. In this regard, I consider that maintaining the security and integrity of a detention centre is itself consistent with, and supportive of, the protection of children and the promotion of their human rights. A safe and secure detention environment is necessary to protect children from harm, maintain good order, prevent violence and disruption. Disclosure of information revealing the physical layout of the facility, security features, operational practices, movement patterns, routines or procedures could reasonably be expected to undermine those objectives by increasing security risks within the centre.

⁴⁵ As included in schedule 4, part 3, item 10 of the RTI Act.

⁴⁶ While this particular factor is not listed in schedule 4, parts 3 or 4, the wording of section 49(3) of the RTI Act indicates that the public interest factors in schedule 4 are non-exhaustive.

⁴⁷ Email dated 4 June 2026.

50. While the right to seek information is an important consideration, any limitation on access in these circumstances serves the legitimate purpose of protecting the safety, welfare and rights of children, staff and visitors within the detention environment. Accordingly, the nondisclosure of information that depicts or reveals the layout, security arrangements or operational routines of the centre is compatible with, and advances, the protection of children and the human rights interests that the detention framework seeks to uphold.
51. The applicant also submits⁴⁸ that *'[t]he Applicant seeks the information for the purpose of seeking legal advice and potentially enforcing [their] legal rights, and its disclosure may reveal or substantiate misconduct.'* The public interest will also favour disclosure of information if it could reasonably be expected to allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official, or assist in revealing misconduct, negligent or improper or unlawful conduct.⁴⁹ I accept that the applicant's allegations are serious and recognise the importance of holding such officers accountable for the proper discharge of their functions and performance.
52. Whilst I accept that disclosure of some of the Category B information could assist the applicant to inquire into possible deficiencies of such conduct, or purportedly support the applicant's allegations, I note that the applicant made a complaint relating to the incident(s) involving the applicant which has already been subject to investigation by both the Department and the Crime and Corruption Commission,⁵⁰ and therefore release to the applicant of the Category B Information would not further such investigations into the conduct of staff officers. Consequently, I afford low weight to these factors.
53. I have carefully considered the remaining factors favouring disclosure in schedule 4, part 2 of the RTI Act and more generally and, taking into account the material before me, including the submissions of the applicant's representative, I am unable to identify any further factors favouring disclosure.
54. With respect to the identified factors for and against disclosure, it is my view that the factor favouring nondisclosure carries greater weight. Accordingly, I am satisfied that access to the Category B Information may be refused on the ground its disclosure would, on balance, be contrary to the public interest.

Conclusion

55. The above are the reasons for my decision set out at page 1.

⁴⁸ Letter dated 24 October 2026.

⁴⁹ Schedule 4, part 2, item 5 of the RTI Act.

⁵⁰ In this regard, the applicant's legal representatives advised OIC on 7 April 2026 that *'[o]ur client made a complaint in relation to what occurred on [date]. The complaint was escalated to the Ethical Standards Group within the Department of Youth Justice and Victim Support. Following referral to the Crime and Corruption Commission, the matter was returned to the Department to manage. The Department conducted a management inquiry, including review of CCTV and Body Worn Camera footage, and completed its assessment. By correspondence dated [date] [sic], the Department confirmed that "this matter is now considered to be closed, with no further action to be taken".'*