



Decision and Reasons for Decision

Citation:	S97 and Queensland Police Service [2026] QICmr 92 (4 June 2026)
Application Number:	318864
Applicant:	S97
Respondent:	Queensland Police Service
Decision Date:	4 June 2026
Catchwords:	ADMINISTRATIVE LAW – RIGHT TO INFORMATION – EXEMPT INFORMATION – LAW ENFORCEMENT – METHOD OR PROCEDURE – information extracted from QPRIME – whether information is exempt under schedule 3, section 10(1)(f) of the <i>Right to Information Act 2009</i> (Qld) – prejudice to investigative methods or procedures – whether access may be refused under section 47(3)(a) of the <i>Right to Information Act 2009</i> (Qld) ADMINISTRATIVE LAW – RIGHT TO INFORMATION – CONTRARY TO THE PUBLIC INTEREST INFORMATION – third party personal information – whether disclosure of information would, on balance, be contrary to the public interest – sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld) ADMINISTRATIVE LAW – RIGHT TO INFORMATION – IRRELEVANT INFORMATION – information falling outside the timeframe of the access application – whether information may be deleted as not relevant to the terms of the access application – section 73 of the <i>Right to Information Act 2009</i> (Qld)

DECISION

I vary¹ the reviewable decision of Queensland Police Service (**QPS**) and find:²

- access to the Category A Information³ may be refused under sections 47(3)(a) and 48 and schedule 3, section 10(1)(f) of *Right to Information Act 2009* (Qld) (**RTI Act**)
- access to the Category B Information may be refused under section 47(3)(b) of the RTI Act; and
- the Category C Information may be deleted on the basis that it is not relevant to the access application under section 73 of the RTI Act.

This means no further information is to be released to the applicant.

My reasons for the decision follow.



A Rickard
Assistant Information Commissioner

Date: 4 June 2026

¹ Under section 110(1)(b) of the RTI Act.

² I have made this decision as a delegate of the Information Commissioner under section 145 of the RTI Act.

³ The three categories of information are identified at paragraph 12 of this decision.

REASONS FOR DECISION

Summary

1. The applicant applied to QPS⁴ for access under the RTI Act⁵ to documents in relation to QPS officers attending his property on a specified date.⁶ In his access application the applicant referred to his belief that a specific named individual had made an allegation to QPS that the applicant was in possession of a piece of stolen equipment, which resulted in the officers attending his property.
2. QPS located 19 documents.⁷ In relation to the 19 documents, QPS stated that:⁸

While the documents do not align with the information provided in your application which led to the police attendance at your address, they do relate to officers speaking to you about an item reported as stolen and viewing your property in your shed to confirm that you did not possess (sic) the stolen item.
3. In other words, the individual referred to by the applicant in his access application, is not referred to in the information located by QPS.
4. With regard to the located documents, QPS decided to:
 - release four documents in full; and
 - refuse access to parts of eight documents⁹ and full access to seven documents, on the grounds that either 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;¹⁰ or
 - would, on balance, be contrary to the public interest.¹¹
5. The applicant then applied to the Office of the Information Commissioner (**OIC**) for an external review of QPS's decision.¹²

Reviewable decision

6. The decision under review is QPS's decision dated 25 August 2025.

⁴ On 1 June 2025.

⁵ The applicant initially made his access application under the *Information Privacy Act 2009* (Qld) (**IP Act**), however in a letter dated 9 July 2025, QPS informed the applicant that given his application was not limited to documents comprising his own personal information, the application would need to be made under the RTI Act.

⁶ The applicant referred to May 2021 to December 2021 as the timeframe to be searched.

⁷ Including body worn camera footage.

⁸ In its decision letter dated 25 August 2025.

⁹ Including the body worn camera footage.

¹⁰ Pursuant to sections 47(3)(a), 48 and schedule 3, section 10(1)(f) of the RTI Act.

¹¹ Section 47(3)(b) of the RTI Act.

¹² On 25 August 2025.

Evidence considered

7. The evidence, submissions,¹³ legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes).
8. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.¹⁴ I consider a decision maker will be ‘respecting and acting compatibly with’ that right and others prescribed in the HR Act, when applying the law prescribed in the IP Act.¹⁵ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.¹⁶

Information in issue

9. During the external review, QPS agreed to disclose a small amount of further information to the applicant.¹⁷ The information located by QPS (**Information in Issue**) that remains in issue comprises parts of seven pages, seven full pages and parts of the body worn camera footage.
10. During the review the applicant raised concerns about QPS’s refusal of access to the above information.¹⁸

Issues for determination

11. The information disclosed to the applicant identified that QPS attended the applicant’s property as the result of a tip off. During the review, OIC requested that QPS conduct searches for documents relating to the tip off. After conducting further searches, QPS submitted that the individual who had the piece of equipment stolen had received an anonymous tip off, which they subsequently passed onto QPS.¹⁹ OIC provided this information to the applicant and conveyed a preliminary view that access to any information specifically relating to the tip off may be refused on the ground that it is nonexistent.²⁰ The applicant was asked to provide a submission in response if he did not agree with the preliminary view. As no response was received from the applicant, I take it that the applicant accepted OIC’s preliminary view in

¹³ Including the applicant’s submissions dated 25 August 2025 and 21 December 2025.

¹⁴ Section 21 of the HR Act.

¹⁵ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. This approach, in the context of the IP Act and RTI Act, was endorsed by Judicial Member DJ McGill SC in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23], observing that the Information Commissioner ‘was conscious [of the right to seek and receive information] and considered that the application of the Act gave effect to the requirements of the Human Rights Act. I see no reason to differ from that conclusion.’

¹⁶ I note the following observations made by Bell J in *XYZ* at [573], on the interaction between equivalent pieces of Victorian legislation (namely, the *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic)): ‘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’.

¹⁷ At the top of page 5 of the documents. QPS disclosed this information to the applicant on 10 December 2025.

¹⁸ In his external review application and in an email dated 21 December 2025.

¹⁹ Email from QPS dated 4 March 2026.

²⁰ In an email to the applicant dated 26 March 2026. Pursuant to sections 47(3)(e) and 52(1)(a) of the RTI Act.

this respect and accordingly this issue will not be addressed as part of this decision.²¹

12. The issues for determination in this review are:

- a) **Category A Information** – whether access to this information²² may be refused on the ground 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.
- b) **Category B Information** – whether access to certain information²³ may be refused on the ground its disclosure would, on balance, be contrary to the public interest.
- c) **Category C Information** – whether information²⁴ may be deleted on the basis that it is not relevant to the scope of the application.

Category A Information

Relevant law

13. The RTI Act provides a person with a right to access documents of an agency,²⁵ however this right of access is subject to certain limitations, including grounds upon which access to information may be refused.²⁶ Relevantly, schedule 3 of the RTI Act sets out the types of information which Parliament has decided would, on balance, be contrary to the public interest to disclose.

14. Exempt information includes 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.²⁷

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 expectation²⁸ of prejudice to the law method or procedure; and

²¹ This issue was raised with the applicant on 4 December 2025 and on 26 March 2026 and the applicant was invited to make submissions in response. Given this, I am satisfied that the applicant has been provided with several opportunities to respond to this issue, yet did not do so, and on that basis, it is reasonable to conclude that the applicant accepted OIC's preliminary view in this respect.

²² Part of page 2 of 18.

²³ At pages 12 to 18 of 18, part pages 1, 2, 3, 4, 5, 7, 8 of 18 and at 00.47–00.50, 1.12–1.14, 1.23–1.24, 2.19–2.20, 3.30–3.32, 3.52–3.53, 4.44–4.47, 4.53–4.55 and 5.15–5.17 of the body worn camera footage (marked as document 19).

²⁴ At page 5.

²⁵ Section 23(1) of the RTI Act.

²⁶ Section 47(3)(a) of the RTI Act.

²⁷ Schedule 3, section 10(1)(f) of the RTI Act.

²⁸ 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.

- c) the information must not be a type of information described in schedule 3, section 10(2) of the RTI Act.

Findings

16. The information disclosed to the applicant includes a QPS Incident Report (**Report**) relating to the report of the stolen piece of equipment and the QPS officers' attendance at the applicant's property. The Category A Information comprises a small amount of information in this Report. In the decision under review QPS noted that the Category A Information relates to lawful investigative methods and procedures of QPS. I am unable to describe the information in any detail,²⁹ however I can confirm that it is information taken from QPS's database known as QPRIME.³⁰
17. In relation to a) at paragraph 15, I am satisfied that the QPRIME database and its use by QPS officers 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 and that the Category A Information has been taken from the QPRIME database.
18. In relation to b) at paragraph 15, I am also satisfied that disclosing intelligence information of the type comprised in the Category A Information could reasonably be expected to prejudice QPS's use of that type of information from QPRIME in preventing, detecting, investigating or dealing with a contravention or possible contravention of the law, in that it would enable individuals to identify the type of intelligence information held about them.
19. The only submission that the applicant made in relation to the Category A Information is that refusal of the information prevents scrutiny of whether QPS acted lawfully in attending his property.³¹ As noted at c) of paragraph 15, schedule 3, section 10(2) of the RTI Act, provides a number of exceptions to the exemption, including that the information will not comprise exempt information if it consists of *'matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law'*.³² Having carefully considered the Category A Information, I am satisfied that contents of this information would not, of itself, indicate that QPS's attendance at his property exceeded lawful limits. I am also satisfied that none of the other exceptions to the exemption apply.³³
20. For the above reasons, I find that access to the Category A Information may be refused, as it comprises exempt information.

²⁹ By virtue of section 108(3) of the RTI Act.

³⁰ Which stands for Queensland Police Records Information Management Exchange.

³¹ Email to OIC dated 25 August 2025.

³² Schedule 3, section 10(2)(a) of the RTI Act.

³³ As referred to in schedule 3, section 10(2) of the RTI Act.

Category B Information

Relevant law

21. Another ground for refusal of access is where disclosure would, on balance, be contrary to the public interest.³⁴
22. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must:³⁵
 - identify factors irrelevant to the public interest and disregard them
 - identify factors in favour of disclosure of the information
 - identify factors in favour of nondisclosure of the information; and
 - decide whether, on balance, disclosure of the information would be contrary to the public interest.
23. Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of the public interest lies in a particular case. I have considered these lists,³⁶ together with all other relevant information, in reaching my decision. I have kept in mind the RTI Act's pro-disclosure bias³⁷ and Parliament's requirement that grounds for refusing access to information be interpreted narrowly.³⁸

Findings

24. The Category B Information comprises the personal information³⁹ of individuals other than the applicant. This includes information provided to QPS by the individual whose equipment was stolen, comprising photos and notes about the stolen item.

Applicant's submissions

25. In his external review application, the applicant submitted:

I have been the victim of a false police complaint and unlawful police action. The refusal prevents me from protecting my reputation, challenging misconduct, and ensuring accountability.

26. In addition, the applicant submitted that:

- refusing access to certain information prevented him from receiving fair treatment from QPS and a 'fair trial'
- QPS had conducted a search of his property without a warrant

³⁴ Section 47(3)(b) of the RTI Act.

³⁵ Section 49(3) of the RTI Act.

³⁶ I have considered each of the public interest factors outlined in schedule 4 of the RTI Act.

³⁷ Section 44 of the RTI Act.

³⁸ Section 47(2)(a) of the RTI Act.

³⁹ Section 12 of the IP Act defines personal information as 'information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion – (a) whether the information or opinion is true or not and (b) whether the information or opinion is recorded in a material form or not'.

- QPS had redacted the identity of the second QPS officer that attended his property and that disclosure of this information was essential for accountability and ensuring transparency in the exercise of police powers
- protecting the identity of the individual the applicant had named in his access application was not in the public interest, when that individual was a '*malicious accuser*' and does not take into account the applicant's right to clear his name; and
- QPS had applied the grounds of refusal too broadly to suppress the truth and protect misconduct.

Irrelevant factors

27. I have not taken any irrelevant factors into account in reaching my decision.⁴⁰

Factors favouring disclosure

28. The applicant's submissions raise several factors favouring disclosure, namely that disclosure of the Category B Information could be reasonably be expected to:
- Enhance QPS's transparency and accountability in how it investigated the report of the stolen piece of equipment, including in relation to the tip off about the applicant.⁴¹
 - Allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official.⁴²
 - Reveal or substantiate that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct.⁴³
 - Advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies.⁴⁴
 - Reveal the reason for a government decision and any background or contextual information that informed the decision.⁴⁵
 - Contribute to the administration of justice for a person.⁴⁶
29. In relation to the factors favouring disclosure referred to at a) and e) above, while disclosure of the Category B Information would provide the applicant with all of the information that was before QPS when it conducted its investigation, I consider that the information that QPS has already disclosed to the applicant has substantially advanced these factors, as the disclosed information demonstrates the nature of the allegations and the steps taken by QPS in investigating the matter.
30. In relation to the applicant's submission that QPS has redacted the identity of the second officer that attended his property and disclosure of this information would advance QPS's transparency and accountability, I am satisfied that where the names of QPS officers appear in the located documents, these have been disclosed to the

⁴⁰ Schedule 4, part 1 of the RTI Act.

⁴¹ Schedule 4, part 2, item 1 of the RTI Act.

⁴² Schedule 4, part 2, item 5 of the RTI Act.

⁴³ Schedule 4, part 2, item 6 of the RTI Act.

⁴⁴ Schedule 4, part 2, item 10 of the RTI Act.

⁴⁵ Schedule 4, part 2, item 11 of the RTI Act.

⁴⁶ Schedule 4, part 2, item 17 of the RTI Act.

applicant⁴⁷ and none of the Category B Information comprises the names of QPS officers.

31. Taking the above into consideration, I afford the factors referred to at a) and e) moderate weight.
32. Given the limited nature of the Category B Information – i.e. the personal information of third parties – I cannot identify how its disclosure could reasonably be expected to advance any of the factors referred to at b) to d) and f) above, and accordingly I afford these factors no weight.
33. In addition, having considered the information located by QPS, I note the following in relation to the applicant's remaining submissions:
 - In terms of the applicant's submission that QPS conducted a search of his property without a warrant, the body worn camera footage shows the applicant invited the QPS officers into his home and offered for the QPS Officer to take photos of his piece of equipment.
 - In terms of the applicant's submission that he has not received fair treatment from QPS and a *fair trial*, the information disclosed to the applicant demonstrates that QPS were satisfied that the similar piece of equipment owned by the applicant was not the stolen item.
34. Finally, I confirm I have considered the remaining factors favouring disclosure in schedule 4, part 2 of the RTI Act and factors favouring disclosure more generally. Taking into account the material before me, including the applicant's submissions, I am unable to identify any further factors favouring disclosure.

Factors favouring nondisclosure

35. The RTI Act recognises that there is a public interest harm in disclosing an individual's personal information to someone else⁴⁸ and that disclosing information which could reasonably be expected to prejudice the protection of an individual's right to privacy⁴⁹ gives rise to a public interest factor favouring nondisclosure.⁵⁰
36. The Category B Information appears in the context of an individual reporting a stolen piece of equipment to QPS and receiving an anonymous tip off about the alleged offender. In these particular circumstances, I consider that disclosure of the Category B Information including that individual's information would represent a significant intrusion into the privacy of that individual and the others referred to in the Category B Information.⁵¹ I also consider that a high level of harm could be expected to arise from disclosure of their personal information. For these reasons, I afford significant weight to the factors favouring nondisclosure.

⁴⁷ In relation to the QPS officers' attendance at the applicant's property, the officers' names appear at page 7 of 18.

⁴⁸ Schedule 4, part 4, section 6 of the RTI Act.

⁴⁹ The concept of privacy is not defined in the RTI Act or the IP Act. It can however, be viewed as the right of an individual to preserve their '*personal sphere*' free from the interference of others.

⁵⁰ Schedule 4, part 3, item 3 of the RTI Act.

⁵¹ Which includes for example the identity of the individual that the applicant bought his piece of equipment from and other personal information about that individual.

Balancing the public interest

37. I acknowledge the pro-disclosure bias in deciding access to documents under the RTI Act.⁵² Taking into account the nature of the Category B Information and the information already disclosed to the applicant, I afford the public interest factors relating to QPS's transparency and accountability and revealing the reason for a government decision moderate weight
38. On the other hand, for the reasons noted above, I afford significant weight to the factors favouring nondisclosure relating to personal information and privacy.
39. On balance, I am satisfied that the public interest factors favouring nondisclosure outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Category B Information would, on balance, be contrary to the public interest and access may be refused on that basis.

Category C Information

Relevant law

40. Section 73 of the RTI Act provides that access may be given to a document subject to the deletion of information reasonably considered not relevant to an application. This is a mechanism to allow irrelevant information to be deleted from documents, which are identified for release to an applicant. In deciding whether information is irrelevant, it is necessary to consider whether information has any bearing upon, or is pertinent to, the terms of the access application.⁵³

Findings

41. The Category C Information comprises information within a supplementary report. The supplementary report appears as an addition to the Report and details further information provided to and steps taken by QPS in relation to the stolen equipment in 2024.
42. The applicant's access application refers to the timeframe of May 2021 to December 2021. Given this, I am satisfied that the Category C Information falls outside the timeframe of the applicant's access application.
43. Accordingly, I find the Category C Information is outside the scope of the access application and accordingly may be deleted.

Conclusion

44. The above are the reasons for my decision set out at page 2.

⁵² Section 44 of the RTI Act.

⁵³ *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).