

## Decision and Reasons for Decision

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| Citation:           | H34 and Queensland Police Service [2026] QICmr 1 (9 January 2026)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Application Number: | 318534                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Applicant:          | H34                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Respondent:         | Queensland Police Service                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Decision Date:      | 9 January 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Catchwords:         | <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - DISCLOSURE PROHIBITED BY ACT - whether disclosure prohibited by section 288 of the <i>Youth Justice Act 1992</i> (Qld) - whether exempt information - whether access may be refused under section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the <i>Right to Information Act 2009</i> (Qld)</p> <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - whether disclosure would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld)</p> |

## REASONS FOR DECISION

### Summary

1. An application on behalf of a child<sup>1</sup> was made, under the *Information Privacy Act 2009* (Qld) (**IP Act**), to Queensland Police Service (**QPS**) for access to documents, including audio recordings and CCTV footage, relating to incidents that occurred on a specified date.<sup>2</sup>
2. QPS did not make a decision within the required statutory timeframe and was therefore taken to have made a deemed decision refusing access to the requested information.<sup>3</sup>

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<sup>1</sup> Application dated 21 November 2024. Under schedule 1 of the *Acts Interpretation Act 1954* (Qld), a child is an individual who is under 18. Following receipt of the application, QPS requested additional information of the nature specified in section 45 of the IP Act.

<sup>2</sup> 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 8, Part 3 of the IP Act and Chapter 7, Part 9 of the RTI 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 IP Act and RTI Act in this decision are to those Acts **as in force prior to 1 July 2025**.

<sup>3</sup> Under section 66(1) of the IP Act. QPS notified the applicant of this by letter dated 25 March 2025.

3. The applicant applied to the Office of the Information Commissioner (**OIC**) for an external review of the deemed decision.<sup>4</sup>
4. During the review, QPS located relevant documents and disclosed some of them to the applicant.
5. For the reasons that follow, I set aside the deemed decision and, in respect of the information remaining for consideration, I find that:
  - access may be refused to one video recording, as it comprises exempt information; and
  - disclosure of certain information within two further video recordings would, on balance, be contrary to the public interest to disclose and access to that information may be refused on that basis.

## Background

6. On external review, QPS:
  - located documents relevant to the access application, which comprised a number of written documents<sup>5</sup> and three video recordings (which I will refer to in these Reasons for Decision as Recordings 1, 2 and 3); and
  - disclosed<sup>6</sup> the written documents to the applicant's representative, subject to the redaction of information within them which QPS had identified as comprising exempt information or information which would, on balance, be contrary to the public interest to disclose (**Redacted Information**).
7. In an attempt to informally resolve the external review, OIC asked QPS whether they would agree to provide the applicant with an opportunity to inspect Recordings 1, 2 and 3. In response, QPS agreed to provide the applicant's representative with that form of access, as the basis for resolution of the review. OIC then notified the applicant's representative of QPS' resolution proposal.
8. The applicant's representative then made arrangements directly with QPS to inspect Recordings 1, 2 and 3.<sup>7</sup> Following the inspection, the applicant's representative confirmed to OIC that they considered the applicant was entitled to receive a copy of those recordings.<sup>8</sup>

## Reviewable decision

9. The decision under review is the deemed decision QPS is taken to have made under section 66 of the IP Act.

## Evidence considered

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

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<sup>4</sup> On 27 March 2025.

<sup>5</sup> Totalling 19 pages.

<sup>6</sup> On 22 August 2025.

<sup>7</sup> Ordinarily, where inspection is proposed by a review participant as a process for informal resolution of an external review, OIC is involved in making and confirming the inspection arrangements, so as to ensure that all review participants are aware of the basis (and conditions) upon which the inspection is being provided.

<sup>8</sup> By email dated 22 September 2025.

11. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.<sup>9</sup> 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.<sup>10</sup> I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.<sup>11</sup>

### Information in issue

12. On 1 September 2025, the applicant's representative wrote directly to QPS seeking an update about the audio recordings which had been requested in the access application. As the access application was, at that time, the subject of this review,<sup>12</sup> OIC wrote to the applicant's representative to confirm that QPS' searches had not located any audio recordings relevant to the access application.<sup>13</sup>
13. While the applicant's representative pressed for copies of Recordings 1, 2 and 3 to be released to the applicant (as noted in paragraph 8 above), they did not request disclosure of the Redacted Information.
14. I conveyed a preliminary view to both QPS and the applicant's representative<sup>14</sup> that access may be refused to:
- Recording 1, on the basis it comprised exempt information; and
  - certain parts of Recordings 2 and 3, on the basis disclosure of those parts would, on balance, be contrary to the public interest.
15. QPS and the applicant were invited to respond to the preliminary view. QPS accepted the preliminary view and disclosed partially redacted copies of Recordings 2 and 3 to the applicant, in accordance with the preliminary view.<sup>15</sup> The applicant's representative did not respond to the preliminary view.
16. Accordingly, the information remaining for consideration (**Information in Issue**) is limited to Recording 1 and the parts of Recordings 2 and 3 which were redacted in the copies released to the applicant (**Removed Parts**). While the IP Act limits the extent to which I can describe the Information in Issue,<sup>16</sup> I can confirm that:
- Recording 1 depicts interactions between the applicant and a number of other individuals; and
  - the Removed Parts generally comprise portions of audio which identify, or are otherwise about, individuals other than the applicant and the image of another individual.

<sup>9</sup> Section 21 of the HR Act.

<sup>10</sup> *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]. 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).

<sup>11</sup> 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*'.

<sup>12</sup> Once OIC notified the review participants that it had accepted the application for external review in this matter, QPS became 'functus officio' from that point on and no longer had jurisdiction to deal with the applicant concerning the access application.

<sup>13</sup> OIC also notified the applicant that QPS had explained its recording systems (in the relevant areas) did not capture audio.

<sup>14</sup> The preliminary view to QPS was conveyed on 28 October 2025 and the preliminary view to the applicant's representative was conveyed on 29 October 2025. It is the practice of OIC to convey a preliminary view, based on an assessment of the material before the Information Commissioner (or delegate) at that time, to an adversely affected participant. This is to explain the issues under consideration to the participant and affords them the opportunity to put forward any further information they consider relevant to those issues. It also forms part of the Information Commissioner's processes for early resolution of external reviews.

<sup>15</sup> On 22 December 2025.

<sup>16</sup> Section 121(3) of the IP Act.

## Issues for determination

17. The applicant's representative submitted<sup>17</sup> that Recordings 1, 2 and 3 do not comprise exempt information and the applicant is entitled to access them.
18. As noted above, OIC confirmed to the applicant's representative that the audio requested in the access application was not located and conveyed the explanation that QPS had provided in that regard. The applicant's representative did not seek to challenge the adequacy of QPS' searches for the requested audio.
19. Accordingly, the issues for determination are whether:
  - Recording 1 comprises exempt information and access to it may be refused on that basis; and
  - access may be refused to the Removed Parts, on the basis their disclosure would, on balance, be contrary to the public interest.

## Recording 1

### Relevant law

20. 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.<sup>18</sup> This right of access is subject to limitations, including the grounds on which access to information may be refused.<sup>19</sup>
21. One ground of refusal is where information comprises exempt information.<sup>20</sup> Relevantly, information is exempt information if its disclosure is prohibited by section 288 of the *Youth Justice Act 1992* (Qld) (**YJ Act**), unless it is only personal information of the access applicant.<sup>21</sup>
22. 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.<sup>22</sup>
23. '*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; ...
24. '*Identifying information about a child*' is defined in schedule 4 to the YJ Act as meaning:

<sup>17</sup> On 22 September 2025 and 13 October 2025.

<sup>18</sup> 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*'.

<sup>19</sup> 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 are set out in section 47 of the RTI Act).

<sup>20</sup> 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. Schedule 3 of the RTI Act identifies the types of information which Parliament has determined will comprise exempt information under the RTI Act.

<sup>21</sup> Schedule 3, sections 12(1) and 12(2) of the RTI Act.

<sup>22</sup> 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.

25. Section 286 of the YJ Act provides that a person 'discloses' confidential information to someone else if the person:
  - (a) orally discloses the information to the other person; or
  - (b) produces to the other person, or gives the other person access to, a document containing the information; or
  - (c) discloses the information to the other person in another way.
26. What will constitute disclosure of confidential information for the purpose of the YJ Act was considered by the Civil and Administrative Tribunal (**QCAT**) in *Department of Youth Justice v Office of the Information Commissioner & Ors; Department of Youth Justice v Office of the Information Commissioner & Anor*<sup>23</sup> (**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

27. As noted above, Recording 1 depicts the applicant's interactions with other individuals. It therefore comprises the personal information of both the applicant and the other depicted individuals.
28. After careful review of Recording 1, I am satisfied that it contains the confidential information, as defined in section 284 of the YJ Act, of both the applicant and other individuals.<sup>24</sup>
29. The applicant's representative submitted<sup>25</sup> that disclosing Recording 1 to the applicant will not breach the disclosure prohibition in section 288 of the YJ Act. More specifically, the applicant's representative submitted:<sup>26</sup>

*Section 288 of the YJ Act provides that a person (in this case, the QPS), must not disclose confidential information (which includes identifying information) other than under Division 2 of Part 9 of the YJ Act. The YJ Act allows disclosure of a child's confidential information to the child (s290), so it's fine for [the applicant] to receive the CCTV footage to the extent it contains his image/personal information, but the other [individuals] in the footage may be a concern. Importantly, this information is not confidential in the context of the release of the footage to [the applicant] (as opposed to the world at large) as he knows who they are and what they did (and in any event he's entitled to the information under the Victims Charter).*

30. In this regard, I note the following observations in *DYJ*:<sup>27</sup>

<sup>23</sup> [2019] QCATA 143.

<sup>24</sup> Section 121 of the IP Act prevents me from providing a more detailed description of the basis for this factual finding. However, the applicant's representative would be aware of the reasons for this factual finding, given they have inspected Recording 1.

<sup>25</sup> Submissions dated 28 August 2025 and 22 September 2025.

<sup>26</sup> Email dated 22 September 2025.

<sup>27</sup> *DYJ* at [39] and [45].

*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.*

31. Following the reasoning in *DYJ*, I find that, notwithstanding the applicant may know the other individuals who are depicted in Recording 1 (and their status, if any, under the YJ Act), this knowledge does not, of itself, take disclosure of the recording to the applicant outside the prohibition specified in section 288 of the YJ Act. Accordingly, I am satisfied that disclosure of Recording 1 to the applicant is the type of disclosure which is prohibited by section 288 of the YJ Act.
32. As Recording 1 contains the personal information of the applicant and other individuals, it is not comprised of only the applicant's personal information. I am therefore satisfied that schedule 3, section 12(2) of the RTI Act does not apply.
33. As noted in paragraph 29 above, the applicant's representative submitted that, as section 290 the YJ Act permits disclosure of a child's confidential information to the child, the applicant is entitled to receive the Information in Issue to the extent it contains his personal information. In this regard, the applicant's representative proposed that Recording 1 could be partially redacted - by blurring the faces of other individuals - to remove the identity of the other depicted individuals.<sup>28</sup> Again, while I am limited in the extent to which I can describe the content of this recording, 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<sup>29</sup> and having carefully reviewed Recording 1, I am satisfied that the redaction suggested by the applicant would be insufficient to deidentify those other individuals.<sup>30</sup>
34. For the above reasons, I find that Recording 1 comprises exempt information and access to it may be refused on that basis.<sup>31</sup>
35. As I have mentioned above, the applicant's representative submitted that the Charter of Victim's Rights (**Charter**)<sup>32</sup> entitles the applicant to receive a copy of Recording 1. While

<sup>28</sup> More specifically, the applicant's representative submitted: 'Further, in our experience it is standard practice for the QPS to blur the faces of people in the footage whose identity is to be protected. The blurring of the faces of the [others] seems an appropriate and proportionate step, and in line with the pro-disclosure bias stipulated in s44 of the IP Act'.

<sup>29</sup> I identified these particular circumstances to the applicant's representative by letter dated 29 October 2025.

<sup>30</sup> That is, the suggested redactions could not ensure that only the applicant's confidential information remained in Recordings 1.

<sup>31</sup> 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).

<sup>32</sup> Being the charter contained in schedule 1 to the *Victims' Commissioner and Sexual Violence Review Board Act 2024*.

I do not consider that the Charter creates a separate right of access to Recording 1, the issue for determination in this review is limited to the applicant's entitlement to access the Information in Issue (which includes Recording 1) under the IP Act.<sup>33</sup>

## Removed Parts

### *Relevant law*

36. Access to information may be refused where its disclosure would, on balance, be contrary to the public interest.<sup>34</sup> 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>35</sup>
37. In deciding whether disclosure of information would, on balance, be contrary to the public interest, the RTI Act requires a decision-maker to:<sup>36</sup>
  - 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.
38. 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 in a particular case. I have considered these lists, together with all other relevant information before me, in reaching my decision. I have also kept in mind Parliament's requirement that grounds for refusing access to information be interpreted narrowly<sup>37</sup> and that the IP and RTI Acts are to be administered with a pro-disclosure bias.<sup>38</sup>

## *Findings*

### **Irrelevant factors**

39. I have not taken any irrelevant factors<sup>39</sup> into account in making this decision.

### **Factors favouring disclosure**

40. Some of the Removed Parts comprise audio of the applicant's recollections, observations and opinions concerning the incidents which are the subject of the access application. I am satisfied that it comprises the applicant's personal information. This gives rise to a factor favouring disclosure,<sup>40</sup> to which I afford moderate weight, given the nature of this personal information.<sup>41</sup>

<sup>33</sup> For completeness, I also note that, in respect of the general rights set out in the charter, the applicant's representative has already been provided with inspection access to Recording 1.

<sup>34</sup> Sections 47(3)(b) and 49 of the RTI Act.

<sup>35</sup> However, there are some recognised public interest considerations that may apply for the benefit of an individual.

<sup>36</sup> Section 49 of the RTI Act.

<sup>37</sup> Section 47(2)(a) of the RTI Act.

<sup>38</sup> Section 64 of the IP Act and section 44 of the RTI Act.

<sup>39</sup> Including the irrelevant factors listed in schedule 4, part 1 of the RTI Act.

<sup>40</sup> Schedule 4, part 2, item 7 of the RTI Act.

<sup>41</sup> In reaching this conclusion, I have taken into account that the applicant's representative was afforded the opportunity to inspect unredacted copies of Recordings 2 and 3.

41. The RTI Act recognises that public interest factors favouring disclosure will arise where disclosing information could reasonably be expected to:
- promote open discussion of public affairs and enhance the Government's accountability<sup>42</sup>
  - 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;<sup>43</sup> and
  - reveal the reason for a government decision and any background or contextual information that informed the decision.<sup>44</sup>
42. Here, QPS has released to the applicant most of the content of Recordings 2 and 3.<sup>45</sup> I consider this disclosed information (together with the released written information) has substantially advanced the government accountability and transparency factors referenced in the preceding paragraph, by enabling scrutiny of QPS' processes and providing contextual information about the incidents which are the subject of the access application. In these circumstances and taking into account the nature of the Removed Parts, I afford these factors only low weight.
43. Under the RTI Act, public interest factors arise where disclosing information could reasonably be expected to contribute to positive and informed debate on important issues or matters of serious interest.<sup>46</sup> While the subject matter of the access application involves serious matters, I do not consider this factor is enlivened given the limited nature of the Removed Parts.
44. A public interest factor favouring disclosure will also arise where disclosing information could reasonably be expected to contribute to the administration of justice for a person.<sup>47</sup> In determining whether this public interest factor applies, I must consider whether:<sup>48</sup>
- 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<sup>49</sup>
  - 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.
45. The applicant has not explained how he considers disclosure of the Removed Parts is required to assist him to pursue or evaluate any particular remedy. Given the nature of the Removed Parts and the information which has already been disclosed by QPS, I am unable to identify how disclosure of the Removed Parts is required to assist the applicant to pursue, or evaluate, any remedy that may be available to him.<sup>50</sup> For these reasons (and noting the nature of the Removed Parts), I do not consider this public interest factor applies.

<sup>42</sup> Schedule 4, part 2, item 1 of the RTI Act.

<sup>43</sup> Schedule 4, part 2, item 3 of the RTI Act.

<sup>44</sup> Schedule 4, part 2, item 11 of the RTI Act.

<sup>45</sup> I again note that the applicant's representative was also given the opportunity to inspect unredacted copies of these recordings.

<sup>46</sup> Schedule 4, part 2, item 2 of the RTI Act.

<sup>47</sup> Schedule 4, part 2, item 17 of the RTI Act.

<sup>48</sup> *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17] and confirmed in *10S3KF and Department of Community Safety* (Unreported, Queensland Information Commissioner, 16 December 2011) at [16]-[17].

<sup>49</sup> In *Deemal-Hall v Office of the Director of Public Prosecutions* [2024] QCATA 131, Judicial Member DJ McGill SC confirmed, at [12], that this public interest factor 'refers to the ordinary processes for the administration of justice for a person'.

<sup>50</sup> Given the applicant's representative was afforded an opportunity to inspect unredacted copies of Recordings 2 and 3, I consider they would be in a position to identify to the applicant any remedies that may be available to him.



46. Considerations relating to fair treatment and the general administration of justice also give rise to public interest factors which favour disclosure.<sup>51</sup> Noting the information which QPS has disclosed to the applicant, I do not consider there is any reasonable expectation that disclosing the Removed Parts would, given their nature, contribute in any way to fair treatment or procedural fairness for the applicant or any other individual. On this basis, I do not consider these public interest factors apply to favour disclosure.
47. I have carefully considered all the other factors listed in schedule 4, part 2 of the RTI Act. Having done so, and given the nature of the Removed Parts, I cannot identify any other public interest considerations favouring disclosure of this information.<sup>52</sup>

### Factors favouring nondisclosure

48. 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>53</sup> I am satisfied that the Removed Parts comprise the personal information of individuals other than the applicant. Some of this personal information also appears intertwined with the applicant's personal information. For this intertwined personal information, I am satisfied that disclosing the personal information of the applicant would necessarily also disclose the personal information of individuals other than the applicant.
49. Noting the context in which this personal information of other individuals appears, I consider it to be highly personal in nature. Accordingly, I consider its disclosure could reasonably be expected to cause a significant level of harm. On this basis, I afford this factor significant weight in favour of nondisclosure.<sup>54</sup>
50. A public interest factor favouring disclosure will also arise where disclosing information could reasonably be expected to prejudice the protection of an individual's right to privacy.<sup>55</sup> Given the highly personal nature of the Removed Parts, I consider that their disclosure would significantly intrude on the privacy of these other individuals and I therefore afford significant weight to this nondisclosure factor.
51. Under the RTI Act, a further factor favouring nondisclosure will arise where disclosure of information is prohibited by an Act. Some, but not all, of the Removed Parts comprise confidential information of the type defined in section 284 of the YJ Act. For the reasons outlined in paragraphs 28 and 31 above, I am satisfied that disclosing these particular components of the Removed Parts to the applicant is prohibited by section 288 of the

<sup>51</sup> Being those in schedule 4, part 2, items 10 and 16 of the RTI Act. The public interest factor relating to fair treatment is about providing information to advance fair treatment in an applicant's future dealings with agencies (*F60XCX and Department of Natural Resources and Mines* [2017] QICmr 19 (9 June 2017) at [101]). I also 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 (*Kioa v West* (1985) 159 CLR 550 (*Kioa*) at 584 per Mason J).

<sup>52</sup> On the information before me and given the nature of the Removed Parts, I cannot see how disclosing the Removed Parts could reasonably be expected to ensure effective oversight of expenditure of public funds (schedule 4, part 2, item 4 of the RTI Act); allow or assist inquiry into possible conduct deficiencies of agencies or officials, or reveal or substantiate that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct (schedule 4, part 2, items 5 and 6 of the RTI Act); reveal that the information was incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant (schedule 4, part 2, item 12 of the RTI Act); contribute to the maintenance of peace and order or the enforcement of the criminal law (schedule 4, part 2, items 15 and 18 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 Removed Parts.

<sup>53</sup> Schedule 4, part 4, section 6 of the RTI Act.

<sup>54</sup> In determining the weight to be afforded to this factor, I have noted that the IP Act places no restriction on the use, dissemination or republication of information which has been disclosed in response to an access application.

<sup>55</sup> 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).

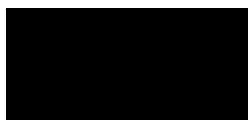
YJ Act. Accordingly, I afford significant weight to this nondisclosure factor in respect of those components of the Removed Parts.

### ***Balancing the public interest***

52. After carefully reviewing the Removed Parts, I have identified and considered above the public interest factors which are relevant to the various components of that information.
53. I have afforded moderate weight to the public interest factor which favours disclosure of an applicant's personal information<sup>56</sup> (noting that where this personal information of the applicant appears, it is intertwined with the personal information of other individuals). I have also identified further public interest factors relating to government accountability and transparency and, for the reasons addressed above, I afford low weight to these factors.
54. On the other hand, I have identified a number of factors favouring nondisclosure of the Removed Parts. For the reasons addressed above, I afford significant weight to the nondisclosure factors relating to the personal information and privacy. For some components of the Removed Parts, I also afford significant weight to the nondisclosure factor which arises where disclosure is prohibited by an Act.
55. On balance, I am satisfied that the public interest factors favouring nondisclosure of the Removed Parts outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Removed Parts would, on balance, be contrary to the public interest and access may be refused on that basis.<sup>57</sup>

### **DECISION**

56. For the reasons set out above, I set aside the reviewable decision<sup>58</sup> and find that:
  - access may be refused to Recording 1, as it comprises exempt information; and
  - disclosure of the Removed Parts would, on balance, be contrary to the public interest to disclose and access to that information may be refused on that basis.
57. I have made this decision under section 123 of the IP Act as a delegate of the Information Commissioner, under section 139 of the IP Act.




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**T Lake**  
Principal Review Officer

**Date: 9 January 2026**

<sup>56</sup> Schedule 4, part 2, item 7 of the RTI Act.

<sup>57</sup> Under section 47(3)(b) of the RTI Act.

<sup>58</sup> Under section 123(1)(c) of the IP Act.