



Decision and Reasons for Decision

Citation: *I91 and Queensland Police Service [2026] QICmr 132 (29 July 2026)*

Application Number: 318805

Applicant: I91

Respondent: Queensland Police Service

Decision Date: 29 July 2026

Catchwords: ADMINISTRATIVE LAW – RIGHT TO INFORMATION – incident reports and intelligence – prejudice to investigative methods or procedures – exempt information – schedule 3, section 10(1)(f) of the *Right to Information Act 2009 (Qld)* – section 67(1) of the *Information Privacy Act 2009 (Qld)* and section 47(3)(a) of the *Right to Information Act 2009 (Qld)*

DECISION

I vary¹ the reviewable decision of Queensland Police Service (**QPS**) and find that access may be refused to all information in the Incident Logs² under section 67(1) of the IP Act and section 47(3)(a) of the RTI Act as it is exempt under schedule 3, section 10(1)(f) of the RTI Act.³

My reasons for decision follow.



Katie Shepherd
Assistant Information Commissioner

Date: 29 July 2026

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

² As defined in paragraph 5 of the reasons for decision.

³ I have made this decision as a delegate of the Information Commissioner under section 139 of the IP Act.

REASONS FOR DECISION

Summary

1. The applicant applied⁴ to the Queensland Police Service (**QPS**) under the IP Act⁵ for access to '*QPS Flags/ messages about myself*' in the form of '*QPS Job cards, 21 September 2020 to 2025*' from a nominated Queensland police station.⁶
2. QPS decided⁷ to neither confirm nor deny the existence of the information sought under section 69 of the IP Act. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review.⁸
3. On external review, QPS withdrew reliance⁹ on the neither confirm nor deny provision and provided OIC with 51 pages responsive to the application (**Incident Logs**). QPS submitted that access to the Incident Logs should be refused on the basis they comprise exempt information.¹⁰
4. The issue for determination in this review is therefore whether access to the Incident Logs may be refused under sections 67(1) of the IP Act and 47(3)(a) of the RTI Act on the basis they comprise exempt information.
5. The evidence, submissions, legislation and other material I have considered in reaching my decision are 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 freedom of expression¹¹ which includes the right to seek and receive information. I consider a decision-maker will be acting compatibly with this right when applying the law prescribed in the RTI Act¹² and, therefore, I have acted in accordance with section 58(1) of the HR Act.

Exempt Information

Relevant law

6. An individual has a right, under the IP Act, to be given access to documents to the extent they contain the individual's personal information.¹³ However, this right is subject to the provisions of the IP Act and RTI Act, including grounds for refusing

⁴ Access application dated 2 June 2025.

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 application was made before this change, the IP Act and RTI Act as in force prior to 1 July 2025 remain applicable in accordance with transitional provisions in chapter 7, part 9 of the RTI Act and chapter 8, part 3 of the IP Act. Accordingly, references to the RTI Act and IP Act in this decision are to those Acts: <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013>> and <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-014>> respectively.

⁶ As amended by agreement between QPS and the applicant on 17 June 2025.

⁷ Decision dated 17 July 2025. This is the *reviewable decision* for the purpose of this review.

⁸ External review application dated 27 July 2025.

⁹ Submissions dated 8 September 2025 and 30 September 2025.

¹⁰ Under schedule 3, section 10 of the RTI Act.

¹¹ Section 21 of the HR Act.

¹² *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) at [573].

¹³ Section 40 of the IP Act.

access to information.¹⁴ Relevantly, schedule 3 of the RTI Act sets out the types of information which Parliament has decided would, on balance, always be contrary to the public interest to disclose.

7. Information will be exempt where disclosure could reasonably be expected to prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law.¹⁵ For this exemption to apply, the following criteria must be satisfied:
 - a) there must exist a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law
 - b) disclosure of the information would create a reasonably based expectation¹⁶ of prejudice to the law method or procedure; and
 - c) the information must not be a type of information described in schedule 3, section 10(2) of the RTI Act.
8. The exemptions in schedule 3 to the RTI Act do not require or allow consideration of public interest factors. This is because Parliament has determined that disclosure of these categories of information would be contrary to the public interest.¹⁷ Accordingly, if information falls within one of the categories of exempt information in schedule 3, a conclusive presumption exists that its disclosure would be contrary to the public interest, and no further consideration is permitted.¹⁸

Findings

9. On external review, QPS submitted that information in the Incident Logs *'relates to intelligence information used to assist attending officers'*.¹⁹ I am unable to describe the information in detail,²⁰ however it broadly consists of information recorded in QPRIME²¹ by QPS in connection with investigations into incidents involving the applicant.
10. QPS submitted that the *'intelligence information ... forms an integral part of the QPS's methods and procedures for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law.'*²² Having examined the information contained within the Incident Logs, and taking into account QPS's submissions, I am satisfied that the gathering and recording of detailed information

¹⁴ 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.

¹⁵ Schedule 3, section 10(1)(f) of the RTI Act.

¹⁶ A reasonable expectation is one that is reasonably based, and not irrational, absurd or ridiculous: *Sheridan and South Burnett Regional Council and Others* (Unreported, Queensland Information Commissioner, 9 April 2009) at [189] – [193], referring to *Attorney-General v Cockcroft* (1986) 64 ALR 97. This test requires a decision-maker to distinguish 'between what is merely possible – and expectations that are reasonably based and for which real and substantial grounds exist.

¹⁷ Section 48(2) of the RTI Act.

¹⁸ *Dawson-Wells v Office of the Information Commissioner & Anor* [2020] QCATA 60 at [17].

¹⁹ Submission to OIC dated 8 September 2025.

²⁰ Due to the limitations imposed by section 121(3) of the IP Act.

²¹ The Queensland Police Records Information Management Exchange is the centralised operational recordkeeping database used by QPS to record offence, intelligence and investigation information.

²² Submission to OIC dated 8 September 2025.

in the Incident Logs within the QPRIME database forms an integral part of QPS's lawful methods and procedures for preventing, detecting, investigating or dealing with contraventions or possible contraventions of the law. Further, I am satisfied the Incident Logs form part of a QPS internal communication system to inform QPS officers, who are dealing with incidents at any given time, of relevant information, including background and contextual details specific to a case and/or concerned individuals.

11. I am satisfied that given the particular nature of the information in the Incident Logs and the intelligence purpose that it serves, disclosure could reasonably be expected to prejudice QPS's methods and procedures. To my mind, it would reveal the nature and extent of information that is gathered by QPS in relation to investigation of an incident, disclose the steps taken to obtain information, including, for example, intelligence and surveillance methods, and could reasonably be expected to result in reduced cooperation from members of the public who are involved in, and provide information to QPS in connection with particular incidents. For these reasons, I find that the Incident Logs comprise exempt information under schedule 3, section 10(1)(f) of the RTI Act.
12. Schedule 3, section 10(2) of the RTI Act outlines a number of exceptions to the exemption. I have considered these exceptions and am satisfied that, based on the information available to me, none of the exceptions apply to displace the exemption.
13. The applicant submitted²³ that *'this information is about myself and no other person is deprived by this information being provided to me'*. I acknowledge that generally there is a public interest in a person obtaining access to their personal information held by a government agency. However, here, for the reasons set out in paragraph 8 above, public interest factors cannot be taken into account as the requirements of the exemption have been established.

Conclusion

14. For the above reasons, I find that access to all information in the Incident Logs may be refused under section 67(1) of the IP Act and section 47(3)(a) of the RTI Act on the basis that it is exempt under schedule 3, section 10(1)(f) of the RTI Act.

²³ Submission dated 19 April 2026.