



Decision and Reasons for Decision

Citation: *R55 and Queensland Building and Construction Commission [2023] QICmr 39 (23 August 2023)*

Application Number: 316660

Applicant: R55

Respondent: Queensland Building and Construction Commission

Decision Date: 23 August 2023

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - IRRELEVANT INFORMATION - application for documents about the applicant - whether information may be deleted on the basis it is irrelevant - section 88 of the *Information Privacy Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - LEGAL PROFESSIONAL PRIVILEGE - communications between internal agency legal advisers - whether information would be privileged from production in a legal proceeding on the ground of legal professional privilege - whether access to information may be refused on the basis that it is exempt - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(a) and 48 and schedule 3, section 7 of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - personal and confidential information - accountability, transparency, fair treatment and administration of justice - personal information, privacy and ability to obtain information - 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 - NONEXISTENT OR UNLOCATABLE DOCUMENTS - whether agency has taken all reasonable steps to locate requested documents - whether access to further documents may be refused on the basis they are nonexistent or unlocatable - section 67(1) of the *Information Privacy Act 2009* (Qld) and sections 47(3)(e) and 52(1) of the *Right to Information Act 2009* (Qld)

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Queensland Building and Construction Commission (QBCC) under the *Information Privacy Act 2009* (Qld) (IP Act) to access certain documents, which generally relate to his licence.
2. QBCC located 2612 pages relevant to the application, disclosed 2427 pages to the applicant and decided² to refuse access to 64 pages and parts of 121 pages on various grounds.
3. The applicant sought internal review of QBCC's decision and raised a concern that 'a substantial amount of information' was missing. On internal review, QBCC located additional documents,³ disclosed further information to the applicant and decided⁴ to refuse access to 65 pages and parts of 144 pages.
4. The applicant then applied⁵ to the Office of the Information Commissioner (OIC) for external review of QBCC's internal review decision.
5. On external review, QBCC disclosed further information to the applicant. Notwithstanding those further disclosures, the applicant maintained that QBCC has not located all the documents he applied to access.
6. For the reasons set out below, I vary QBCC's decision and find that:
 - certain information may be deleted under section 88 of the IP Act, on the basis it is irrelevant to the scope of the application
 - access may be refused to the undisclosed information remaining in issue in this review, on the grounds that it is exempt, due to legal professional privilege, and its disclosure would, on balance, be contrary to the public interest;⁶ and
 - access to any further documents may be refused on the basis they do not exist or cannot be located.⁷

Background

7. QBCC is the State's building and construction industry regulator and, relevant to this review, QBCC has responsibility for the licensing of building contractors.⁸
8. The applicant's licence was cancelled in September 2016. Following correspondence between the applicant and QBCC, the applicant's licence was reinstated in December 2016.⁹

¹ Access application dated 16 November 2021.

² Decision dated 10 February 2022.

³ As a result, in excess of 3,400 pages and 11 audio recordings were located by QBCC as relevant to the access application.

⁴ Internal review decision dated 31 March 2022.

⁵ External review application dated 12 April 2022.

⁶ Under section 67(1) of the IP Act and sections 47(3)(a), 47(3)(b), 48 and 49 of the *Right to Information Act 2009* (Qld) (RTI Act). Section 67(1) of the IP Act sets out that an agency may refuse access to information in the same way and to the same extent that the agency could refuse access to the document under section 47 of the RTI Act were the document the subject of an access application under the RTI Act.

⁷ Pursuant to section 67(1) of the IP Act and sections 47(3)(e) and 52 of the RTI Act.

⁸ Refer to Part 3 of the *Queensland Building and Construction Commission Act 1991* (Qld).

⁹ The reinstatement was recorded in QBCC's licence register in January 2017 and the applicant was provided with a partial refund of his licence fee.

9. In April 2017, the applicant lodged a complaint with the Queensland Ombudsman (**QO**) about his licence cancellation (**Complaint**) and QO referred the Complaint back to QBCC for a response.¹⁰ The applicant was not satisfied with QBCC's responses and, in August 2017, QO notified the applicant and QBCC that it would investigate the Complaint.¹¹ Following further communications with QBCC,¹² QO decided in January 2018 that further investigation of the Complaint was unnecessary and QO closed its complaint file.
10. At QBCC's invitation,¹³ the applicant subsequently lodged an ex-gratia claim with QBCC concerning his licence cancellation¹⁴ and the information which the applicant provided to OIC during the external review indicates that claim has been finalised.
11. In late 2021, the applicant applied to QBCC to access the following information under the IP Act:

*My Original Builders application form, . My entire personal file history since my invalidly issued licence cancelation [sic] showing case notes, . File notes, . recording with QBCC legal services licensing and myself, . All emails and notes relating to my exgratia offer and coropspondance [sic] between QLD ombudsman, Minister of housing. The meeting minutes that support the boards decision and emails back and forth between QBCC and the board highlighting what was submitted by QBCC and the QLD boards reasons for declining items 2-7. All contact occasions and notes. All costs incurred by QBCC on my file to substantiate the External delays of 3 years. Reasons provided from QBCC to the ombudsman office that substantiated the 3 year delay which was used by the ombudsman office to close the complaint about timeframes as fair and reasonable.*¹⁵

12. The access application is, in part, broadly framed, seeking the applicant's 'entire personal file history' and 'all contact occasions and notes' within a seven-year period.¹⁶ While an applicant may believe that an agency maintains a single repository for all the agency's records relating to them¹⁷—and a search for such broadly framed requests would therefore be simple—this is often not the case. In this matter:
 - QBCC did not seek to clarify the broad components of the application scope during its processing of the application, notwithstanding it stores information across a number of different record keeping systems

¹⁰ QBCC issued a response to the applicant on 5 June 2017. QBCC also provided further responses to the applicant in July and August 2017, to address the applicant's requests for further information. Information concerning these interactions was also disclosed to the applicant in response to the access application.

¹¹ Some of the information attached to the applicant's 17 November 2022 submissions refers to QO notifying the applicant on 8 August 2017 that it had decided to investigate the applicant's Complaint. The 10 August 2017 notification to QBCC in this regard was disclosed to the applicant during this external review.

¹² In November 2017, QO conveyed its proposed opinions and recommendations to QBCC and QBCC responded to those proposed opinions and recommendations. Information concerning these interactions between QO and QBCC was disclosed to the applicant during this external review. Some of the information the applicant provided in support of his submissions also indicates that QO had previously notified the applicant of its proposed opinions and recommendations and the responses QO had received from QBCC in that regard.

¹³ On 23 May 2018.

¹⁴ On 13 November 2019. I also note that some of the information the applicant provided in support of his submissions confirmed his claim was lodged on this date.

¹⁵ The date range specified in the access application was nominated as '2014', however, QBCC interpreted this to mean the applicant sought documents in the period 2014 to 16 November 2021 (being the date the access application was made).

¹⁶ Section 43(2)(b) of the IP Act provides that an access application must 'give sufficient information concerning the document to enable a responsible officer of the agency or the Minister to identify the document'. The Information Commissioner has previously observed that there are sound practical reasons for requiring the documents sought in an access application to be clearly and unambiguously identified, including that the terms of the access application set the parameters for an agency's response and the direction of an agency's search efforts (refer, for example, to *Van Veenendaal and Queensland Police Service* [2017] QICmr 36 (28 August 2017) at [15]).

¹⁷ Many of the applicant's submissions indicate that he considers all information about him is stored on a central file held in his name (for example, the applicant's 17 November 2022 submissions reference 'documents on my file' and, in his submissions dated 19 June 2023, the applicant argued that 'Your definition of obtaining a copy of one's personal file allows government organisations and OIC the ability to cherry pick what they actually want to provide from your file in the specified timeframe which is contrary to what I believe is the legal definition of access to a personal file constitutes').

- as noted above, in processing the application (and after internal review), QBCC had located several thousand documents as relevant to the application scope; and
 - given his widely framed request, the applicant remained concerned that QBCC had not located all the documents he requested.
13. As the external review application did not identify any specific issues which the applicant wished to be considered on external review, OIC asked the applicant to identify the particular information refusals he was concerned about and the specific documents he considered to be missing.¹⁸
14. In reply,¹⁹ the applicant raised generalised concerns about missing information²⁰ and listed 11 specific issues he wished addressed. As some of those specific issues did not identify the refusal of particular information the applicant wished reviewed or a specific document (or type of document) he considered to be missing, I notified the applicant²¹ that the external review would only consider the applicant's:
- (a) concern that 'banners' on disclosed case notes were missing
 - (b) concern about missing information related to his dealings with QBCC regarding his complaint about a breach of privacy
 - (c) concern that a second file in his name was missing, which he submitted was confirmed to exist in his dealings with QBCC regarding his complaint about a breach of privacy; and
 - (d) entitlement under the IP Act to access the information which QBCC had refused as exempt, on the basis of legal professional privilege, in the file titled 'Preliminary Insurers advice'.
15. However, the applicant continued to raise generalised concerns about missing information.²²
16. On a number of occasions during the review, I asked QBCC to conduct further searches for documents relevant to the access application.²³ This was only possible where the applicant had provided sufficient details about the further documents he considered should have been located in response to the access application, which enabled me to determine whether such documents would, if they existed, be relevant to its terms.
17. The applicant raised concerns that additional documents were located on each occasion when QBCC conducted further searches.²⁴ Under the IP Act, the procedure to be taken on external review is, subject to the Act, at the discretion of the Information Commissioner.²⁵ I acknowledge that QBCC located approximately 500 additional pages of responsive information during the review²⁶ and that some of those additional

¹⁸ Letter dated 20 May 2022.

¹⁹ Applicant's email dated 8 June 2022.

²⁰ For example, the applicant stated: '*when you read through the thousands of documents you will observe that the documents provided under the rti do not align with the file notes and the sequential numbers are missing, the date and time, description and user of is missing. These are items that QBCC rti has previously confirmed to OIC that there is no discretion about and are system generated in a chronological occurrence as it is through the file note that the attachment and emails are given the universal sequential number. The user who is deleting or adding information is also logged with a date and time as without this facilitates a breach of privacy as qbcc has no control or way to determine who has added the false and misleading information to a file or is unlawfully accessing the file*'.

²¹ By email dated 6 September 2022.

²² For example, on 7 September 2022 the applicant submitted that he had '*hundreds of emails that supports my position however believe that this should satisfy that qbcc rti has not acted truthfully in their submissions where they state they have adequately performed their searches and provided a copy of the information on my file*'.

²³ As set out in the Appendix.

²⁴ Submissions dated 13 June 2023.

²⁵ Section 108(1)(a) of the IP Act.

²⁶ Taking into account this additional located information, in excess of 3900 pages and 11 audio recording have been located as responsive to the application and the majority of this information was disclosed to the applicant.

documents were located by QBCC at a late stage of the review. While I accept that the time taken to complete this review has not met the applicant's expectations, I also note that the additional documents which were located by QBCC during the review have addressed a number of the applicant's particularised concerns about missing documents.

18. The applicant also raised concerns about the time QBCC was afforded to conduct further searches on external review and argued that, on one occasion, he had been denied '*the most crucial form of procedural fairness which would be an equal opportunity to review information and provide a response compared to the timeframes you are affording qbcc.*'²⁷ After the applicant raised this concern, he was afforded additional time for his responses.²⁸ In these circumstances, I am satisfied that the applicant has been afforded reasonable time to properly respond to OIC and has been afforded due process in this review.
19. Significant procedural steps relating to the external review are set out in the Appendix.

Reviewable decision

20. The decision under review is QBCC's internal review decision dated 31 March 2022.

Evidence considered

21. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes and the Appendix).
22. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.²⁹ I consider that a decision-maker will, when observing and applying the law prescribed in the IP and RTI Acts, be '*respecting*' and '*acting compatibly with*' this right and others prescribed in the HR Act.³⁰ I further consider that, having done so when reaching my decision, I have acted compatibly with and given proper consideration to relevant human rights, as required under section 58(1) of the HR Act.³¹

Information in issue and issues for determination

23. Some of the review issues were resolved by the further information disclosures made during the course of this review, namely:

²⁷ Submissions dated 19 June 2023. The applicant first raised a concern about response timeframes in his submissions dated 13 June 2023.

²⁸ On 12 June 2023, I invited the applicant to respond by 20 June 2023 if he wished to contest the removal of information from additional documents which were disclosed to him on 13 June 2023. Initially, I extended the response timeframe to 22 June 2023, given the applicant also raised concerns about the time taken to complete the review. However, as the applicant maintained he should be afforded additional time for his response, I wrote to the applicant on 22 June 2023 to list all the remaining review issues, convey a preliminary view in respect of those issues and invite the applicant to provide a response by 21 July 2023. It is the practice of OIC to convey a preliminary view, based on an assessment of the material before the Information Commissioner or her delegate at that time, to an adversely affected participant. This is to explain the issues under consideration to the participant and affords them the opportunity to put forward any further information they consider relevant to those issues. It also forms part of the Information Commissioner's processes for early resolution of external reviews.

²⁹ Section 21 of the HR Act.

³⁰ See *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; and *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111].

³¹ I also note the observations made by Bell J in *XYZ* at [573], on the interaction between the Victorian equivalents of Queensland's IP and RTI Acts and HR Act: '*it is perfectly compatible with the scope of that positive right in the Charter for it to be observed by reference to the scheme of, and principles in, the Freedom of Information Act*'. 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] (noting that Judicial Member McGill saw '*no reason to differ*' from our position).

- QBCC disclosed further copies of the previously located case notes to the applicant (which included the missing 'banners' referenced in paragraph 14(a) above)
 - QBCC disclosed the refused information referenced in paragraph 14(d) above
 - while QBCC initially submitted that documents referenced in paragraph 14(b) above fell outside the scope of the application, QBCC located and disclosed documentation related to the applicant's dealings with QBCC regarding his complaint about a breach of privacy, subject to the removal of certain information;³² and
 - QBCC located further documents generally relating to the applicant's assertion that '*the ombudsman recommendations*' were not located by QBCC³³ and disclosed those further documents to the applicant on 13 June 2023 (**Additional Documents**), subject to the removal of certain information.
24. The information remaining in issue appears on 20 pages of the Additional Documents and broadly comprises:
- a portion of information on one page³⁴ of the Additional Documents which QBCC deleted on the basis it is irrelevant to the access application (**Third Party Information**)
 - a two page email³⁵ within the Additional Documents which QBCC deleted on the basis it comprised exempt information, being subject to legal professional privilege (**Legal Email**)
 - the remaining portions of information which QBCC redacted from 18 pages³⁶ of the Additional Documents (**Remaining Refused Information**).
25. The issues remaining for determination are whether:
- the Third Party Information is irrelevant to the access application
 - access to the Legal Email and Remaining Refused Information may be refused; and
 - access to further documents relevant to the terms of the application may be refused on the ground they are nonexistent or unlocatable.
26. The applicant provided a number of submissions on external review.³⁷ Some of those submissions raised matters that I am unable to address in this external review.³⁸

³² As the applicant did not contest my preliminary view that he was not entitled under the IP Act to access that removed information, its nondisclosure is not in issue and that information is not dealt with in this decision.

³³ In this regard, I note that, on 8 June 2022, the applicant submitted that '*The simple documents like the ombudsman recommendations and the attachments to the emails are not included in the submission. The suggestion that for the last 5 years qbcc has not held this document is impossible given it's an attachment to the emails*'. I informed the applicant (on 6 September 2022) that, as it was unclear what particular QO recommendations he considered to be missing, his concern could not be addressed. Although the applicant again raised a generalised concern that '*the ombudsman recommendation*' was missing in his submissions dated 24 March 2023, he only provided more details about the particular document he considered to be missing in his submissions dated 3 May 2023 (received at 5.14am), which allowed me to ask QBCC to conduct further targeted searches for that particular document.

³⁴ Being the page numbered 288 in File titled '*AD-322008*'.

³⁵ Being pages 1-2 in file titled '*Legal Email*'.

³⁶ Being pages numbered 273, 275, 277, 278, 279, 286, 288, 289, 291, 292, 299, 302, 305, 307, 314, 316, 322 and 329 in the file titled '*AD-322008*'.

³⁷ As set out in the Appendix.

³⁸ For example, in his submissions dated 8 June 2022, the applicant asserted that he had received '*a voluminous amount of information provided by qbcc in a form that is not user friendly*' and in his submissions dated 17 November 2022, the applicant raised a concern that, when issuing the decision under review, QBCC had '*withheld*' the amended schedule B '*stating why information was redacted*'. In other submissions, the applicant raised concerns about the actions of specific officers (30 March 2023). External review by the Information Commissioner is a merits review process and, as notified to the applicant on 22 June 2023, the IP Act does not give OIC jurisdiction to investigate concerns about an agency's conduct or processes, the way an agency has handled a particular application or the adequacy of agency record keeping practices. Therefore, I cannot consider or address the applicant's concerns in this decision. However, for completeness, I note that QBCC provided the requested amended schedule to the applicant on 8 April 2022 (under its Administrative Access scheme) and the applicant's submissions indicate that the applicant has already referred the conduct he is concerned about to a complaint handling body/bodies.

27. To the extent the applicant's submissions are relevant to the issues for determination in this review, I have addressed them below.

Third Party Information

28. Under section 40 of the IP Act, an individual has a right to be given access to documents of an agency to the extent they contain the individual's personal information.³⁹ Section 88 of the IP Act permits information that is not relevant to the access application to be deleted from the document before giving access to a copy of the document.
29. The applicant argued that '*...the use of section 88 to redact information is clearly inappropriate use of redaction as the external review was received by oic in-time therefore the request qbcc and oic should not be allowed to engage in this conduct*'.⁴⁰
30. Having carefully considered the terms of the access application and the Third Party Information, I am satisfied that the Third Party Information relates to a matter involving an individual other than the applicant and it does not relate to the applicant or his licence.
31. On this basis, I find that the Third Party Information is not relevant to the access application and was validly deleted from the Additional Documents on that basis.⁴¹

Legal Email

Relevant law

32. The access right under the IP Act is also subject to limitations, including grounds for refusal of access.⁴² One ground for refusing access is where information is exempt, in accordance with schedule 3 of the RTI Act.
33. Schedule 3, section 7 of the RTI Act provides that information will be exempt from disclosure if it would be privileged from production in a legal proceeding on the ground of legal professional privilege.⁴³
34. Legal professional privilege attaches to confidential communications between a lawyer and client made for the dominant purpose of seeking or giving legal advice or professional legal assistance, or preparing for, or for use in, or in relation to, existing or reasonably anticipated legal proceedings.⁴⁴
35. The privilege may protect communications between salaried employee legal advisers of a government department or statutory authority and his/her employer as the client (including communications through other employees of the same employer) provided

³⁹ '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*'.

⁴⁰ Submissions dated 19 June 2023.

⁴¹ Under section 88 of the IP Act.

⁴² The grounds on which access can be refused are set out in section 47 of the RTI Act. As noted above, 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.

⁴³ In *Ozcare and Department of Justice and Attorney-General* (Unreported, Queensland Information Commissioner, 13 May 2011) at [12], the Information Commissioner noted that this exemption reflects the requirements for establishing legal professional privilege at common law.

⁴⁴ The general principles of legal professional privilege were summarised by the High Court of Australia in *Daniels Corporation International Pty Ltd v Australian Competition and Consumer Commission* (2002) 213 CLR 543 at 552 as follows: '*It is now settled that legal professional privilege is a rule of substantive law which may be availed of by a person to resist the giving of information or the production of documents which would reveal communications between a client and his or her lawyer made for the dominant purpose of giving or obtaining legal advice or the provision of legal services, including representation in legal proceedings*'. These principles were more recently confirmed by the High Court in *Glencore International AG v Commissioner of Taxation* [2019] HCA 26 at [23]-[25].

there is a professional relationship of legal adviser and client, which secures to the advice an independent character, notwithstanding the employment.⁴⁵ The dominant purpose has been described as '*the ruling, prevailing or most influential purpose*',⁴⁶ and it is to be determined objectively, having regard to the evidence, the nature of the documents and the parties' submissions.⁴⁷

36. Qualifications and exceptions to legal professional privilege⁴⁸ may, in particular circumstances, affect the question of whether information attracts or remains subject to it, and therefore whether it comprises exempt information under the RTI Act.

Findings

37. The applicant submitted that '*no legal privilege exists in corospondance [sic] between government [sic] organisations or the insurance or qbcc agents where neither party in the corospondances [sic] is capable of meeting the requirements of legal advice therefore cannot be made in the course of a lawyer client relationship and cannot be redacted*'.⁴⁹

38. While the applicant has speculated that the Legal Email is a communication with an entity or individual outside QBCC, it is not a communication of that nature. While I cannot reveal the particular content of the Legal Email, I can confirm that it broadly comprises a communication with members of QBCC's internal legal service team concerning the applicant's Complaint to QO.⁵⁰ The Legal Email is, on its face, confidential and there is no evidence before me to indicate that the Legal Email has been disclosed outside of QBCC's legal service team. There is also nothing before me which:

- calls into question the independence of the QBCC's internal legal advisers; or
- indicates that QBCC, as the party entitled to the benefit of legal professional privilege, has waived privilege, either expressly or impliedly.

39. For the above reasons, I am satisfied that the Legal Email meets the requirements of legal professional privilege and that the exceptions do not apply. Accordingly, I find access to the Legal Email may be refused as it comprises exempt information.⁵¹

Remaining Refused Information

Relevant law

40. Access to information may also be refused where its disclosure would, on balance, be contrary to the public interest.⁵² 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.⁵³

⁴⁵ *Waterford v Commonwealth* (1987) 163 CLR 54 at 95 per Mason and Wilson JJ.

⁴⁶ *Federal Commissioner of Taxation v Spotless Services Ltd* (1996) 186 CLR 404 at page 416.

⁴⁷ In *AWB Limited v Honourable Terrance Rhoderic Hudson Cole (No 5)* (2006) 155 FCR 30 at 44, Justice Young observed that '[T]he purpose for which a document is brought into existence is a question of fact that must be determined objectively'. I also note that the High Court confirmed in *Commissioner of Australian Federal Police v Propend Finance Pty Ltd* (1997) 188 CLR 501 that legal professional privilege will generally extend to copies of unprivileged documents made for the dominant purpose of obtaining legal advice or for use in legal proceedings.

⁴⁸ Such as waiver or improper purpose.

⁴⁹ Submissions dated 19 June 2023.

⁵⁰ Section 121 of the IP Act, which relevantly prevents OIC from revealing information claimed to be exempt or contrary to the public interest information.

⁵¹ Under section 67 of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 7 of the RTI Act.

⁵² Sections 47(3)(b) and 49 of the RTI Act.

⁵³ However, there are some recognised public interest considerations that may apply for the benefit of an individual.

41. In deciding where the balance of the public interest lies, the RTI Act requires a decision maker to identify factors for and against disclosure, disregard irrelevant factors⁵⁴ and decide, on balance, whether disclosure would be contrary to the public interest.⁵⁵

Findings

42. While I am limited in the extent to which I can describe the Remaining Refused Information,⁵⁶ I can confirm that it contains a level of duplication⁵⁷ and broadly comprises:

- information about individuals other than the applicant, such as their names and contact details and references which could reasonably lead to their identification (**Additional Third Party Information**); and
- information summarising or referencing the action to be taken (or proposed to be taken) by QBCC to respond to one of QO's proposed recommendations arising from its investigation of the Complaint (**Recommendation Information**).⁵⁸

43. I have not taken any irrelevant factors into account in making this decision.

Factors favouring disclosure

44. The RTI Act recognises that public interest factors favouring disclosure will arise where disclosing information could reasonably be expected to:

- enhance the government's accountability⁵⁹
- inform the community of the Government's operations, including, in particular, the policies, guidelines and codes of conduct followed by the Government in its dealings with members of the community;⁶⁰ and
- reveal the reason for a government decision and any background or contextual information that informed the decision.⁶¹

45. I consider the information which QBCC has disclosed to the applicant (both initially and on external review) has substantially advanced the disclosure factors relating to QBCC's accountability and transparency, including by enabling scrutiny of QBCC's actions concerning the applicant's licence and his complaints (including the Complaint) and providing background information which informed those actions. Taking into account the limited nature of the Remaining Refused Information, I do not consider its disclosure would further advance these factors⁶² in any significant way and accordingly, I afford them only low weight.

⁵⁴ Including those at schedule 4, part 1 of the RTI Act.

⁵⁵ Section 49(3) of the RTI Act.

⁵⁶ Section 121 of the IP Act prevents me from providing a more detailed description of the Exempt Information.

⁵⁷ For example, the portion removed on page 273 is duplicated on pages 299, 314, 322 and 329; the information removed on pages 277-278 is duplicated on pages 291-292 and the information removed on page 279 is duplicated on pages 302 and 305.

⁵⁸ QBCC redacted this information from the Additional Documents using the code 'Sch. 3(7)' and, in submissions dated 19 June 2023, the applicant contested that the Recommendation Information was exempt (on the basis of legal professional privilege). However, I conveyed a preliminary view to the applicant on 22 June 2023 that disclosure of the Recommendation Information would, on balance, be contrary to the public interest and access to it may be refused on that basis. The applicant's subsequent submissions did not directly address that preliminary view.

⁵⁹ Schedule 4, part 2, item 1 of the RTI Act.

⁶⁰ Schedule 4, part 2, item 3 of the RTI Act.

⁶¹ Schedule 4, part 2, item 11 of the RTI Act.

⁶² Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

46. Taking into account the particular nature of the Remaining Refused Information, I cannot identify any other public interest considerations favouring its disclosure.⁶³

Factors favouring nondisclosure

47. The RTI Act recognises that there is a public interest harm⁶⁴ in disclosing an individual's personal information to someone else and that disclosing information which could reasonably be expected to prejudice the protection of an individual's right to privacy gives rise to a public interest factor favouring nondisclosure.⁶⁵ The concept of 'privacy' is not defined in the IP Act or the RTI Act. It can, however, essentially be viewed as the right of an individual to preserve their 'personal sphere' free from interference from others.⁶⁶
48. I am satisfied that the Additional Third Party Information comprises the personal information⁶⁷ of private individuals other than the applicant.
49. This information appears within correspondence that generally relates to a complaint investigation by QO. Given this, I am satisfied that its disclosure would be a significant intrusion into the privacy of these private individuals and the extent of the harm that could be expected to arise from its disclosure would be significant. On this basis, I afford significant weight to these factors which favour nondisclosure of the Additional Third Party Information.
50. A public interest factor favouring nondisclosure will also arise where disclosing information could reasonably be expected to prejudice an agency's ability to obtain confidential information.⁶⁸ Given the nature of the Recommendation Information and the context in which it appears, I am satisfied it was communicated in confidence and on the expectation that it would remain confidential. Notwithstanding QO's investigation of the Complaint has been finalised, I consider the routine disclosure of an agency's confidential notification to QO about how it planned to address a proposed investigation recommendation could discourage the open and timely participation of agencies in future complaint investigations. On this basis, I consider these nondisclosure considerations are also deserving of significant weight in respect of the Recommendation Information.

Balancing of the factors

51. I have taken into account that the IP Act is to be administered with a pro-disclosure bias.⁶⁹ For the reasons set out above, I am satisfied that the nondisclosure factors relating to the protection of privacy and personal information of other individuals are

⁶³ Having carefully considered all factors listed in schedule 4, part 2 of the RTI Act, I cannot see how disclosing the Remaining Refused Information could, for example, contribute to positive and informed debate on important issues or matters of serious interest (schedule 4, part 2, item 2 of the RTI Act); ensure oversight of expenditure of public funds (schedule 4, part 2, item 4 of the RTI Act); allow or assist enquiry into, reveal or substantiate, agency or official conduct deficiencies (schedule 4, part 2, items 5 and 6 of the RTI Act); advance the fair treatment of the applicant or any other individual (schedule 4, part 2, item 10 of the RTI Act); reveal that the information was incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant (schedule 4, part 2, item 12 of the RTI Act); contribute to the administration of justice, generally or for the applicant (schedule 4, part 2, items 16 and 17 of the RTI Act); or contribute to the enforcement of the criminal law (schedule 4, part 2, item 18 of the RTI Act). In the event that further relevant factors exist in favour of disclosure, I am satisfied that there is no evidence before me to suggest that any would carry sufficient weight to outweigh the significant weight that I have afforded to the public interest factors that favour the nondisclosure of the Remaining Refused Information.

⁶⁴ Schedule 4, part 4, section 6 of the RTI Act.

⁶⁵ Schedule 4, part 3, item 3 of the RTI Act.

⁶⁶ Paraphrasing 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 12 August 2008, at paragraph 1.56.

⁶⁷ Refer to definition in footnote 39.

⁶⁸ Schedule 4, part 3, item 16 of the RTI Act. Schedule 4, part 4, section 8(1) of the RTI Act also recognises that disclosure of information could reasonably be expected to cause a public interest harm if the information consists of information of a confidential information that was communicated in confidence and disclosure of the information could reasonably be expected to prejudice the future supply of information of this type.

⁶⁹ Section 64 of the IP Act.

deserving of significant weight in respect of the Additional Third Party Information. I am also satisfied that, for the Recommendation Information, factors relating to the ability of agencies to obtain confidential information significantly favour nondisclosure.

52. On the other hand, and taking into account the nature of the Remaining Refused Information, I have afforded only low weight to the disclosure factors relating to QBCC's accountability and transparency.
53. On balance, I am satisfied that the public interest factors favouring nondisclosure outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Remaining Refused Information would, on balance, be contrary to the public interest and access may be refused on this basis.⁷⁰

Further documents

Relevant law

54. The Information Commissioner's external review functions include investigating and reviewing whether agencies have taken reasonable steps to identify and locate documents applied for by applicants.⁷¹ However, access to a document may be refused if it is nonexistent or unlocatable.⁷²
55. To be satisfied that a document is nonexistent, an agency must rely on their particular knowledge and experience and have regard to a number of key factors which include:⁷³
 - the administrative arrangements of government
 - the agency's structure
 - the agency's functions and responsibilities⁷⁴
 - the agency's practices and procedures (including but not exclusive to its information management approach); and
 - other factors reasonably inferred from information supplied by the applicant including the nature and age of the requested document/s and the nature of the government activity to which the request relates.
56. When proper consideration is given to relevant factors, it may not be necessary for searches to be conducted. However, if searches are relied on to justify a decision that the documents do not exist, all reasonable steps must be taken to locate the documents. What constitutes reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the particular circumstances.
57. To determine whether a document exists, but is unlocatable, the RTI Act requires consideration of whether there are reasonable grounds for the agency to be satisfied that

⁷⁰ Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

⁷¹ Section 137(2) of the IP Act. The Information Commissioner also has power under section 115 of the IP Act to require additional searches to be conducted during an external review. The Queensland Civil and Administrative Tribunal confirmed in *Webb v Information Commissioner* [2021] QCATA 116 at [6] that the RTI Act 'does not contemplate that [the Information Commissioner] will in some way check an agency's records for relevant documents' and that, ultimately, the Information Commissioner is dependent on the agency's officers to do the actual searching for relevant documents.

⁷² Sections 47(3)(e) and 52(1) of the RTI Act. A document is nonexistent if there are reasonable grounds to be satisfied the document does not exist—section 52(1)(a) of the RTI Act. A document is unlocatable if it has been or should be in the agency's possession and all reasonable steps have been taken to find the document but it cannot be found—section 52(1)(b) of the RTI Act.

⁷³ These factors are identified in *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) (*Pryor*) at [19], which adopted the Information Commissioner's comments in *PDE and the University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) at [37]-[38]. These factors were more recently considered in *Van Veenendaal and Queensland Police Service* [2017] QICmr 36 (28 August 2017) at [23]-[25] and *P17 and Queensland Corrective Services* [2020] QICmr 68 (17 November 2020) at [17]-[19].

⁷⁴ Particularly with respect to the legislation for which it has administrative responsibility and the other legal obligations that fall to it.

the requested document has been or should be in the agency's possession; and whether the agency has taken all reasonable steps to find the document. In answering these questions, regard should again be had to the circumstances of the case and the relevant key factors.⁷⁵

58. Generally, 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.⁷⁶ However, where an external review involves the issue of missing documents, as is the case here, the applicant has a practical onus to establish reasonable grounds to believe that the agency has not discharged its obligation to locate all relevant documents. Suspicion and mere assertion will not satisfy this onus.⁷⁷

Findings

59. As noted above, I asked QBCC during the review to conduct further searches for information requested in the access application⁷⁸ and additional documents were located by QBCC and these were almost entirely disclosed to the applicant.⁷⁹
60. QBCC relied on searches conducted by its officers to justify its position that reasonable steps have been taken to locate documents relevant to the application and provided information to me about its recordkeeping systems and searches, as set out below.
61. Despite the further disclosures made during the course of the review, the applicant generally maintained that QBCC has deliberately withheld documents from him. More specifically, he submitted that:
- QBCC has the ability to provide *'a total overview of the file from date of creation to the date of rti which has not been provided'*⁸⁰
 - further correspondence between QBCC and its insurers regarding his cancelled licence is missing⁸¹
 - *'the sequential numbers are missing, the date and time, description and user of is missing'*⁸² and QBCC has redacted *'the automatically generated numbers on every attachment'* and has not provided *'the user who attached this'*⁸³
 - *'[a]s a matter of law qbcc is required to keep a record of many of the documents on [the applicant's] file they state do not Exist or cannot be located which confirms that what has occurred is known to be false and misleading conduct by the RTI department'*⁸⁴
 - *'Other government organisations have confirmed information I am seeking exists in multiple email trails which suggests the RTI has not adequately completed searches as when qbcc deletes information it also will create a log of information within my search.'*⁸⁵

⁷⁵ Pryor at [21].

⁷⁶ Section 100(1) of the IP Act.

⁷⁷ Parnell and Queensland Police Service [2017] QICmr 8 (7 March 2017) at [23]; 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].

⁷⁸ For example, on 19 January 2023 and 5 June 2023.

⁷⁹ On 6 September 2022, 6 April 2023 and 13 June 2023.

⁸⁰ Submissions dated 8 June 2022.

⁸¹ Submissions dated 17 November 2022.

⁸² Submission dated 8 June 2022.

⁸³ Submissions dated 13 September 2022. On 17 November 2022, the applicant also submitted that *'document numbers and documents linked to the email have been withheld in full'*.

⁸⁴ Submissions dated 17 November 2022 and 30 March 2023.

⁸⁵ Submissions dated 30 March 2023.

62. As QBCC has relied on searches by its officers to demonstrate that all relevant documents have been located, the question I must consider is whether QBCC has taken *all reasonable steps* to locate documents responsive to the application. This entails consideration of whether QBCC has engaged appropriate staff to conduct sufficient searches of all locations where the documents in question could reasonably be expected to be found.
63. In summary, the information QBCC provided about its searches shows that:
- searches were initially conducted of QBCC's electronic record keeping systems (including QBCC's Salesforce Databases (**Salesforce**), Electronic Content Manager (**ECM**) and Sharepoint) using the full terms of the access application
 - those searches were conducted by a number of QBCC officers within QBCC's different business areas⁸⁶
 - on internal review, further searches were conducted of records held in QBCC's electronic record keeping systems (including Salesforce, ECM and Build) and the QBCC Contact Centre to address the specific concerns the applicant raised in his internal review application
 - during the initial processing of the application, and on internal review, QBCC also made enquiries of relevant staff⁸⁷ who had knowledge of the matters to which the application relates; and
 - on external review, further searches were conducted of QBCC's electronic record keeping systems (including Salesforce, ECM and Build) and further enquiries were made of relevant staff⁸⁸ with who had knowledge of the matters to which the application relates.
64. Having considered these searches, in the context of the terms of the access application,⁸⁹ there is nothing in the material before me which calls into question either the efficacy of the searches or the accuracy of the QBCC's search records and certifications provided to OIC. Therefore, I accept QBCC's evidence in relation to its search efforts and enquiries.
65. Although the applicant submitted that further documents *should* have been created by QBCC this, of itself, is insufficient to support an expectation that such further documents were in fact created.⁹⁰ There is also no evidence before me which support the applicant's assertions that QBCC is deliberately withholding documents from him⁹¹ or that QBCC has '*fabricated email trails in an attempt to omit and distort information*'.⁹²

⁸⁶ Including the Integrity and Complaints Branch, Legal Services, Ministerial and Executive Services, the Office of the Commissioner.

⁸⁷ Including staff within QBCC's Legal Services, Integrity and Complaints, QBCC's Records division and Insurance area.

⁸⁸ Including staff within QBCC's Privacy, Integrity and Complaints and QBCC's Records divisions.

⁸⁹ As set out in paragraph 11 above.

⁹⁰ In submissions dated 6 October 2022, the applicant submitted that unspecified documents required to be kept '*in accordance with legislation*' had been withheld by QBCC. While I have also considered the information which the applicant attached in support of his submissions dated 7 September 2022, 6 October 2022, 3 November 2022 and 3 May 2023 (received at 2.38am), as well as the information provided with his 16 December 2022 email which was copied to OIC, I consider that information is insufficient to support a reasonable expectation that further documents relevant to the terms of the access application exist and have not been located by QBCC.

⁹¹ In his submissions dated 30 September 2022, the applicant submitted that he had received evidence from '*a person in QBCC*' which confirmed QBCC was '*lying*' to OIC and he asked OIC to provide '*protection*' to that unnamed individual, so as to enable the applicant to provide '*the screenshot that confirms that qbcc rti and the individuals involved are knowingly engaging [sic] in conduct that is misleading to that of their knowledge and search powers by stating no further information is located on my file and under my request*'. In submissions dated 21 October 2022 and 7 December 2022, the applicant repeated his request for that unnamed individual to be provided with '*protection*' or '*indemnity*'. I notified the applicant on 3 November 2022 (and again on 8 December 2022) that the IP Act did not empower the Information Commissioner to provide an individual with the '*protection*' he had requested.

⁹² Submissions dated 17 November 2022.

66. To the extent the applicant's submissions seek provision of a *'total overview'* of a QBCC file to *'verify that the documents and logged information provided align with the information generated by the system automatically'*, I note that the IP Act does not give me the power to compel an agency to create new documents in response to an access application.⁹³
67. Given the timeframe in which the applicant's ex-gratia claim was finalised, it is not unreasonable for the applicant to have expected that further correspondence between QBCC and its insurers would exist concerning his cancelled licence. However, after conducting searches of the locations where it is reasonable to expect that any further correspondence of this nature would be located, QBCC has not located any further, relevant documents.
68. The applicant has raised a number of concerns that the disclosed documents are missing (or have redacted) *'sequential numbers'*.⁹⁴ In this regard, I note that the information which QBCC has disclosed to the applicant included some document identification numbers (**document IDs**) and the applicant did not identify any specific document where he contended a document ID had been redacted. The applicant also argued⁹⁵ that the redaction of *'automatically generated numbers on every attachment'* contradicts what he considered to be confirmation, in a separate external review decision,⁹⁶ that *'all documents on qbcc file are automatically generated numbers printed sequentially from the date they are attached and this is not the metadata as part of the fill keeping system'*.
69. I note that when addressing the issue of automatically generated sequential numbering for document IDs in *Sensus*, I made the following observations:⁹⁷

QBCC provided further information regarding its record keeping systems to address the concerns raised by the applicant. In summary, QBCC explained that when a document is stored in QBCC's Electronic Content Manager (ECM) system, it is allocated a Unique Identifier (UID)—which is a global unique number within the ECM as a whole—and as this is a global numbering system, rather than being restricted to any given file, there may be gaps of hundreds or thousands in the sequence of UID numbers for documents within QBCC's file for a particular matter. I accept QBCC's explanation about the gaps in the sequential UID numbers identified by the applicant and find that these numbering gaps are not evidence of missing documents as the applicant contended.

[footnotes omitted]

70. The responsive documents located by the applicant were not all stored in QBCC's ECM system. After reviewing the information located and disclosed to the applicant, I find that the applicant's assertions outlined in paragraph 68 do not evidence that further documents relevant to his application are missing or that document IDs have been removed from the disclosed documents.
71. In respect of the applicant's assertion that the disclosed documents are missing *'the date and time, description and user'*, I note that, under section 48 of the IP Act, an access application for a document is taken not to include an application for access to metadata about the document unless the access application expressly states that it does. Here, the access application did not specifically request metadata. Although the applicant argued on external review that this type of information *'is not the metadata as part of the*

⁹³ I confirmed this to the applicant on 6 September 2022.

⁹⁴ For example, in submissions dated 8 June 2022, the applicant described this missing information as being *'system generated in a chronological occurrence'*.

⁹⁵ Submissions dated 13 September 2022.

⁹⁶ Namely, *Sensus Building Group Pty Ltd and Queensland Building and Construction Commission* [2022] QICmr 32 (23 June 2022) (**Sensus**).

⁹⁷ *Sensus* at [45].

fill keeping system,⁹⁸ I find that these types of information which the applicant considers to be missing comprise metadata and the applicant's submissions in this regard are insufficient to support a reasonable expectation that further information relevant to the access application exists and has not been located.

72. In May 2023, the applicant also asserted (for the first time) that documents related to a separate access application he had lodged with QBCC in 2017 requesting certain statistical information (**2017 Application**) were being knowingly withheld from his file.⁹⁹ After reviewing all the documents which QBCC had disclosed to the applicant, I was able to notify the applicant of pages within the already disclosed documents which related to the 2017 Application.¹⁰⁰ In response, the applicant argued that:¹⁰¹

- QBCC had not '*located or provided*' a receipt for the access application fee—in this regard, I note that a receipt for an access application fee, dated 11 May 2017 and addressed to the applicant, appears at page 254 in the file titled '*Licence File*' and this document was disclosed to the applicant during QBCC's initial processing of the application; and
- '*as a bare minimum there would need to be corospondance [sic] to the qbcc data management team on my file under this investigation seeking this information and a response from them confirming there is no way to search the qbcc system for such information and that this would need to be a manual search providing a timeframe for a manual search that identifies the search expectations been outside that considered reasonable of qbcc to discharge its obligations under the RTI ACT*—the information disclosed to the applicant during QBCC's initial processing of the application included some emails and file notes which record internal enquiries that were made about the information requested in the 2017 Application.

73. As noted in paragraph 11 above, the access application being considered in this review requested information, including the applicant's '*personal file history*', under the IP Act. The 2017 Application was made under the RTI Act, as it sought statistical information rather than personal information of the applicant.¹⁰² Although it is unclear how information about QBCC's internal processing of the 2017 Application is relevant to the terms of the application being considered in this review, I note that QBCC located documents, in two files, which record the steps that were taken in processing the 2017 Application and these were disclosed to the applicant. Taking into account those already disclosed documents, I consider that any further documents concerning the searches and enquiries QBCC conducted when processing the 2017 Application would, if they exist, have been located by the searches that QBCC has conducted in this matter. The applicant's submissions outlined in paragraph 72 above are insufficient to support a reasonable expectation that further information relevant to the access application exists and has not been located.

⁹⁸ In this regard, I note that in an email to QBCC dated 6 March 2022, the applicant provided the following clarification to QBCC about the missing and redacted information for which he sought internal review: '*All metadata has been redacted from the files. QBCC system automatically generates a **sequence numbering** system when information is attached to the file as confirmed by QBCC to OIC, (who added the document to my file, time, date and comments/brief description)*' (my emphasis). I also note that the decision under review relevantly states: '*The scope of your application did not include Metadata. The Metadata was not deleted from your file by the decision maker. We are dealing with 100's of different documents when extracting them from our records system. Metadata changes as soon as an officer saves a file in a different folder or drive*'.

⁹⁹ In submissions dated 3 May 2023, the applicant identified these missing documents as the receipt for payment, the RTI application document, '*searches rti completed*' and the decision QBCC made.

¹⁰⁰ On 8 August 2023, I identified the pages at which copies of the following documents had been previously disclosed—the 2017 access application, a receipt issued for the fee paid in respect of that application, QBCC's decision about that application and internal emails concerning processing of that application.

¹⁰¹ Submissions dated 8 August 2023.

¹⁰² The decision notice issued to the applicant in respect of the 2017 Application identified the applicant's review rights. On the information before me, the applicant did not seek any review of that decision. The issue of the adequacy (or otherwise) of the searches QBCC conducted in processing the 2017 Application is not a matter I am able to address in this decision.

74. Finally, the applicant has framed some of his submissions about the adequacy of QBCC's searches in generalised terms—these largely contend that further, unspecified documents relevant to the broad components of the application would exist and have not been located.¹⁰³ In these circumstances, *all reasonable steps* must be considered within the context of what is reasonably apparent on the face of the application itself.
75. Based on my consideration of the entirety of searches conducted by QBCC and the information before me, I consider that officers of QBCC have:
- conducted comprehensive, appropriately targeted searches of all relevant QBCC record keeping systems for information responsive to the access application; and
 - identified relevant staff and made enquiries of them regarding the possible existence and location of further relevant documents.
76. Accordingly, I am satisfied that QBCC has taken all reasonable steps to locate documents relevant to the application and access to any further documents may be refused on the basis they do not exist or cannot be located.¹⁰⁴

DECISION

77. For the reasons set out above, as a delegate of the Information Commissioner under section 139 of the IP Act, I vary QBCC's decision and find that:
- the Third Party Information may be deleted under section 88 of the IP Act
 - access to the Legal Email may be refused as it comprises exempt information¹⁰⁵
 - access to the Remaining Refused Information may be refused as its disclosure would, on balance, be contrary to the public interest;¹⁰⁶ and
 - access to any further information may be refused on the basis it is nonexistent or unlocatable.¹⁰⁷

T Lake
Principal Review Officer

Date: 23 August 2023

¹⁰³ For example, on 17 November 2022, the applicant submitted 'I have read the submitted information and compared this to the documents qbcc have provided to date and the information I have been provided from my source, it is clear that information exists that they are aware of, and they are withholding this'.

¹⁰⁴ Under section 47(3)(e) of the RTI Act.

¹⁰⁵ Section 67(1) of the IP Act and sections 47(3)(a) and 48 and schedule 3, section 7 of the RTI Act.

¹⁰⁶ Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act.

¹⁰⁷ Section 67(1) of the IP Act and sections 47(3)(e) and 52(1) of the RTI Act.

APPENDIX

Significant procedural steps

Date	Event
12 April 2022	OIC received the external review application.
20 May 2022	OIC notified the applicant that the external review application had been accepted and asked the applicant to identify the particular information refusals he was concerned about and the specific documents he considered to be missing. OIC notified QBCC that the external review application had been accepted and asked QBCC to provide a copy of the documents located in response to the application, together with records of the searches QBCC had undertaken.
2 June 2022	OIC received some of the requested information from QBCC.
8 June 2022	OIC received details of the issues the applicant wished to be considered on external review.
22 June 2022	OIC received the remaining requested information from QBCC.
6 September 2022	OIC confirmed to the applicant which of his identified issues OIC would address on external review and requested information from QBCC about those matters.
7 September 2022	OIC received the applicant's submissions, which attached documents he considered supported his contention that QBCC had not completed an adequate search for the information he requested.
13 September 2022	OIC notified the applicant that it was unclear how the documents he had provided raised any reasonable expectation that further information relevant to the access application existed and had not been located by QBCC. OIC received the applicant's further submissions.
28 September 2022	OIC received QBCC's submissions.
30 September 2022	OIC received the applicant's further submissions.
6 October 2022	OIC received the applicant's further submissions.
21 October 2022	OIC received the applicant's further submissions.
3 November 2022	OIC notified the applicant that QBCC had agreed to disclose further information. OIC received the applicant's further submissions (including supporting documents).
7 November 2022	QBCC disclosed further information to the applicant.
17 November 2022	OIC received the applicant's further submissions (in two emails, the second of which attached supporting documents).
7 December 2022	OIC received the applicant's further submissions.
16 December 2022	OIC received the applicant's email, which was addressed to other recipients (and was copied to OIC).

Date	Event
19 January 2023	OIC requested further information from QBCC, including search records for the additional searches conducted on external review.
3 February 2023	OIC received the requested information from QBCC.
3 March 2023	OIC conveyed a preliminary view to QBCC that information relevant to the applicant's complaint about a breach of privacy fell within the scope of the application and requested further information from QBCC.
14 March 2023	OIC received the requested information from QBCC.
17 March 2023	OIC obtained the disclosure views of a consulted third party in respect of certain located documents.
24 March 2023	OIC received the applicant's further submissions.
28 March 2023	OIC received the QBCC's submissions concerning the located documents relevant to the applicant's complaint about a breach of privacy.
30 March 2023	<p>OIC notified the applicant that QBCC had agreed to disclose further documents, subject to certain redactions, and conveyed a preliminary view to the applicant about the information not being disclosed in the further documents and the sufficiency of QBCC's searches.</p> <p>OIC received the applicant's submissions contesting the preliminary view about the sufficiency of QBCC's searches.</p>
6 April 2023	QBCC disclosed further information to the applicant.
21 April 2023	OIC wrote to the applicant, confirming the preliminary view about the sufficiency of QBCC's searches.
27 April 2023	OIC received the applicant's further submissions.
3 May 2023	OIC received the applicant's further submissions (in two emails, with supporting documents) concerning missing information related to a separate access application lodged with QBCC in 2017 and a specific letter issued by QO in respect of the Complaint.
5 June 2023	OIC asked QBCC to confirm whether the letter identified by the applicant had been released to the applicant, either administratively or in response to a prior access application.
8 June 2023	OIC received a copy of the requested letter (and associated documents) from QBCC, which QBCC confirmed had been found in a separate file that was not located by previous searches.
12 June 2023	OIC notified the applicant of the further documents to be disclosed and conveyed a preliminary view to the applicant about the information not being disclosed in those further documents and the sufficiency of QBCC's searches.
13 June 2023	<p>QBCC disclosed further information to the applicant.</p> <p>OIC received the applicant's further submissions.</p>
19 June 2023	OIC received the applicant's further submissions (including supporting documents).

Date	Event
22 June 2023	OIC wrote to the applicant to identify the issues which remained for consideration in the review and conveyed a preliminary view about those issues. The applicant was invited to provide final submissions by 21 July 2023.
11 July 2023	OIC received the applicant's further submissions
20 July 2023	OIC received the applicant's further submissions, including supporting information about missing information related to a separate access application lodged with QBCC in 2017.
31 July 2023	OIC reiterated the preliminary view to the applicant and notified that a formal decision would be issued to finalise the review.
8 August 2023	OIC notified the applicant that the information he considered to be missing in respect of a separate access application lodged with QBCC in 2017 had been previously disclosed by QBCC. OIC received the applicant's further submissions.