



Decision and Reasons for Decision

Citation:	M29 and Queensland Police Service [2026] QICmr 83 (25 May 2026)
Application Number:	318738
Applicant:	M29
Respondent:	Queensland Police Service
Decision Date:	25 May 2026
Catchwords:	ADMINISTRATIVE LAW – RIGHT TO INFORMATION – REFUSAL OF ACCESS – CONTRARY TO PUBLIC INTEREST INFORMATION – request for information from and about complainants – personal information and privacy of other individuals – prejudice flow of information to regulatory agency – whether access to information may be refused under sections 47(3)(b) and 49 of the <i>Right to Information Act 2009 (Qld)</i>

DECISION

1. I affirm¹ the reviewable decision of the Queensland Police Service (**QPS**) and find that access to the Third Party Information² may be refused on the basis that its disclosure would, on balance, be contrary to the public interest.³
2. This means that no further information is to be released to the applicant.
3. My reasons for the decision follow.



K Zaidiza
Manager, Right to Information
Date: 25 May 2026

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

² As defined in paragraph 12 below.

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

REASONS FOR DECISION

Summary

4. The applicant applied to QPS under the RTI Act⁴ for access to documents regarding specific police investigations into neighbouring complaints made by and against the applicant.
5. QPS located 57 pages and 4 video recordings responsive to the application and decided⁵ to give the applicant access to 24 pages, parts of 25 pages and 1 video recording, and to refuse access to 8 pages and 3 video recordings on the basis that disclosure of this information would, on balance, be contrary to the public interest.⁶
6. The applicant then applied⁷ to the Office of the Information Commissioner (**OIC**) for external review of QPS's decision on the basis that further documents should have been located. The applicant also sought access to the refused information on the basis that '[t]here is no detailed explanation as to why such documents were so heavily redacted other than a blanket claim that the disclosure of such content would be contrary to the public interest'.
7. As part of this external review, the applicant confirmed their particular interest in obtaining further information in relation to two specific QPS matters, and the scope of the external review proceeded under these terms.⁸
8. During this review, OIC conveyed a preliminary view to QPS.⁹ In response, QPS:
 - conducted further searches, located an additional 13 pages and 2 video recordings and agreed to release parts of the 13 pages¹⁰
 - agreed¹¹ to release further information comprised in the 19 pages initially located relevant to the narrowed scope and parts of the 3 video recordings to which access was initially refused with images of other individuals blurred from the recordings;¹² and
 - released a copy of the further information to the applicant.¹³

⁴ On 1 July 2025 key parts of the *Information Privacy and Other Legislation Act 2023* (Qld) (**IPOLA Act**) came into force, effecting changes to the RTI Act. As the applicant's application was made before this change, the RTI Act as in force prior to 1 July 2025 remains applicable to it. This is in accordance with transitional provisions in Chapter 7, Part 9 of the RTI Act. Accordingly, references to the RTI Act in this decision is to that Act as in force prior to 1 July 2025.

⁵ Decision dated 28 May 2025. This is the *reviewable decision* for the purposes of this review.

⁶ Section 47 (3)(b) of the RTI Act.

⁷ On 25 June 2025.

⁸ QP2...197 and QP...945. Scope confirmed by email dated 9 September 2025. The information relevant to these matters is comprised in 19 pages of the documents released to the applicant with QPS initial decision – specifically, the pages numbered 35 to 48, 49 to 51 and 52 to 53.

⁹ Email dated 17 November 2025.

¹⁰ Email dated 13 February 2026.

¹¹ By email dated 3 March 2026.

¹² Pages numbered 35 to 48, 49 to 51 and 52 to 53 of the released documents.

¹³ By email dated 2 April 2026, QPS advised OIC that the documents had been sent to the applicant's legal representative by USB on this date.

9. OIC then conveyed a preliminary view¹⁴ to the applicant that the remaining redacted information¹⁵ may be refused on the ground it comprised information the disclosure of which would be contrary to the public interest.
10. To the extent that the statements and correspondence between other individuals and QPS remain redacted, the applicant did not agree to informally resolve this review.

Issues for determination

11. The applicant's initial concern that QPS had failed to locate relevant documents was addressed by the location of the additional 13 pages and 2 recordings noted at paragraph 8 above. No further submissions or concerns were raised in relation to this issue and therefore the review proceeded on the basis that this issue has been resolved.
12. The applicant's legal representative contests the refusal of the remaining redacted information, which is contained in parts of 21 pages, parts of 3 video recordings and in 2 video recordings in their entirety, and can be generally described as (**Third Party Information**):
 - names, identifying information and other personal information including statements / information provided by individuals other than the applicant to QPS included in the 21 pages¹⁶ and 2 video recordings; and
 - blurred images of other individuals depicted in the 3 recordings to which access has been given to the applicant.
13. The issue for determination in this review is whether QPS was entitled to refuse access to the Third Party Information.
14. In assessing the issues for determination and reaching my decision, I have taken into account evidence, submissions, legislation and other material as set out in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information¹⁷ and have acted in accordance with section 58(1) of the HR Act.¹⁸

Contrary to the public interest information

Relevant law

15. Under the RTI Act, a person has a right to be given access to documents of an agency. However, this right of access is subject to certain limitations, including grounds upon which access to information may be refused. The RTI Act requires the

¹⁴ Email dated 17 November 2025 and 30 March 2026.

¹⁵ Remaining information comprised in parts of the 3 recordings and the 19 pages initially located and the 2 recordings and parts of the additional 13 pages further located.

¹⁶ That is, 15 of the 19 pages initially located and 6 of the 13 pages subsequently located.

¹⁷ Section 21 of the HR Act.

¹⁸ OIC's approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

grounds for refusing access to be interpreted narrowly, and decisions on access to be made with regard to the pro-disclosure bias.

16. Relevantly, access to information may be refused where its disclosure would, on balance, be contrary to the public interest. 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. There are, however, some recognised public interest considerations that may apply for the benefit of an individual.
17. The RTI Act explains the steps that the decision-maker must take in deciding the public interest. It also identifies a non-exhaustive list of factors in Schedule 4 that may be relevant to deciding the balance of the public interest. I have considered all these factors, together with other relevant information in reaching my decision, and discuss relevant factors below.

Submissions from the applicant

18. Throughout the external review, the applicant has submitted that the public interest favoured the release of the Third Party Information, in particular the statements and information provided by named individuals to QPS, for reasons including:¹⁹
 - The identity of the complainants is already known to the applicant *..'[g]iven that numerous police officers have already disclosed to our clients directly on numerous occasions, inter alia, the identity of those who made such complaints and the nature and substance of the complaints themselves'.*
 - *'Our clients were advised by police that one or both of [individual's name] has worked and potentially still works for the QPS. Assuming that is true, it brings into sharp focus the circumstances surrounding the complaint made against our clients.'*
 - *'The fact that one of the relevant factors favouring non-disclosure is a harm factor does not of itself mean that disclosure of the information would be contrary to the public interest., the personal information contained within the documents sought by the applicants – which is likely to be confined to the name of the complainant and the complaint that was made to Police to prompt the Police application for a search warrant – is already known to the applicants as it was disclosed to them by the very nature of the complaint itself'.*

¹⁹ With external review application and submissions dated 15 May 2026.

Findings

Irrelevant factors

19. I have not identified any irrelevant factors that apply in relation to the Information in Issue.

Factors favouring disclosure

Accountability, transparency and inform the community

20. In terms of enhancing QPS accountability and transparency in how it handles complaints, I note that the Third Party Information is limited in nature and it does not reveal how QPS investigated the complaints or any actions taken by QPS. Information in relation to these aspects of the matters has already been released to the applicant. Disclosure of the Third Party Information would only provide the applicant with the identity of individuals who have liaised with and provided information to QPS, and some additional background or contextual information of the complaints. As such, in my view the information released by QPS, which includes the substance of the complaints, has already served to discharge the public interest in promoting QPS transparency and accountability in the performance of its regulatory functions. Given that the Third Party Information reveals only, or primarily, information provided by third parties to QPS, rather than steps taken by QPS regarding such information, I am satisfied that disclosure of the Third Party Information is not likely to further advance, to any significant degree, the accountability and transparency factors.²⁰
21. For these reasons, in the circumstances of this review, I find that these factors warrant moderate weight.

Applicant's personal information

22. As the QPS Investigation relates to allegations and complaints about the applicant, a factor favouring disclosure²¹ arises regarding those parts of the Third Party Information that contain the applicant's personal information.²² To the extent that the Third Party Information contains the applicant's personal information, I afford significant weight to this factor favouring disclosure.

Administration of justice for the applicant

23. The applicant submitted that access to the Third Party Information would be expected to contribute to the administration of justice generally and for the applicant.²³ A public interest factor favouring disclosure will arise if disclosing information could reasonably be expected to contribute to the administration of

²⁰ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

²¹ Schedule 4, part 2, item 7 of the RTI Act.

²² *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'.

²³ Schedule 4, part 2, items 16 and 17 of the RTI Act.

justice for a person — for example, by allowing a person to access information that may assist them in legal proceedings. In determining whether this public interest factor in favour of disclosure applies, I must consider whether:

- the applicant has suffered loss, or damage, or some kind of wrong, in respect of which a remedy is, or may be, available under the law
- the applicant has a reasonable basis for seeking to pursue the remedy; and
- disclosing the information held by an agency would assist the applicant to pursue the remedy, or evaluate whether a remedy is available or worth pursuing.

24. I have carefully considered the Third Party Information, the information which has been released to the applicant and the outcome of the QPS investigation. The information released to the applicant has generally informed them about the allegations and complaints which were the subject of the QPS investigation and a significant level of background to that investigation. Further, as the applicant submitted, they are aware of the identity of the individuals who made the allegations against them and the nature of those allegations.
25. In these circumstances, I am not satisfied that the release of Third Party Information is required to enable the applicant to evaluate whether a legal remedy against any particular individual or entity is available or worth pursuing or pursue legal action against any particular individual or entity. I also note the applicant's ability to seek or compel the provision of documents in the event that court proceedings were in place via court processes, which are less likely to necessitate redactions. As such, I afford the administration of justice factors, both generally and for the applicant, low to no weight.
26. Given the nature of these particular submissions by the applicant, I have also turned my mind to whether disclosure of the Third Party Information would advance the fair treatment of the applicant in their dealings with the agency.²⁴ Consistent with my above reasons, I cannot see how disclosure of the Third Party Information could reasonably be expected to advance the fair treatment of the applicant in terms of the two matters regarding which they continue to seek documents on external review.

Disclosure would reveal that information was incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant

27. The applicant's legal representative also raised concerns about the complaints being misleading, particularly noting that *'[o]ur clients were advised by police that one or both [named individual] has worked and potentially still works for the QPS. Assuming that is true, it brings into sharp focus the circumstances surrounding the complaint made against our clients.'*
28. I have therefore considered whether release of the Third Party Information would favour the public interest in revealing incorrect, misleading or unfairly subjective information.²⁵ I have carefully reviewed the Third Party Information. I note that it

²⁴ Schedule 4, part 2, item 10 of the RTI Act.

²⁵ Schedule 4, part 2, item 12 of the RTI Act.

includes complaint information and statements obtained from persons interviewed by QPS. Such information is, by its very nature, the opinions and versions of events expressed by relevant individuals, which are shaped by factors such as the individuals' memories of relevant events and subjective impressions. This inherent subjectivity does not mean that the Third Party Information is necessarily misleading or unfairly subjective. For these reasons, I afford this factor favouring disclosure low to no weight.

Disclosure would allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official, or reveal that an agency or official has engaged in misconduct

29. I have also considered whether release of the Third Party Information would allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official, or reveal that an agency or official has engaged in misconduct.²⁶ There is also nothing before me to indicate that the QPS officers were engaging in misconduct, improper or unlawful conduct or that there are any deficiencies in their conduct. As such, I do not consider these factors apply.
30. I have carefully considered the remaining factors favouring disclosure listed in schedule 4, part 2, of the RTI Act, and factors favouring disclosure more generally, given the factors listed in schedule 4 are not exhaustive. I can identify no other public interest considerations in favour of disclosure of the Information in Issue.

Factors favouring nondisclosure

Personal information of other individuals

31. The RTI Act recognises nondisclosure factors will arise where disclosing information could reasonably be expected to:
- prejudice the protection of an individual's right to privacy;²⁷ and
 - cause a public interest harm if it would disclose personal information of a person, whether living or dead.²⁸
32. The Third Party Information comprises information considered in the QPS investigation about individuals other than the applicant. On carefully reviewing the Third Party Information, I note that it comprises information received and obtained for the QPS investigation and includes identifying details of persons involved in or witnessing matters which were the subject of the QPS investigation. I consider that the Third Party Information is highly sensitive in nature, being information provided by and/or about private individuals (including their personal details, their observations and recollections of events) in relation to matters considered in the QPS investigation.

²⁶ Schedule 4, part 2, items 5 and 6 of the RTI Act.

²⁷ Schedule 4, part 3, item 3 of the RTI Act.

²⁸ Schedule 4, part 4, section 6(1) of the RTI Act.

33. Some of the Third Party Information comprises other individual's recollection of events (either in writing or recorded) which is the personal information of other individuals intertwined in such a way with the applicant's personal information that it cannot be severed to permit partial access. Specifically, in relation to the recordings which identify other individuals, these contain their voice and image and other inherently private information, such as their accounts of events and information provided to QPS in connection with QPS investigation.
34. The blurred parts of the 3 recordings also contain inherently personal information of other individuals. The Information Commissioner has previously found that disclosure of such 'lexical' and 'non-lexical'²⁹ information in audio-visual recordings would result in a significant public interest harm.³⁰ I am satisfied that disclosure of the audio-visual personal information of other individuals in the context of investigations conducted by QPS would lead to significant public interest harm.
35. The applicant submissions suggest that given the applicant is aware of the name of the complainant and substance of the complaint, that accordingly there can be no such prejudice arising from its release. While I acknowledge that some of the Third Party Information may be known to the applicant, this does not, of itself, warrant further disclosure of the information under the RTI Act, where there can be no restriction on its use, dissemination or re-publication.³¹ I do not consider that, in the circumstances of this matter, the weight of these nondisclosure factors is in any way reduced.
36. I am satisfied that if this information were to be released, it would be expected to prejudice the right to privacy of other individuals. Privacy considerations carry significant weight in the protection of the complainants' personal information, and I consider its release would be an invasion of privacy. Given the information about other individuals appears in a sensitive complaint context, and individuals are involved in their personal capacity, I find that these factors are deserving of significant weight.

Prejudice flow of information to QPS

37. There are strong public interests in protecting the free flow of information to law enforcement and regulatory agencies and their ability to obtain confidential information.³² The Third Party Information comprises the identifying information of individuals who made complaints, including their statements. Disclosing this type of information could reasonably be expected to discourage individuals and community members from fully engaging with QPS and raising concerns or complaints in the future. This, in turn, would significantly prejudice QPS' ability to effectively discharge their regulatory functions. Given that QPS relies on information provided by

²⁹ I.e., both words spoken, and an individual's tone, demeanour or emotional state in speaking those words or interacting with government: see generally *New York Times Co. and National Aeronautics and Space Administration*, 920 F.2d 1002 (D.C. Cir. 1990, 1006), discussed and applied in *Williamson and Department of Police; "A" (Third Party)* (2005) 7 QAR 51 in the context of the repealed *Freedom of Information Act 1992* (Qld) request for an audio and video recording of a police interview. *Williamson* considered the application of the 'personal affairs' exemption under the repealed FOI Act; however, I am satisfied it remains relevant as a guide to interpretation when considering 'personal information' under the RTI Act.

³⁰ *82PNLR and Queensland Police Service* [2019] QICmr 21 (13 June 2019) at [39] to [43].

³¹ *FLK and Information Commissioner* [2021] QCAT 46 at [17].

³² Schedule 4, part 3, items 13 and 16.

members of the public, witnesses, victims and complainants to fulfill its regulatory function, I consider such reluctance would prejudice the flow of information to QPS in relation to its ability to obtain confidential information. Accordingly, I afford significant weight to these factors favouring nondisclosure.

Balancing test

38. I acknowledge that there are some public interest factors which favour disclosure of the Third Party Information. Insofar as the Third Party Information comprises the applicant's personal information, the personal information factor carries significant weight. Disclosure of the Third Party Information would also, to some extent, enhance QPS's transparency and accountability. However, given the nature of the Third Party Information and the amount of information already released to the applicant, I consider these factors favouring disclosure carry moderate weight.
39. On the other hand, I am satisfied that the collective weight of the nondisclosure factors which seek to protect other individuals' personal information and their right to privacy, and ensure the flow of information to QPS and its ability to obtain confidential information is not prejudiced, is greater, and determinative. Accordingly, I find that disclosure of the Third Party Information would, on balance, be contrary to the public interest and access to it may be refused.

Conclusion

40. The above are the reasons for my decision set out at paragraph 1.
41. I have made this decision under section 110 of the RTI Act as a delegate of the Information Commissioner under section 145 of the RTI Act.