



Office of the Information Commissioner
Queensland

Decision and Reasons for Decision

Citation: *L12 and Department of Families, Seniors, Disability Services and Child Safety; and Other [2026] QICmr 110 (25 June 2026)*

Application Number: 318593

Applicant: L12

Respondent: Department of Families, Seniors, Disability Services and Child Safety

Third Party: A66

Decision Date: 25 June 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - DISCLOSURE OF INFORMATION PROHIBITED BY PROVISION - child protection information - information about the identity of a notifier, or from which the identity of the notifier could be deduced - information about individuals other than the applicant - whether disclosure is prohibited by sections 186 to 188 of the *Child Protection Act 1999* (Qld) - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - DISCLOSURE OF INFORMATION PROHIBITED BY PROVISION - child protection information - shared personal information - whether disclosure is prohibited by section 187(2) of the *Child Protection Act 1999* (Qld) - whether exception in section 187(3)(e) applies - disclosure not prohibited if the information relates to a person who is an adult and consents in writing - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(a) and 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 THE PUBLIC INTEREST INFORMATION - mobile phone number of public officer - whether disclosure would, on balance, be contrary to the public interest - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

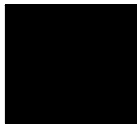
ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - IRRELEVANT INFORMATION - information not about the applicant - deletion under section 88(2) of the *Information Privacy Act 2009* (Qld)

DECISION

I vary the reviewable decision of Department of Families, Seniors, Disability Services and Child Safety (**Department**) and find that:

- (a) access to certain information can be refused on the ground it is exempt information the disclosure of which is prohibited by sections 186-188 of the *Child Protection Act 1999* (Qld) (**CP Act**)¹
- (b) certain shared information about the applicant and the Third Party is not exempt information and, in the absence of any ground to refuse access to this information under the IP Act, I am satisfied it can be released to the applicant
- (c) access to a mobile phone number of a departmental officer can be refused on the basis that its disclosure would, on balance, be contrary to the public interest²
- (d) certain information can be deleted on the basis it is irrelevant to the terms of the access application;³ and
- (e) access to documents not already located can be refused because they are nonexistent or unlocatable.⁴

My reasons for the decision follow.



Stephanie Winson
Acting Information Commissioner

Date: 25 June 2026

¹ Under section 67(1) of the *Information Privacy Act 2009* (Qld) (**IP Act**) and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the *Right to Information Act 2009* (Qld) (**RTI Act**).

² Under section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

³ Under section 88(2) of the IP Act.

⁴ Under section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

REASONS FOR DECISION

Summary

1. The applicant applied⁵ to the Department under the IP Act⁶ for access to electronic child safety documents relating to the applicant as a subject child.
2. In response to the application, the Department located 31 pages. On 3 April 2025, the Department decided to release three full pages and parts of 27 pages. The Department refused access to one full page and parts of 27 pages on the grounds that the information is exempt information, or that disclosure of the information would, on balance, be contrary to the public interest. The Department also deleted from four pages certain information on the basis that it was irrelevant to the access request.
3. The applicant applied⁷ to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision.
4. For the reasons set out below, I affirm the Department's decision and find that access to the information in issue may be refused.

Background

5. During the review, OIC conveyed a preliminary view to the Department that it had not met its refusal onus with respect to some of the refused information.⁸ This resulted in the Department agreeing to release parts of four pages to the applicant, which it did on 16 February 2026.
6. Also during the review, OIC received written consent from a third party individual (**Third Party**) to the release of their personal information to the applicant where that information was intertwined with the applicant's personal information.⁹ OIC conveyed preliminary views to the Department¹⁰ that this removed the prohibition on disclosure for that information.¹¹ While the Department did not agree with OIC's preliminary views, the Department agreed to release some of the information to the applicant.¹² The Department maintained, however, that it was not possible for the Third Party to consent to the release of information that is both about the applicant and the Third Party,¹³ and refused to release that information.¹⁴
7. The applicant raised concerns about missing documents during the review. Accordingly, OIC asked the Department to provide it with information about its searches to locate the requested documents. In making these enquiries, the Department located an additional 65 pages of relevant documents. The Department released 10 pages and parts of 54

⁵ On 18 March 2025, with the application becoming compliant on 22 March 2025.

⁶ On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) (**IPOLA Act**) came into force, affecting changes to the IP Act and RTI Acts. As the applicant's application was made before this change, transitional provisions provide that the IP Act and RTI Act as in force prior to 1 July 2025 remain applicable to it. Accordingly, references to the IP Act and RTI Act in this decision are to those Acts as in force prior to 1 July 2025.

These may be accessed at <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-014>> and <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013>> respectively.

⁷ On 29 April 2025.

⁸ On 11 December 2025.

⁹ On 10 December 2025 and 19 May 2026.

¹⁰ On 11 December 2025 and 24 February and 19 May 2026.

¹¹ Under section 187(3)(e) of the CP Act.

¹² That information, comprising parts of nine pages, was sent to the applicant via post on 2 April 2026. Some further information from the additional pages located during the review was also released to the applicant on 2 June 2026.

¹³ This information appears on pages 13, 14, 29, 41 and 42 of the 65 additional pages located during the review.

¹⁴ Email from the Department dated 22 May 2026.

pages to the applicant.¹⁵ The Department refused access to one full page and parts of 54 pages on the grounds they comprised exempt information.

8. During the review, OIC conveyed preliminary views to the applicant¹⁶ that:
- (a) with the exception of the shared information between her and the Third Party,¹⁷ the remaining refused information by the Department can be refused on the following grounds:
 - it is exempt information, because it comprises:
 - information about the affairs of individuals other than the applicant;
 - information that could identify a notifier to the Department
 - disclosure of a Department officer's mobile phone number would, on balance, be contrary to the public interest; and
 - it is irrelevant to the scope of the applicant's access request; and
 - (b) following the further enquiries which located 65 additional pages, the Department had taken all reasonable steps to locate relevant documents and access to any further documents not already located could be refused because they are nonexistent or unlocatable.
9. The applicant, who made the request to the Department for her child protection file on her own initiative and is not legally represented, submitted that she wanted to understand the reasons why certain decisions were made about her care when she was a child.¹⁸ She did not otherwise provide any written submissions in response to OIC's preliminary view.¹⁹

Reviewable decision

10. The decision under review is the Department's decision dated 3 April 2025.

Evidence considered

11. The evidence, submissions, legislation and other material I have considered in reaching this decision are set out in these reasons, including footnotes.
12. I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the rights to seek and receive information, to privacy and regarding the protection of families and children.²⁰ I consider that, in observing and applying the law prescribed in the RTI Act, a decision maker will be '*respecting and acting compatibly with*' these rights and others in the HR Act,²¹ and that I have done so in making this decision, as required under section 58(1) of the HR Act.

Information in issue

13. The information in issue comprises two full pages and parts of 81 pages of the applicant's electronic child safety or child protection file (the **Child Protection File**).

¹⁵ On 2 June 2026.

¹⁶ On 11 March and 4 June 2026.

¹⁷ This information appears on pages 13, 14, 29, 41 and 42 of the 65 additional pages located during the review.

¹⁸ Email dated 7 May 2026.

¹⁹ Aside from her email on 7 May 2026 raising concerns about missing documents.

²⁰ Sections 21, 25 and 26 of the HR Act.

²¹ *XYZ v Victoria Police (General)* [2010] VCAT 255 at [573] and *Horrocks v Department of Justice (General)* [2012] VCAT 241 at [111]. QCAT has considered and found no reason to differ from this approach in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23], *Mokbel v Queensland Police Service* [2023] QCATA 158 at [27] and *Deemal-Hall v Office of the Director of Public Prosecutions* [2024] QCATA 131 at [36].

14. While the applicant's request was for information the Department held about her as a child, by its nature, most information on a child protection file is not about an applicant in isolation. It will often be intertwined with the personal information of other individuals or third parties. This is the case for some of the information on the applicant's Child Protection File.

Issues for determination

15. The issues for determination are whether:
- (a) access to certain information may be refused as it comprises exempt information
 - (b) access to the mobile telephone number of a departmental officer can be refused as its disclosure would, on balance, be contrary to the public interest
 - (c) information that does not relate to the applicant, can be deleted as it is irrelevant to the terms of their access request; and
 - (d) access to further documents not already located by the Department can be refused as they are nonexistent or unlocatable.

Relevant law

16. An individual has a right to access government-held documents to the extent they contain an individual's personal information.²² However, this right is subject to the provisions of the IP and RTI Acts, which include grounds for refusing access to information when certain factors apply.²³ For example, access to a document may be refused:
- (a) to the extent it comprises exempt information²⁴
 - (b) if its disclosure would, on balance, be contrary to the public interest;²⁵ and
 - (c) if giving access to the document under the IP Act (or the RTI Act) would disclose information that is irrelevant to the applicant's access request, access may be given with the irrelevant information deleted.²⁶
17. The legislation is to be administered with a pro-disclosure bias²⁷ and it is Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.²⁸ However, where information satisfies the criteria for any of the categories of exempt information set out in schedule 3 of the RTI Act, Parliament has also determined that the disclosure of this information is contrary to the public interest, and access may be refused without further consideration of public interest arguments.²⁹
18. Further, relevant to this review, the RTI Act provides that information will be exempt information if its disclosure is prohibited by sections 186 to 188 of the CP Act.³⁰
19. Section 187(2) of the CP Act prohibits the disclosure of information about another person's affairs obtained by specified individuals or entities involved in the administration of the CP Act.³¹ For section 187(2) to apply, the following elements must be satisfied:

²² Section 40 of the IP Act.

²³ Section 67(1) of the IP Act provides that an agency may refuse access to a document in the same way and to the same extent it could refuse access to the document under section 47 of the RTI Act were the document to be the subject of an access application under that Act.

²⁴ Section 67(1) of the IP Act and sections 47(3)(a) and 48 of the RTI Act.

²⁵ Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

²⁶ Section 88(2) of the IP Act.

²⁷ Section 64 of the IP Act.

²⁸ Section 67(2)(a) of the IP Act and section 47(2)(a) of the RTI Act.

²⁹ Section 48(2) of the RTI Act.

³⁰ Schedule 3, section 12(1) of the RTI Act.

³¹ As listed in section 187(1)(a) of the CP Act.

- (a) the information was received by a person listed in section 187(1) of the CP Act who was performing functions under or in relation to that Act
 - (b) the information is about another person's affairs; and
 - (c) none of the exceptions in section 187(3) or (4) of the CP Act apply.
20. Section 186A(1) of the CP Act prohibits the disclosure of the identity of a notifier, or information from which the identity of the notifier could be deduced, to another person if:
- (a) a person has notified a specified person that a child has been, is being or is likely to be harmed, or an unborn child may be at risk of harm after they are born³²
 - (b) release of the information could disclose the identity of a notifier, or information from which a notifier's identity could be determined; and
 - (c) none of the exceptions in section 186A(2) of the CP Act apply.
21. An exception to this exemption arises where the information '*...is only personal information of the applicant*'.³³
22. An agency may also refuse access to requested information where it is non-existent or unlocatable.³⁴
23. A document is non-existent if there are reasonable grounds to be satisfied it does not exist.³⁵ To be satisfied that a document does not exist, the Information Commissioner has previously had regard to various key factors, including an agency's practices and procedures (including, but not limited to, its information management practices).³⁶
24. The Information Commissioner may also take into account the searches and inquiries conducted by an agency in determining whether a document is non-existent. The key consideration is whether those searches and inquiries amount to 'all reasonable steps'.³⁷ What constitutes reasonable steps will vary from case to case.
25. The agency that made the decision under review has the onus of establishing that the decision was justified, or that the Information Commissioner should give a decision adverse to the applicant.³⁸ However, where an external review involves the issue of missing documents, the applicant bears a practical onus to establish reasonable grounds that demonstrate the agency did not discharge its obligation to take all reasonable steps to locate the requested documents. Suspicion and mere assertion will not satisfy this onus.³⁹

Findings

Information refused as exempt

26. Some of the information in issue is about individuals other than the applicant. While I am limited in what I can say about this information,⁴⁰ it comprises the following:

³² Section 186 of the CP Act.

³³ Schedule 3, section 12(2) of the RTI Act.

³⁴ Sections 47(3)(e) and 52(1) of the RTI Act.

³⁵ Section 52(1)(a) of the RTI Act.

³⁶ *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) at [19], which adopted the Information Commissioner's comments in *PDE and The University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) (*PDE*) at [37]-[38]. Refer also to *Van Veendendaal and Queensland Police Service* [2017] QICmr 36 (28 August 2017) and *Y20 and Department of Education* [2021] QICmr 20 (11 May 2020) at [45].

³⁷ As set out in *PDE* at [49].

³⁸ Section 100(1) of the IP Act.

³⁹ *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) at [36]; *Y44 and T99 and Office of the Public Guardian* [2019] QICmr 62 (20 December 2019) at [38].

⁴⁰ Section 121(3) of the IP Act.

- (a) shared personal information about the applicant and the Third Party, who has consented to the release of information about him to the applicant (**Consent Information**)
 - (b) shared personal information about the applicant and other third-party individuals referred to in their personal capacities (**Other Shared Information**), including:
 - i. information about their living and care arrangements
 - ii. information about the relationships between the applicant and other people
 - iii. information recorded by departmental officers about their observations, conclusions, decisions and actions involving the applicant and other people; and
 - iv. allegations made against other people with respect to the applicant.
 - (c) information that is only about third parties (**Other Individuals' Information**), and not the applicant, including:
 - i. their name, date of birth, address and other identifying information
 - ii. information about allegations made against or involving them
 - iii. information about their health and relationships with people other than the applicant; and
 - iv. sensitive personal information, including information about their personal circumstances unrelated to the applicant and their thoughts, feelings and beliefs that were unrelated to the applicant.
27. The balance of the information the Department refused as exempt is information about the identity of a person/s who made a notification/s under the CP Act, or information from which their identity/identities could reasonably be determined (**Notifier Information**).

Information about other people

28. I am satisfied that the Consent Information, Other Shared Information and Other Individuals' Information was received by Department officers who were performing functions under or in relation to the administration of the CP Act. I note that public service employees are among the persons to whom section 187 of the CP Act applies.⁴¹
29. The term '*person's affairs*' is not defined in the CP Act or the *Acts Interpretation Act 1954* (Qld) (**AI Act**). The dictionary definitions for '*affair/s*' are '*matters of interest or concern*' and '*a private or personal concern*'.⁴² I am satisfied that the information described above comprises information about matters of interest to, or the private or personal concerns of, individuals other than the applicant. While some of this information may be known to the applicant, this does not impact on my assessment that it comprises information about the personal affairs of other people.⁴³
30. I am satisfied that none of the exceptions to this provision at sections 187(3) and (4) of the CP Act apply to Other Shared Information and Other Individuals' Information. I find that the exception at section 187(3)(e) of the CP Act applies to the Consent Information, for the reasons discussed below.
31. I am also satisfied that the exception to the exemption at schedule 3, section 12(2) of the RTI Act does not apply to the Consent Information, Other Shared Information or the Other Individuals' Information. To the extent any of the located information is '*only the*

⁴¹ Section 187(1)(a)(i) of the CP Act.

⁴² Macquarie Dictionary Online at <www.macquariedictionary.com.au> (accessed 25 June 2026).

⁴³ See *G42 and Department of Children, Youth Justice and Multicultural Affairs* [2021] QICmr 62 (22 November 2021) at [21]-[22].

personal information of the applicant', the Department has already released that information to the applicant.

32. Accordingly, I am satisfied the Other Shared Information and Other Individuals' Information are exempt information under schedule 3, section 12(1) of the RTI Act.
33. I have considered whether the exception at section 187(3)(e) of the CP Act applies to the Consent Information. That section provides that a person may *'use or disclose the information or give access to the document ... if the person to whom the information relates is, or becomes, an adult and consents in writing to the use, disclosure or giving of access'*.
34. I am satisfied that the Third Party is an adult.
35. With the applicant's consent, OIC wrote to the Third Party during the review to explain that the applicant had applied under the IP Act to access information held by the Department, and that some of this information was about him.⁴⁴ While a copy of the information was not provided to the Third Party,⁴⁵ OIC conveyed a high-level description of the relevant information. The Third Party provided his consent in writing to the release of this information to the applicant.⁴⁶
36. The Department objects to the release of shared personal information between the applicant and the Third Party.
37. The Department submits⁴⁷ the decision as to consent is a decision to be made under the CP Act, and it is not within the Information Commissioner's powers under the RTI Act, which are limited to (relevantly) deciding:

... any matter in relation to the access application that could, under the RTI Act [or IP Act], have been decided by the agency, and does not apply to a decision that could have been decided by the agency under the Child Protection Act 1999.' [original emphasis]

38. I consider it is open to OIC to consider the application of section 187(3)(e) of the CP Act in deciding whether access to information can be refused under the IP and RTI Acts. Schedule 3, section 12(1) of the RTI Act requires a decision maker to consider whether the disclosure of information *'is prohibited by'* one of the listed provisions. It is not possible to make that determination without considering the provisions themselves (here, sections 186 to 188 of the CP Act) and whether they do prohibit disclosure.
39. The Department also submits that seeking consent for the purposes of section 187 of the CP Act is outside the scope of the Information Commissioner's additional powers at section 105 of the RTI Act.⁴⁸
40. While I acknowledge the view of the Department, I respectfully disagree. I consider it is open to the Information Commissioner (including their delegate) to seek consent from a third party on external review and that it is within their powers under the IP and RTI Acts for the purposes of section 187(3)(e) of the CP Act, including for the following reasons:
 - (a) In conducting an independent merits review under the IP or RTI Acts, the Information Commissioner is conducting a hearing *de novo*, which involves an

⁴⁴ Letter to the Third Party and email to the Third Party dated 10 December 2025.

⁴⁵ Noting section 120(a) of the IP Act.

⁴⁶ On 10 December 2025 and 19 May 2026.

⁴⁷ Submission dated 9 January 2026.

⁴⁸ Submission dated 9 January 2026. OIC understood this submission as intending to reference the equivalent section 118 of the IP Act.

independent reconsideration of an administrative decision to determine the correct or preferable decision.⁴⁹ In doing so, the Commissioner '*stands in the shoes*' of the original decision-maker and reassesses the decision afresh, considering all relevant facts, law and policy.⁵⁰ This includes any new information or additional evidence that may not have been available or obtained by the original decision-maker. It is also incumbent upon a decision-maker on review to ensure fairness in their decision-making, which may also include allowing an affected person to provide new information or additional evidence to support their review application.⁵¹

- (b) When undertaking an independent merits review, the Information Commissioner is required to give regard to the object of the IP and RTI Acts under section 3 of both Acts, which includes that '[t]he Act must be applied and interpreted to further the primary object', namely that there is a right of access to government-held or controlled information '*unless, on balance, it is contrary to the public interest to give the access*'.
- (c) As an independent decision-maker conducting a merits review, the Information Commissioner has broad discretion under sections 108 and 110(1) and (2) and 118(1) of the IP Act⁵² to determine the appropriate procedure to be followed on external review and the Commissioner can inform themselves on any matter and in any way they consider appropriate.
- (d) Neither the CP Act or the IP or RTI Acts expressly prohibit the Information Commissioner, as part of an independent merits review, from making inquiries of a relevant third party, including ascertaining whether they consent to the disclosure of their personal information in a document subject to review by the Commissioner.
- (e) Finally, in giving consideration to the operation of the CP Act, including sections 186 to 188, I have also had regard to the Paramount Principle under section 5A of the CP Act, which provides:

Paramount principle

The main principle for administering this Act is that the safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life, are paramount.

In regard to this matter, I am satisfied I have interpreted the relevant provisions in the CP Act with this important principle in mind, along with the object of the IP and RTI Acts.⁵³ I am also satisfied I have interpreted these pieces of legislation in a manner that is consistent with the human rights of the applicant and the Third Party under the HR Act.

- 41. Accordingly, I am satisfied the consultation with the Third Party in this review was within OIC's broad powers and consistent with the purposes of the IP Act and Parliament's intention that the IP and RTI Acts be administered with a pro-disclosure bias. Nothing in the IP or RTI Acts contradicts this position.

⁴⁹ [Purrer v Office of the Information Commissioner & Anor \[2021\] QCATA 92 \(30 July 2021\)](#) at [74]. See also *Reef House Property Pty Ltd v Commissioner of Liquor and Gaming Regulation* [2024] QCA 134 at [23] applying the test adopted in *Drake v Minister for Immigration and Ethnic Affairs* (1979) 24 ALR 577.

⁵⁰ *Shi v Migration Agents Registration Authority* [2008] HCA 31 at [40] (**Shi**).

⁵¹ *Shi* at [41] applied in *Palmer and Townsville City Council* [2019] QICmr 43.

⁵² And the equivalent sections 95, 97(1) and 2 and 105(1) of the RTI Act.

⁵³ Section 3 of the IP Act and section 3 of the RTI Act.

42. The Department also submits⁵⁴ that OIC's role on external review is to review the decision of an agency based on the circumstances as at the date of the initial decision, including in this case the absence of consent as at that date. As I have concluded in paragraph 40(a) above, this is not correct.
43. The Department submits that 'informed consent' would require a review of the relevant documents, which has not occurred.⁵⁵ They state:⁵⁶

...It is common for family members to fail to conceptualise the often-confronting types of information that can be recorded about them in child protection files. While the information is seemingly innocuous in this matter, the principle remains that in the child protection context, the habitual seeking of consent in these sensitive circumstances can be dangerous, resource intensive and ill advised...

44. In the absence of evidence, I am not persuaded by the Department's statement. The Consent Information was relatively innocuous and uncontroversial in nature. I am satisfied that it does not go beyond what the Third Party could reasonably understand or recall in the context of documents on a child protection file. The consultation undertaken by OIC and provision of a summary conveying the general nature of the Third Party's personal information under consideration is sufficient to satisfy me that the consent provided was informed, voluntary and provided by a party with capacity for the purposes of section 187(3)(e) of the CP Act.
45. The Information Commissioner has recently explained OIC's position that the seeking of consent should be considered on a case-by-case basis, as appropriate in the relevant circumstances.⁵⁷ In the present case, given the nature of the Consent Information, and with agreement from the applicant, OIC decided that it was appropriate to consult with the Third Party. OIC gave careful thought to the manner of describing the information consulted on when preparing the letter to the Third Party.
46. The Department also submits:⁵⁸

Section 187(4) of the Child Protection Act 1999 facilitates the release of information to another person, to the extent that the information or document is about the other person.

Section 187(3)(e) provides a mechanism for the person to whom the information relates to consent to disclosure of the information that is about the consensor.

As per the note in the legislation, section 188C is the section that provides guidance regarding disclosure of information that is about the person and a third party.

The consent provision in section 187 only applies to information that is about the relevant person/consensor and does not apply to information that is about the consensor and a third party.

With that in mind, it is my view that it is not possible for [the Third Party] to consent to the release of information that is both about him and about [the applicant] as the consent provisions do not apply

47. I understand the Department's position to be that:

⁵⁴ On 9 January 2026.

⁵⁵ Submissions dated 22 May 2026.

⁵⁶ On 9 January 2026.

⁵⁷ X30 and Department of Families, Seniors, Disability Services and Child Safety; and Other [2026] QICmr 21 (12 February 2026) (X30) at [105].

⁵⁸ Submissions dated 22 May 2026.

- (a) section 187(3)(e) applies where information is only about the consenting third party
 - (b) section 187(4) applies where information is only about the person seeking access; and
 - (c) the only provision allowing access of shared information about both the person seeking access and a third-party consenter is section 188C.
48. The exception at section 187(3)(e) was inserted into the CP Act in 2022.⁵⁹ The relevant Explanatory Notes⁶⁰ for this provision state:
- Consent*
- Section 187 of the Act provides that information obtained in the administration of the Act is confidential and must not be disclosed other than in accordance with that section.*
- The Bill amends section 187 of the Act to provide that information about a person may be disclosed, or access given, to a third party if a person to whom the information relates is an adult and consents in writing to the disclosure of the information.*
49. The Information Commissioner has recently interpreted section 187(3)(e) of the CP Act as applying to information about an applicant and consenting third party.⁶¹
50. The note at subsection 188C(2), states '*For the disclosure of information that is only about the relevant person, see section 187(4)*'. A corresponding note appears at section 187(4), which states '*For the disclosure of information that is about the person and a third party, see section 188C*'. Section 14(4) of the AI Act provides that a note in legislation is regarded as material that is part of the relevant Act.
51. I accept section 188C is intended to apply to the shared personal information of both a person seeking information and a third party. It provides the chief executive officer of the Department with the discretion to determine whether to release this information, including outside a request made under the IP or RTI Acts.
52. I do not, however, consider the note in section 188C precludes an interpretation of section 187(3)(e) that allows for the disclosure of shared personal information of an applicant and consenting third party. I don't interpret section 188C as having been intended to cover all circumstances where the Department may hold shared personal information. I note, in particular, that section 188C does not make any specific reference to third party consent.
53. I don't consider section 187(3)(e) is limited to removing the prohibition on disclosure for information that is only about a third party consenter. The Department's reading of that section interprets that the barrier to access is the presence of the applicant's own information, intertwined with that of the Third Party. In my view, that interpretation is overly restrictive. It also does not align with the recognised public interest under the IP and RTI Acts in providing access applicants with their own personal information.⁶²
54. Accordingly, in this case where the Third Party has provided written consent, I find the exception in section 187(3)(e) of the CP Act is satisfied for the Consent Information. As the exemption under section 12(1) of Schedule 3 of the RTI Act is only enlivened if

⁵⁹ By clause 62 of the *Child Protection Reform and Other Legislation Amendment Act 2022* (Qld).

⁶⁰ Explanatory Notes to the *Child Protection Reform and Other Legislation Amendment Bill 2021* (Qld) at page 19.

⁶¹ X30 at [91]-[107].

⁶² As reflected in section 3(1) of the IP Act (which provides that the Act's primary object is to provide for a right of access to personal information held by the government), section 40(1) of the IP Act (which establishes a right of individuals to be given access to documents containing their personal information) and various provisions of the RTI Act (for example, schedule 3, section 12(2) and schedule 4, part 2, item 7).

disclosure is prohibited by the cited section of the CP Act, the fact that an exception to such prohibition has occurred means the exemption does not apply to the relevant information in issue.

55. Accordingly, I find that section 187 of the CP Act does not prohibit the release of the Consent Information, and it is not exempt under schedule 3, section 12(1) of the RTI Act.

Notifier Information

56. Having carefully reviewed the Notifier Information, I am satisfied that it is subject to the prohibition on disclosure in section 186A(1) of the CP Act.
57. I have considered the exceptions to this prohibition at section 186A(2) of the CP Act and am satisfied that none apply to the Notifier Information.
58. Accordingly, it is my view that the Notifier Information is exempt information under schedule 3, section 12(1) of the RTI Act.
59. I have also considered the exception to this exemption at schedule 3, section 12(2) of the RTI Act and am satisfied it does not apply to the Notifier Information.

Other matters raised by the applicant

60. The applicant's external review application details her reasons for seeking access to the information.
61. While I acknowledge these reasons, they do not raise matters I am able to take into consideration for the Other Shared Information, Other Individuals' Information or Notifier Information. Once I am satisfied that the relevant information is exempt, there is no scope for me to take into account public interest factors that may favour disclosure. This is because Parliament has already determined that disclosure of the kinds of information listed in schedule 3 of the RTI Act is contrary to the public interest, regardless of any types of public interest that may arise in particular circumstances.⁶³

Mobile phone number

62. I have considered whether access to a mobile phone number of a Department officer can be refused because 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. 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, although there are some recognised public interest considerations that may apply for the benefit of an individual.⁶⁴
63. In assessing whether disclosure of information would, on balance, be contrary to the public interest, section 49(3) of the RTI Act requires a decision maker to disregard any irrelevant factors,⁶⁵ consider relevant factors for and against disclosure⁶⁶ and decide where the balance of the public interest lies according to the relative weight of those factors, as they apply to the particular information in issue.

⁶³ Section 48(2) of the RTI Act.

⁶⁴ Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12.

⁶⁵ Including those in schedule 4, part 1 of the RTI Act.

⁶⁶ 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 matter.

64. No irrelevant factors arise in this case, and I have not taken any into account in making this decision.
65. Mobile numbers form part of a public sector employee's private sphere, as disclosure would allow those individuals to be contacted outside of business hours.⁶⁷ I consider that disclosing this information would cause a public interest harm by revealing the Department officer's personal information, and prejudice their right to privacy.⁶⁸ I afford these factors high weight.
66. I have considered the factors favouring disclosure as set out in schedule 4, part 2 of the RTI Act. I am not satisfied that disclosing the mobile phone number would advance any of these public interest factors, and I find that none apply.
67. While I have had regard to the pro-disclosure bias of the IP and RTI Acts, I am satisfied that the factors favouring nondisclosure of the mobile phone number outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the mobile phone number would, on balance, be contrary to the public interest and access may be refused on this basis.

Information not about the applicant

68. Section 88 of the IP Act provides a mechanism to allow irrelevant information to be deleted from documents that are identified for release to an applicant.
69. In deciding whether information is irrelevant, it is necessary to consider whether the information has any bearing upon, or is pertinent to, the terms of the application.⁶⁹
70. The access application as originally submitted requested '*...my entire Child Safety record to see if and when notifications were made*' within a specified date range.⁷⁰
71. The Department wrote to the applicant on 21 March 2025 advising that, in order for her application to be processed, they required a copy of her ID. In this letter, the Department confirmed that they had construed her request to be for '*Electronic child safety documents relating to the applicant as a subject child*' and asked the applicant to advise if that was inconsistent with the intention of her request.
72. The applicant replied to the Department on 22 March 2025 to provide a copy of her ID. The applicant's response did not say anything about the Department's interpretation of her access request.
73. The applicant has not provided any submissions on this issue.
74. Having reviewed the information the Department has deleted as irrelevant, I confirm that it does not relate to the applicant as a subject child. Accordingly, I find that this information is irrelevant to the access application and can be deleted under section 88 of the IP Act.

⁶⁷ *Underwood and Minister for Housing and Public Works* [2015] QICmr 27 (29 September 2015) at [66]-[68]; applying *Kiepe and University of Queensland* (Unreported, Queensland Information Commissioner, 1 August 2012) at [18]-[21].

⁶⁸ Schedule 4, part 3, item 3 and part 4, section 6 of the RTI Act.

⁶⁹ *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [52] which was a decision made under the equivalent provision in the repealed *Freedom of Information Act 1992* (Qld).

⁷⁰ On 18 March 2025.

75. Given this information is also about the personal affairs of people other than the applicant, I consider access to it can also be refused for the same reasons applicable to the Other Individuals' Information.⁷¹

Sufficiency of searches

76. During the review, the applicant raised concerns about missing documents.⁷² OIC asked the Department to provide details of their searches.⁷³
77. The Department responded to confirm that, while the initial decision-maker who conducted searches did not save their search information:
- (a) electronic documents for the relevant time-period were exclusively saved to the Department's 'ICMS database'; and
 - (b) the Department manually reviewed all entries in the ICMS database against the documents originally located for the application and located an additional 65 pages.⁷⁴
78. The Department processed the additional 65 pages and disclosed these to the applicant during the review.⁷⁵
79. Having considered the Department's searches and submissions about its recordkeeping practices, I am satisfied the Department has conducted appropriately targeted and comprehensive searches of locations where it would be reasonable to expect the requested documents to be stored. I am unable to identify any further steps that would be reasonable to request the Department to undertake to locate relevant documents.
80. Accordingly, I am satisfied that the Department has taken all reasonable steps to locate documents relevant to the access application. I find that access to any further documents may be refused on the basis that they are non-existent or unlocatable.⁷⁶

Conclusion

81. I vary the Department's decision and find that:
- (a) access to the Other Shared Information, Other Individuals' Information and Notifier Information can be refused on the grounds it is exempt information, the disclosure of which is prohibited by sections 186-188 of the CP Act⁷⁷
 - (b) the Consent Information is not exempt information and, in the absence of any grounds to refuse access to this information under the IP Act, I am satisfied it can be released to the applicant
 - (c) access to a mobile phone number of a departmental officer can be refused on the basis that its disclosure would, on balance, be contrary to the public interest⁷⁸
 - (d) certain information can be deleted on the basis it is irrelevant to the terms of the access application;⁷⁹ and

⁷¹ As discussed at paragraphs [28]-[32].

⁷² On 7 May 2026.

⁷³ On 7 May 2026.

⁷⁴ Submissions dated 5 June 2026.

⁷⁵ On 2 June 2026, subject to the refusal of one page and parts of 54 pages.

⁷⁶ Section 67 of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

⁷⁷ Under section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 12(1) of the RTI Act.

⁷⁸ Under section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

⁷⁹ Under section 88(2) of the IP Act.

- (e) access to documents not already located can be refused because they are nonexistent or unlocatable.⁸⁰

82. I have made this decision under section 123 of the IP Act.

⁸⁰ Under section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.