

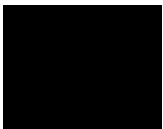
## Decision and Reasons for Decision

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| <b>Citation:</b>           | <b><i>S48 and Queensland Police Service [2026] QICmr 79 (20 May 2026)</i></b>   |
| <b>Application Number:</b> | <b>319016</b>   |
| <b>Applicant:</b>          | <b>S48</b>  |
| <b>Respondent:</b>         | <b>Queensland Police Service</b>  |
| <b>Decision Date:</b>      | <b>20 May 2026</b>  |
| <b>Catchwords:</b>         | <b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST - request for information about domestic violence incidents - personal information of applicant and other individuals - police reports and records - fair treatment and administration of justice - right to privacy - 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 (Qld)</i></b> |

### DECISION

1. For the below reasons, I affirm<sup>1</sup> the reviewable decision of the Queensland Police Service (**QPS**) and find that disclosure of information in issue would, on balance, be contrary to the public interest and access to it may be refused on that basis.
2. This means that no further information is to be released to the applicant.
3. My reasons for the decision follow.



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**V Corby**  
**Assistant Information Commissioner**

**Date: 20 May 2026**

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

## REASONS FOR DECISION

### Summary

4. The applicant applied<sup>2</sup> to QPS under the RTI Act for access to all documents related to police attendance recorded in Queensland Police Records and Information Management Exchange (**QPRIME**) including any reports, case notes or records, for a specified date range.<sup>3</sup>
5. QPS located 12 pages of relevant information and decided to refuse access to the information on the basis its disclosure would, on balance, be contrary to the public interest.<sup>4</sup>
6. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's refusal of access decision.<sup>5</sup> The applicant submitted that she was seeking access to the information to assist in removing herself from a residential lease, retaining her rental bond and to seek appropriate legal protection.
7. On external review, QPS released some information in nine pages to the applicant<sup>6</sup> however, the applicant does not agree with the level of information which has been disclosed to her and considers she is entitled to access some of the refused information.
8. In reaching my decision, I have taken into account evidence, submissions, legislation and other material set out in these reasons (including footnotes). I have also had regard to the *Human Rights Act 2019 (Qld)* (**HR Act**), particularly the right to seek and receive information<sup>7</sup> and have acted in accordance with section 58(1) of the HR Act.

### Relevant law

9. Under the RTI Act, an individual has a right to be given access to documents in the possession or under the control of an agency.<sup>8</sup> The legislation is to be administered with a pro-disclosure bias<sup>9</sup> however, the right of access is subject to certain limitations, including grounds for refusing access.<sup>10</sup>
10. Access to information may be refused where disclosure would, on balance, be contrary to the public interest.<sup>11</sup> In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must take certain steps as set out in section 49(3) of the RTI Act, including, identifying and disregarding irrelevant factors, identifying factors for and against disclosure, and deciding whether, on balance, disclosure of the information would be contrary to the public interest.
11. The term public interest refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. This means that, generally, 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.

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<sup>2</sup> Access application dated 5 September 2025.

<sup>3</sup> 22 January 2024 to 24 August 2025.

<sup>4</sup> Decision dated 23 October 2025. This is the reviewable decision in this review.

<sup>5</sup> Application dated 23 October 2025.

<sup>6</sup> QPS sent this information to the applicant on 30 March 2026.

<sup>7</sup> Section 21 of the HR Act.

<sup>8</sup> Section 23 of the RTI Act.

<sup>9</sup> Section 44 of the RTI Act.

<sup>10</sup> Section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly: section 47(2) of the RTI Act.

<sup>11</sup> Section 47(3)(b) of the RTI Act.

12. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of the public interest lies in a particular case. I have considered these,<sup>12</sup> together with all other relevant information, in reaching my decision. I have also applied the RTI Act's pro-disclosure bias<sup>13</sup> and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.<sup>14</sup>

## Submissions

13. In her external review application,<sup>15</sup> the applicant submitted as follows:

*The documents I sought relate directly to incidents where I was personally involved and affected. I require this information to assist in:*

- *removing myself from a residential lease linked to these incidents, and retaining my bond.*
- *seeking appropriate legal protection, including a potential protection order or peace and good behaviour order.*

*This information is essential for my safety, legal rights, and ability to make informed decisions regarding my welfare and housing.*

14. In responding to OIC's preliminary view,<sup>16</sup> the applicant made further written submissions<sup>17</sup> as follows:

*The documents I am seeking relate to police-attended domestic violence incidents involving [named person], which resulted in my immediate departure from the residential property. Those events directly led to the termination of my occupation of the premises, financial loss, and ongoing QCAT proceedings regarding my tenancy and bond.*

*While I am aware of the events from my own perspective, I do not have access to the official police record. The QPRIME occurrence reports and case officer notes are independent, contemporaneous records created by QPS. They may contain officer observations, recorded statements, risk assessments, timelines of events, and other material directly relevant to the circumstances in which I was forced to leave the property.*

*These incidents were not minor disputes. Police attendance escalated significantly and resulted in enforcement action. The consequences of that intervention materially altered my housing situation and financial position.*

*Without access to these records, I am at a real disadvantage in preparing my case before QCAT. I cannot properly reference or rely upon the official police documentation if I do not know what has been recorded. This limits my ability to respond to allegations, demonstrate the seriousness of the circumstances, and properly present my position.*

*I acknowledge that the documents contain personal information relating to other individuals. I am not seeking unrestricted disclosure of third-party material. I request release to the extent possible with appropriate redactions. My own personal information is embedded throughout these reports, and complete refusal is disproportionate where redaction could reasonably address privacy concerns.*

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<sup>12</sup> I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed below. Some factors have no relevance, for example, the factor concerning innovation and the facilitation of research.

<sup>13</sup> Section 44 of the RTI Act.

<sup>14</sup> Section 47(2) of the RTI Act.

<sup>15</sup> Dated 23 October 2025.

<sup>16</sup> Dated 25 February 2026.

<sup>17</sup> Dated 25 February 2026.

*Access to these records would contribute to the administration of justice by enabling me to properly prepare for active legal proceedings and understand the official record of events that directly caused my displacement from my home.*

15. Following the release of information in parts of nine pages by QPS,<sup>18</sup> the applicant submitted:<sup>19</sup>

*To be honest, what I was sent was extremely disappointing. The content was limited and, at times, came across as dismissive and even derogatory toward me. It does not reflect what actually happened or the seriousness of the situation, particularly given the domestic violence context.*

*Instead of providing clarity, it's only reinforced my concerns about how this has been handled from the beginning. I am genuinely disgusted with the way this entire matter has been dealt with — both in the way events have been recorded and in how little meaningful information has been provided to me.*

*This situation has had real consequences for me, including losing my home and my business, and none of that is properly reflected in what I've received.*

16. The information in issue in this review is the information refused in three full pages and parts of nine pages.

## Findings

17. I have not identified any irrelevant factors that apply in relation to the information in issue.<sup>20</sup>
18. In favour of disclosure, the RTI Act recognises that there is a public interest in an individual gaining access to their personal information held by a government agency.<sup>21</sup> Where the applicant's personal information appears within the information in issue it has been released to her; I consider this largely discharges this public interest factor. While this public interest is ordinarily afforded significant weight, I have reduced the weight of the factor in acknowledgement of the intertwined nature of the personal information of the applicant with other individual/s in some of the information in issue. Further, the remaining information in issue is wholly about alleged domestic violence matters involving other individuals.
19. There is also a public interest in disclosing information that would enhance QPS's accountability and transparency in how it handles complaints of alleged domestic violence. In the circumstances of this matter I consider disclosure of the information in issue would promote the relevant public interest factors<sup>22</sup> as it would provide the applicant with a more fulsome understanding of all of the information QPS considered in relation to the complaint. In attributing weight to this factor, I have considered that the applicant is named as an informant/witness regarding the alleged domestic violence in the relevant reports, rather than a complainant of or respondent to the alleged domestic violence, and therefore could be said to be less directly impacted by the way QPS handled the allegation. For this reason, the significant weight usually attributed to these factors where the applicant is a complainant or respondent in such matters, is reduced to low.
20. The applicant's submissions were particularly focused on obtaining access to the information in issue to pursue legal redress with respect to loss she suffered from having

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<sup>18</sup> On 30 March 2026.

<sup>19</sup> Email to OIC dated 17 April 2026.

<sup>20</sup> Including those set out in schedule 4, part 1 of the RTI Act.

<sup>21</sup> Schedule 4, part 2, item 7 of the RTI Act.

<sup>22</sup> Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

to move house. Mere assertion by an applicant that information is required to enable pursuit of a legal remedy is not sufficient to establish this pro-disclosure consideration.<sup>23</sup> At any rate, I consider that obtaining access to the information in issue would not advance the applicant's pursuit of legal remedies as the applicant already has the requisite information to proceed (for example, the names of the other parties and knowledge of the factual circumstances). The information released to the applicant demonstrates that she was the informant/witness to the alleged domestic violence offences. In these particular circumstances, I afford low weight to the administration of justice factors.<sup>24</sup>

21. As to nondisclosure factors, I am satisfied that the following public interest considerations arise in relation to the information in issue:

- prejudice the protection of other individuals' right to privacy; and<sup>25</sup>
- cause a public interest harm by disclosing personal information of a person.<sup>26</sup>

22. The majority of the information in issue is about other individuals. I am satisfied that disclosing that information would cause a public interest harm<sup>27</sup> by disclosing their personal information<sup>28</sup> (including names, contact details and other identifying information) and prejudice the protection of their right to privacy.<sup>29</sup> While the concept of 'privacy' is not defined in the RTI Act, it can be viewed as the right of an individual to preserve their personal sphere free from interference from others.<sup>30</sup> Given the sensitive context in which the personal information appears, being a complaint to QPS about alleged domestic violence, I consider these nondisclosure factors carry significant weight. I have also taken into account that where information is disclosed under the RTI Act, there can be no limitation on its further dissemination, and I consider this lends further weight to the public interest harm and prejudice to privacy.<sup>31</sup>

23. In balancing the public interest, I am satisfied that there are several public interest factors which favour disclosure of the information in issue, including the administration of justice factors, however, I have attributed low weight to these in this particular case. On the other hand, I consider that the weight of the nondisclosure factors which seek to protect other individuals' personal information and their right to privacy, is greater, and determinative. Accordingly, I find that disclosure of the information in issue would, on balance, be contrary to the public interest and access to it may be refused.<sup>32</sup>

## Conclusion

24. The above are the reasons for my decision set out at paragraph 1.

25. 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.

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<sup>23</sup> *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17] and see also *Van Kuijck and Queensland Police Service* [2014] QICmr 35 (19 August 2014) at [25] (*Van Kuijck*).

<sup>24</sup> Schedule 4, part 2, items 16 and 17 of the RTI Act.

<sup>25</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>26</sup> Schedule 4, part 4, section 6 of the RTI Act.

<sup>27</sup> Section 4, part 4, section 6 of the RTI Act.

<sup>28</sup> As defined in schedule 5 of the RTI Act.

<sup>29</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>30</sup> See 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 11 August 2008, at paragraph 1.56.

<sup>31</sup> *FLK and Information Commissioner* [2021] QCAT 46 at [17].

<sup>32</sup> Sections 47(3)(b) and 49 of the RTI Act.