



Decision and Reasons for Decision

Citation: *G10 and Department of Youth Justice and Victim Support [2026] QICmr 90 (3 June 2026)*

Application Number: 318820

Applicant: G10

Respondent: Department of Youth Justice and Victim Support

Decision Date: 3 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 correctional 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: 3 June 2026

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

² As defined in paragraph 7.

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 incidents that occurred involving the applicant in two particular youth detention centres during specific dates.
2. The Department located 1208 pages and decided⁶ to refuse access to parts of 552 pages on the basis that the information is exempt or its disclosure would, on balance, be contrary to the public interest. The Department also refused to deal with 41 pages on the ground that these pages had been previously sought and dealt with in a previous application.
3. The applicant applied⁷ to The Office of the Information Commissioner (**OIC**) for external review of the Department's decision. The applicant seeks access to the refused information.
4. During the review, OIC conveyed a preliminary view⁸ to the applicant that:
 - there are grounds to refuse to deal with parts of the application to the extent it seeks access to documents considered in a previous access application under section 62 of the IP Act; and
 - access to the information redacted from parts of 552 pages may be refused under the IP Act on the ground that:
 - some information comprises exempt information under schedule 3, section 12 of the RTI Act and section 288 of the *Youth Justice Act 1992* (Qld) (**YJ Act**) (**YJ Exemption**); and
 - a small amount of information comprises information the release of which would be contrary to public interest.
5. In response,⁹ the applicant's legal representative agreed to the redaction of mobile numbers and agreed that documents already released under a separate application did not need to be considered again. However, they indicated that in relation to the redacted information '[o]ur client requests that the matter proceed to a final decision.'
6. 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.

⁴ Application dated 15 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 09 July 2025. This is the *reviewable decision* in this review.

⁷ On 05 August 2025.

⁸ Letter dated 21 November 2025.

⁹ By email dated 4 December 2025.

Information in issue

7. While the RTI Act prevents me from describing exempt information or contrary to public interest information in any detail,¹⁰ the Information in Issue generally comprises:
- information contained in the documents that relate to individuals dealt under the YJ Act other than the applicant (**Category A Information**); and
 - information relating to the security or good order of a youth detention centre facility (**Category B Information**).

Evidence considered

8. The evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including the footnotes).
9. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information,¹¹ as well as rights relating to children and persons deprived of liberty.¹² 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.¹³ 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

10. 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.¹⁴ This right of access is subject to limitations, including the grounds on which access to information may be refused.¹⁵
11. One ground of refusal is where information comprises exempt information.¹⁶ 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.¹⁷

¹⁰ Section 108(3) of the RTI Act.

¹¹ Section 21 of the HR Act.

¹² Sections 26 and 30 of the HR Act.

¹³ *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).

¹⁴ 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*'.

¹⁵ 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).

¹⁶ Schedule 3 of the RTI Act identifies the types of information which Parliament has determined will comprise exempt information under the RTI Act.

¹⁷ Schedule 3, sections 12(1) and 12(2) of the RTI Act.

12. 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.¹⁸
13. '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; ...
14. 'Identifying information about a child' is defined in schedule 4 to the YJ Act as meaning:
- 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.
15. 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.
16. 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*¹⁹ (**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

17. As noted above, the Category A Information comprises some information contained in the documents that relate to other individuals dealt under the YJ Act other than the applicant. In this regard, I note the following observations in *DYJ*:²⁰

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

¹⁸ Sections 283, 287 and 288 of the YJ Act.

¹⁹ [2019] QCATA 143.

²⁰ *DYJ* at [39] and [45].

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.

18. 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.
19. 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.
20. For the above reasons, I find that the Category A Information comprises exempt information and access to it may be refused on that basis.²¹

Category B Information

Relevant law

21. Access to information may also be refused where its disclosure would, on balance, be contrary to the public interest.²² 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.²³

²¹ 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).

²² Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

²³ Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

22. 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.
23. Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of 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.²⁴

Findings

24. The Category B Information comprises information contained in the documents relating to the colour code alerts and procedures in place for the safety and protection of individuals whilst in a youth detention centre facility.²⁵
25. I have not taken into account any irrelevant factors into account in respect of Category B Information.
26. 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.²⁶ 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 and the nature of the Category B Information. I therefore afford these factors low weight.
27. In relation to the colour code alerts and procedures, this information is collected by the Department for assessing its security measures and determines how the Department (and its officers) respond to security incidents, risks and alerts in a youth detention centre setting.
28. I consider that the release of Category B Information could reasonably be expected to prejudice ongoing security strategies and risk-management frameworks, undermine physical and procedural safeguards, enable inmates or external associates to identify weaknesses within the detention centre, increase the likelihood of riots, assaults, or escape attempts compromising the safety of

²⁴ Section 47(2)(a) of the RTI Act.

²⁵ Section 67(1) of the IP Act and Schedule 4, part 3, item 10 of the RTI Act.

²⁶ Section 67(1) of the IP Act and Schedule 4, part 2, items 1, 2, 3 and 11 of the RTI Act.

corrective services staff, visitors, and prisoners. Disclosure of these types of information would impair the security and good order of the facility.²⁷

29. In my view, the public interest in maintaining secure custodial environments is significant. Correctional facilities including detention centres 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 facility particularly considering that release under the IP Act impose no restrictions on its use, dissemination or re-publication. On this basis, I have afforded this nondisclosure factor significant weight.
30. 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.
31. 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

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

²⁷ Section 67(1) of the IP Act and Schedule 4, part 3, item 10 of the RTI Act.