



Decision and Reasons for Decision

Citation: U23 and Queensland Corrective Services [2026] QICmr 106
(24 June 2026)

Application Number: 318758

Applicant: U23

Respondent: Queensland Corrective Services

Decision Date: 24 June 2026

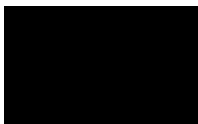
Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - recruit information including results of testing - personal information of applicant - accountability and transparency - prejudice to testing procedures - personal information of public sector employees - 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 - applicant alleges missing documents - scope of application - whether missing documents fall within scope - whether agency has taken all reasonable steps to locate documents falling within scope - whether access may be refused on the grounds that documents 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)

DECISION

1. I vary the reviewable decision of Queensland Corrective Services (**QCS**) by finding that:

- access to the information in issue may be refused under section 67(1) of the *Information Privacy Act 2009* (Qld) (**IP Act**) and sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld) (**RTI Act**) on the ground that its disclosure would, on balance, be contrary to the public interest; and
 - the searches and inquiries conducted by QCS in an effort to locate all documents responding to the scope of the access application have been reasonable in all the circumstances and that access to any additional documents sought by the applicant may be refused under 67(1) of the IP Act and sections 47(3)(e) and 52(1) of the RTI Act on the ground that they are nonexistent or unlocatable.¹
2. This means that no further information is to be released to the applicant.
3. My reasons for the decision follow.



R Moss
Principal Review Officer

Date: 24 June 2026

¹ Decision made under section 123(1)(b) of the IP Act, pursuant to a delegation under section 139 of the IP Act.

REASONS FOR DECISION

Summary

4. The applicant applied² to QCS under the IP Act³ for access to documents about her that were created during her short period of employment at QCS's Academy as a trainee custodial correctional officer (**Trainee CCO**). The applicant described the documents she was seeking as follows:

This includes:

- All exam results from that period
- The Exam 4 resit result, completed on [date provided]
- A copy of the marked Exam 4 paper, including any corrections, written feedback, or comments explaining my performance
- All performance reviews or evaluations conducted during the academy
- Any additional documentation related to my performance, progress, or assessments during the full duration of my academy training

These records are personal in nature and directly relevant to active legal matters currently underway with [QCS in a number of jurisdictions].

The type of documents the applicant is seeking:

- Assessment results
- Marked exam papers
- Written feedback/comments
- Internal performance evaluations
- Training review notes
- All exams completion confirmation/receipt and scoring/results

The applicant thinks the documents may be located: Queensland Corrective Services Academy – Training and Development Unit Wacol, Brisbane, Queensland

Other details provided by the applicant: ... Queensland Corrective Services Academy Training period: [dates provided] Exam in question: Exam 4 (resit), completed on [date provided] Training location: QCS Academy, Wacol, Brisbane

I am requesting these documents as part of my personal training records. This includes the official Exam 4 result, the marked exam with feedback or comments explaining my performance, and any records relating to my personal performance during the full training period.

...

5. In an email immediately following the lodging of her application, the applicant provided additional information about the scope of her request:

² Application made on 23 May 2025.

³ 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 RTI Act and IP Act. As the applicant's application was made before this change, the RTI Act and IP Act as in force prior to 1 July 2025 remain applicable to it. This is in accordance with transitional provisions in Chapter 7, Part 9 of the RTI Act, which require that applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted. Accordingly, references to the RTI Act and IP Act in this decision are to those Acts as in force prior to 1 July 2025.

Specifically, I am requesting access to every document, communication, or internal record related to me personally during my time with QCS, including but not limited to:

- *My Exam 4 results and receipt, including written corrections, reasons for outcome, and marking feedback*
- *All performance reviews or evaluations done during my time at the Academy*
- *Every Officer Report I submitted — both emailed or physically handed in — and any internal feedback or commentary related to them*
- *All internal discussions, meeting notes, or assessments where I was mentioned or discussed*
- *Any statement or document referencing alleged misconduct, including anything related to the “shadow boxing” claim*
- *All emails sent to or from my Academy email account*
- *Any and all internal decision-making records relating to my progression, failure, or Academy dismissal*

6. In its decision,⁴ QCS advised that, having regard to the terms, and timeframe, of the applicant’s request, searches had been conducted of QCS Academy records, and the applicant’s Academy email account. As a result, 330 responsive pages were located. QCS decided to give the applicant full or partial access to some information, but refused access to other information on the ground that its disclosure would, on balance, be contrary to the public interest.
7. The applicant applied⁵ to the Office of the Information Commissioner (**OIC**) for external review of QCS’s decision. During the review, the applicant also raised a concern about missing documents, thereby raising a sufficiency of search issue.

Background

8. As evidenced by the terms of her access application, the applicant attended at the QCS Academy to take part in the Custodial Officer Entry Program (**COEP**). The applicant’s employment as a Trainee CCO was terminated by QCS after three months⁶ (during her probationary period), due to her failure to pass Exam 4. Exam 4, which is a mandatory requirement of the course, assesses competency in correctional centre breach process, and in the preparation of associated officer reports and case notes. The applicant failed Exam 4 on her initial sitting of the test, and upon a re-sit.

Reviewable decision

9. The decision under review is the decision of QCS dated 30 June 2025.

Evidence considered

10. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes). I have taken

⁴ Decision dated 30 June 2025.

⁵ On 2 July 2025.

⁶ Letter to the applicant from the Acting Chief Superintendent of the QCS Academy.

account of the applicant's submissions⁷ to the extent they are relevant⁸ to the issues for determination in this review.

11. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.⁹ 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 RTI Act.¹⁰ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act. I also note the observations made by Bell J on the interaction between equivalent pieces of Victorian legislation:¹¹ '*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.*'¹²

Information in issue

12. During the course of the review, QCS agreed to give the applicant access to additional information contained in her Academy file, including information about her Exam 4 initial, and re-sit, results.¹³ This information included the Assessment Marking Tools that disclosed the list of assessment items for the exam, and the mark that the applicant received for each item, as well as some of the assessment comments. In addition, in respect of Assessment Task 1, which is a practical/operational component of the COEP in which the recruits are required to move through eight assessment stations and demonstrate practical skills in response to simulated incidents, the applicant was given access to the assessment columns for her initial and re-sit assessment that revealed (by a tick in the relevant yes/no columns) whether she had satisfactorily demonstrated the required skills.
13. The information remaining in issue in the applicant's Academy file consists of whole¹⁴ or part pages.¹⁵ In respect of Exam 4, it includes the breach scenarios prepared by QCS that candidates were required to assess, and the applicant's response, comprising typed case notes and officer reports prepared in response to the breach scenario.¹⁶ It also includes some comments made by assessors which indicate specific deficiencies in the applicant's response. For Assessment Task 1, the refused information includes the instructions to candidates, activity overviews, and the items listed in each of the Observation Checklists that identify the particular skill that is required to be demonstrated by the recruit. Apart from this assessment

⁷ As contained in the applicant's external review application and in her emails of 26 November 2025, 27 November 2025 (two emails), 9 December 2025, 10 December 2025, 16 January 2026, 16 February 2026, 24 February 2026, 25 February 2026 (four emails), 4 April 2026, 24 April 2026, and 17 May 2026.

⁸ Noting that the applicant raised a number of issues in her various submissions that OIC has no jurisdiction to consider in this review, including, for example, her complaints about the conduct of various other proceedings in which she is involved; her allegations that documents released to her by QCS had been altered and were not '*authentic*'; issues concerning other access applications she had made to QCS; and allegations that her privacy had been breached by QCS.

⁹ Section 21(2) of the HR Act.

¹⁰ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573], endorsed in Queensland by *Deemal-Hall v Office of the Director of Prosecutions* [2024] QCATA 131.

¹¹ *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

¹² *XYZ* at [573].

¹³ Releases of additional assessment information occurred on 11 February 2026, 19 March 2026, and 11 May 2026.

¹⁴ Pages 1–2, 11–13, 17–20, 22–24, 33–34, 40–55, 57–69, 74–78, 82–85, 88–93, and 96–97.

¹⁵ All remaining pages contain segments of refused information.

¹⁶ For the Exam 4 initial test; the re-sit; and practice tests.

material, the other category of refused information consists of names and contact details of QCS Academy staff.

14. In response to the applicant's sufficiency of concerns raised during the course of the review, QCS conducted searches of its Human Resources (HR) records and located three files relating to the applicant – QCS HR Services, QCS Employee Relations and Queensland Shared Services. A total of 20 additional pages were located and QCS agreed to give the applicant full or partial access to these pages, except for references to the personal information of QCS officers contained in the Employee Relations file.¹⁷

Issues for determination

15. In addition to seeking review of the refused information, the applicant raised an issue about missing documents at a late stage of the review, thereby raising a 'sufficiency of search' issue. Accordingly, the issues for determination are:
 - whether access to the information in issue may be refused because its disclosure would, on balance, be contrary to the public interest; and
 - whether QCS has taken all reasonable steps to locate documents falling within the scope of the access application.

Relevant law – contrary to the public interest information

16. Under the IP Act, an individual has a right to be given access to documents of an agency, to the extent the documents contain the individual's personal information.¹⁸ The IP Act is to be administered with a pro-disclosure bias;¹⁹ however, the right of access is subject to a number of exclusions and limitations, including grounds of refusal of access.
17. Section 67(1) of the IP Act provides that access to a document may be refused on the same grounds upon which access to a document could be refused under section 47 of the RTI Act. Relevantly, access to information may be refused if its disclosure would, on balance, be contrary to the public interest.²⁰
18. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must take certain steps as set out in section 49(3) of the RTI Act, including, identifying and disregarding irrelevant factors, identifying

¹⁷ On pages 1–4, 13–14, and 16.

¹⁸ Section 40(1)(a) of the IP Act.

¹⁹ Section 64(1) of the IP Act.

²⁰ Section 67(1) of the IP Act and sections 47(3)(b) and 49 of the RTI Act. The 'public interest' *'...is a term embracing matters, among others, of standards of human conduct and of the functioning of government and government instrumentalities tacitly accepted and acknowledged to be for the good order of society and for the well-being of its members. The interest is therefore the interest of the public as distinct from the interests of an individual or individuals'*: *Director of Public Prosecutions v Smith* (1991) 1 VR 63. The concept 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, although there are some recognised public interest considerations that may apply for the benefit of an individual: Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

factors for and against disclosure, and deciding whether, on balance, disclosure of the information would be contrary to the public interest.

19. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of the public interest lies in a particular case. I have considered these, together with all other relevant information, in reaching my decision. I have also applied the IP Act's pro-disclosure bias and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.²¹
20. In making this decision, I have not taken into account any irrelevant factors.²²

Submissions

21. In the decision under review, while recognising that some of the information in issue contained the applicant's personal information, and that disclosure of some information could reasonably be expected to enhance government accountability in terms of QCS's decision to terminate the applicant's employment, QCS decided that the factors that favoured nondisclosure of the information in issue outweighed these pro-disclosure factors. The nondisclosure factors relied upon by QCS were:
 - prejudice to the personal information and right to privacy of other individuals
 - prejudice to QCS's management functions
 - prejudice to deliberative processes; and
 - prejudice to testing procedures.
22. Given the information that has been disclosed to the applicant during the course of the review, I am satisfied that the deliberative process prejudice factor is no longer relevant and does not apply to the categories of information that remain in issue.
23. During the review, OIC expressed to the applicant the preliminary view that QCS's decision should be affirmed on external review. In response to the applicant's specific focus on obtaining access to Exam 4 material, OIC expressed the preliminary view that disclosure could reasonably be expected to cause significant prejudice to QCS's testing procedures for correctional officer recruits.²³ The applicant rejected this preliminary view and provided extensive submissions in support of her case for disclosure, which will be discussed below.
24. It is relevant to note that the applicant is involved in various proceedings against QCS in a number of different jurisdictions in connection with the termination of her employment. In arguing that she should be given access to her Exam 4 material under the IP Act in this review, the applicant relies upon the fact that she was given inspection access to her Exam 4 re-sit material as part of other proceedings.²⁴

On 27 March 2026, [I] conducted a lawful document inspection and transcribed the Exam 4 Resit material word for word into a physical notebook. This included [my] own written

²¹ Section 67(2)(a) of the IP Act and section 47(2) of the RTI Act.

²² Including any set out in schedule 4, part 1 of the RTI Act.

²³ OIC's email of 18 March 2026 and letter dated 5 May 2026.

²⁴ Email of 17 May 2026. I note that in her email of 4 April 2026, the applicant had claimed that the inspection access she obtained through the other proceedings was 'materially inadequate'.

answers across all components (Officer Report, Form 23 Parts A and B, Case Notes), assessor comments verbatim, deducted-mark reasons, marking rationale, and criteria wording physically observed during inspection including wording on pages subsequently redacted in released material. The physical notebook is available for inspection by OIC or any party. The reconstruction is not presented as a substitute for the original records. The original marked records remain the best evidence and are sought through this review.

25. While, as noted, the applicant made submissions in her various emails sent throughout the review,²⁵ her central submissions were contained in her emails on 4 April 2026 and 17 May 2026, provided in response to OIC's preliminary views. The arguments raised by the applicant in her 4 April 2026 email are too lengthy to set out in full in these reasons, but they may be summarised as follows:²⁶

- the information in issue is the applicant's personal information and is central to her understanding of decisions that were made about her during her training and dismissal
- the applicant personally authored the Exam 4 scripts and accessing her own written work is a basic entitlement under the IP Act and RTI Act
- the applicant is concerned that the results recorded by QCS for both Exam 4 attempts were not accurate
- Exam 4 consists of fictional training scenarios and disclosure would not reveal any sensitive operational material
- if limited parts of the Exam 4 material are considered sensitive, partial access to the remainder should be granted (although the applicant later submitted, following partial disclosure of this material by QCS, that '*accountability and transparency cannot be satisfied by partial disclosure*')²⁷
- the applicant's reconstruction of the Exam 4 marking from her QIRC inspection disclosed that specific deductions were applied '*using criteria absent from the official marking tool*'
- the applicant's failure to successfully complete the Exam 4 was relevant to the decision to terminate her employment and its disclosure would therefore reveal background or contextual information that informed that decision
- fair treatment, procedural fairness and administration of justice require disclosure of the Exam 4 material
- QCS uses public resources to recruit, train or assess candidates and disclosure of the Information in Issue would enhance accountability regarding the way in which QCS uses public resources
- QCS distributes certain marking material to candidates during the training program which '*destroys*' QCS's '*confidentiality argument*' and its argument that disclosure would prejudice the integrity of its testing procedures²⁸
- what a person may do with information that is released to them under the IP Act or RTI Act is irrelevant and must be disregarded
- the applicant has suffered personal and professional consequences as a result of the Exam 4 assessment

²⁵ See footnote 7 above.

²⁶ Again noting that some matters raised by the applicant in her submissions fall outside OIC's jurisdiction under the IP Act on external view (see footnote 8 above).

²⁷ Email of 4 April 2026.

²⁸ Noting that, in response to this submission by the applicant regarding marking material, QCS agreed to give the applicant access to the Exam 4 Assessment Marking Tools, and the marks she received, for both her initial and re-sit of Exam 4.

- the applicant requires access to the exam material to allow her *‘to actively defend’* other proceedings in which QCS is relying on the exam result to justify her termination²⁹
- the pro-disclosure bias in the IP Act requires disclosure of information *‘to be the default’*
- the deliberative process argument does not apply because the act of marking an exam is an administrative function
- the breach of confidence exemption does not apply because marking criteria was communicated to candidates during the training program
- the *‘other access available’* ground of refusal under the IP Act does not apply
- the fact that information about the applicant’s *‘health and neurodevelopmental status’* was disclosed internally within QCS without the applicant’s consent is a breach of the Privacy Principles and a further factor relevant to QCS’s accountability and transparency obligations; and
- the delays, restrictions and partial disclosures by QCS in response to the applicant’s numerous access applications demonstrate that QCS has engaged in a *‘pattern of conduct’* that is relevant to the weight to be afforded to the accountability and transparency public interest factors.

26. I would take this opportunity to note that the issues raised by the applicant in the last five bullet points listed in the paragraph immediately above are not under consideration in this review. Firstly, as noted at paragraph 22 above, the deliberative process public interest nondisclosure factor is not relevant to the information that remains in issue. Secondly, QCS has not claimed that disclosure of the information in issue would give rise to an action for breach of confidence under schedule 3, section 8 of the RTI Act. As to the applicant’s concerns about her privacy, she was advised during the course of the review that OIC has no jurisdiction, in the context of discharging its external review functions under Chapter 3, Part 9 of the IP Act, to deal with a privacy complaint.³⁰ Nor do I accept that, even if a privacy breach were to have occurred (and there is no evidence before OIC to support that allegation), it is relevant to a consideration of the application of the public interest balancing test to the information in issue in this review. Lastly, there is no evidence before OIC to establish that QCS has engaged in a particular *‘pattern of conduct’* in dealing with the applicant and her access applications. As is required by the IP Act, QCS has given the applicant a considered decision in response to each of her access applications within the relevant timeframe, and has explained the reasons for its decision.³¹ QCS is entitled, under the IP Act, to decide to refuse full or partial access to requested information in reliance upon the provisions contained in the IP Act and RTI Act. The fact that it has done so in response to the applicant’s access applications does not demonstrate that QCS is somehow engaging in a deliberate pattern of conduct designed to disadvantage or frustrate the applicant in some way.
27. The applicant went on in her submission to state that she required OIC to provide her with *‘a point-by-point response [to her submission] and procedural fairness’*:

²⁹ It is understood that the relevant proceedings were commenced by the applicant.

³⁰ OIC’s email of 14 April 2026.

³¹ See sections 65 and 68 of the IP Act.

I respectfully request that before issuing a formal decision, you provide a written response addressing each of the sixteen points raised in this submission individually. A formal decision that does not directly engage with the documentary evidence in Exhibit A, or that fails to address each of the arguments raised, would in my submission fail to give proper consideration to all relevant factors as required under section 67(1) of the IP Act applying sections 47(3)(b) and 49 of the RTI Act, and section 58 of the Human Rights Act 2019 (Qld), and would itself constitute a reviewable error of law. I note that the Judicial Review Act 1991 (Qld) provides a right to seek review of administrative decisions on the ground of failure to consider relevant factors. A formal decision that omits to engage with the ten enumerated schedule 4, part 2 factors, the three additional legislative frameworks identified in point 8, or the documentary evidence in Exhibit A would be susceptible to challenge on that ground. I also draw attention to section 64(4) of the IP Act, which provides that an agency may give access to a document even where the Act provides that access may be refused. Even if QCS were to satisfy any refusal ground – which for the reasons set out above it cannot – the Commissioner retains a positive discretion to order disclosure. The circumstances of this matter, including Exhibit A, the demonstrated factual inaccuracy in QCS's termination documentation, and the active QIRC proceedings in which these records are directly in issue, are precisely the circumstances in which that discretion should be exercised in favour of disclosure.

28. In response to the applicant's assertions in the paragraph above, I would note, firstly, that I am satisfied that the applicant has been afforded procedural fairness in this review. Procedural fairness requires that an applicant be afforded a reasonable opportunity to present their case before a decision is made. The applicant has taken numerous opportunities throughout the protracted timeframe of this review to provide detailed submissions in support of her position, and in response to both QCS's decision, and OIC's preliminary views.³² She has argued, in detail, why she considers that disclosure of the information in issue would not, on balance, be contrary to the public interest, with specific focus on the Exam 4 material. As noted, QCS agreed, at several points during the review, to give the applicant access to additional information based upon those submissions, particularly in response to the applicant's submission regarding the Exam 4 Assessment Marking Tools that she submitted were distributed to candidates during the training program. However, QCS maintains its objection to disclosure of the remaining information in issue on public interest grounds. Furthermore, the applicant's contention that '*the Commissioner retains a positive discretion to order disclosure*' despite that objection by QCS is incorrect. The Information Commissioner holds no such discretion under the IP Act and is, in fact, expressly prohibited, under section 118(2) of the IP Act, from directing that access to information be given where it is established that it is exempt or contrary to the public interest information. It is only an agency that holds a discretion to release information even if there exist grounds for its refusal: see section 67(2)(b) of the IP Act.
29. In her submission on 17 May 2026, and in reliance upon the material that was distributed to recruits during training; the material released to the applicant during this review; as well as her inspection of the Exam 4 re-sit material that occurred in the context of other proceedings, the applicant argued as follows:

³² See footnote 7 above.

For the reasons shown in this attachment, I respectfully request that OIC consider whether access, or partial access, can be granted to my own completed and marked Exam 4 and Exam 4 Resit records.

If any part of the fictional scenario is considered sensitive, I request targeted redaction of scenario-only content.

I do not accept that scenario sensitivity justifies withholding my own answers, marks, ticks, crosses, corrections, annotations, assessor comments, deducted-mark reasons, score calculation, or marking rationale.

The Academy-distributed training material in this attachment demonstrates that the relevant forms, marking structure, and wording conventions were already provided to recruits during training. They are not confidential.

The released pages 71–73 confirm that assessor comments and deducted-mark reasons were recorded. I am seeking access to the full version of what was recorded about my own work.

I inspected the Exam 4 Resit material under lawful access on 27 March 2026 and transcribed it word for word.

Releasing the official record to me cannot cause prejudice to the assessment process that has not already occurred through that lawful inspection.

30. In response, I note that QCS has given the applicant access to the Assessment Marking Tools for both the initial Exam 4 assessment, and the applicant’s unsuccessful re-sit of that test. These contain the applicant’s marks for each assessment item, as well as some comments made by assessors. As to the applicant’s submission that her inspection of her Exam 4 re-sit material as part of other proceedings in which she is involved means that releasing that same material to her under the IP Act could not reasonably be expected to cause prejudice to QCS’s testing procedures, the applicant has failed to recognise the distinction between the two forms of access. Inspection or disclosure of material in the context of legal proceedings is ordinarily accompanied by a restriction on its further use or dissemination for purposes unrelated to the proceedings. Disclosure of information under the IP Act, however, is unrestricted and there is nothing to prevent the further use, dissemination or publication of the released information.³³ I reject the applicant’s assertion that the possibility of further dissemination or publication of material disclosed under the IP Act is an irrelevant consideration that cannot be taken into account in assessing the public interest balancing test.

Findings

31. Based on the submissions made by the applicant that are relevant to the issues to be determined by OIC, the public interest factors relied upon by the applicant in favour of disclosure of the information in issue are as follows:

³³ As Judicial Member McGill SC of the Queensland Civil and Administrative Tribunal observed: ‘... the effect of the... IP Act is that, once information has been disclosed, it comes under the control of the person to whom it has been disclosed. There is no provision of that Act which contemplates any restriction or limitation on the use which that person can make of that information, including by way of further dissemination.’: *FLK v Information Commissioner* [2021] QCATA 46 at [17].

- a) disclosure could reasonably be expected to enhance the accountability and transparency of government and provide background or contextual information that informed government decision-making³⁴
- b) disclosure could reasonably be expected to ensure effective oversight of expenditure of public funds³⁵
- c) disclosure could reasonably be expected to allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official³⁶
- d) disclosure could reasonably be expected to reveal or substantiate that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct³⁷
- e) the information is the applicant's personal information³⁸
- f) disclosure could reasonably be expected to reveal that the information was incorrect or misleading or unfairly subjective³⁹
- g) disclosure could reasonably be expected to contribute to the administration of justice generally, including procedural fairness;⁴⁰ and
- h) disclosure could reasonably be expected to contribute to the administration of justice for a person.⁴¹

32. The relevant nondisclosure/harm factors as relied upon by QCS in its decision are as follows:

- a) disclosure could reasonably be expected to prejudice the protection of an individual's right to privacy⁴²
- b) disclosure could reasonably be expected to prejudice the management function of an agency⁴³
- c) disclosure could reasonably be expected to prejudice the effectiveness of testing or auditing procedures⁴⁴
- d) disclosure could reasonably be expected to cause a public interest harm by prejudicing the effectiveness of a method or procedure for the conduct of tests, examinations or audits by an agency⁴⁵
- e) disclosure could reasonably be expected to cause a public interest harm by prejudicing achieving the objects of a test, examination or audit conducted by an agency⁴⁶

³⁴ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

³⁵ Schedule 4, part 2, item 4 of the RTI Act.

³⁶ Schedule 4, part 2, item 5 of the RTI Act.

³⁷ Schedule 4, part 2, item 6 of the RTI Act.

³⁸ Schedule 4, part 2, item 7 of the RTI Act. Section 12 of the IP Act defines 'personal information' for the purpose of the RTI 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'.

³⁹ Schedule 4, part 2, item 12 of the RTI Act.

⁴⁰ Schedule 4, part 2, item 16 of the RTI Act.

⁴¹ Schedule 4, part 2, item 17 of the RTI Act.

⁴² Schedule 4, part 3, item 3 of the RTI Act.

⁴³ Schedule 4, part 3, item 19 of the RTI Act.

⁴⁴ Schedule 4, part 3, item 21 of the RTI Act.

⁴⁵ Schedule 4, part 4, section 3(a) of the RTI Act.

⁴⁶ Schedule 4, part 4, section 3(b) of the RTI Act.

- f) disclosure could reasonably be expected to cause a public interest harm through disclosure of personal information of another individual.⁴⁷
33. In considering the application of these factors to the information in issue, an assessment must be made of whether disclosure ‘*could reasonably be expected to*’ have the effect provided for in each of the factors.⁴⁸
34. As noted, the applicant’s submissions throughout the review focused mainly on the Exam 4 and other assessment material. This material comprises the bulk of the refused information and I will deal with it in detail further below. However, other segments of refused information throughout the information in issue comprises the personal information (including names and direct contact details) of various QCS officers.
35. I note that, in her submissions, the applicant raised the pro-disclosure bias contained in the IP Act and argued that disclosure of requested information must be the ‘default’ position. However, section 64 of the IP Act provides as follows:

64 Pro-disclosure bias in deciding access to documents

- (1) *It is the Parliament’s intention that if an access application is made to an agency or Minister for a document, the agency or Minister should decide to give access to the documents **unless giving access would, on balance, be contrary to the public interest.***

[emphasis added]

36. As is made clear by this provision, the existence of a general pro-disclosure bias in the IP Act does not prevent an agency from exercising its legislated right to refuse access to information if the agency considers that giving access would, on balance, be contrary to the public interest.

Personal information of QCS officers

37. This category of information comprises names and direct contact details (including mobile numbers) of QCS officers, as well as a small segment of information contained on page 14 of the Employee Relations file that discusses the relevant officer’s personal approach to their training role.
38. QCS decided that, given the context in which this personal information appears, and against the background of the applicant’s grievances and complaints about her treatment by QCS Academy staff and her dismissal from the COEP,⁴⁹ the information could not be categorised as routine personal work information of the officers

⁴⁷ Schedule 4, part 4, section 6 of the RTI Act.

⁴⁸ The term ‘*could reasonably be expected to*’ requires that the expectation must be reasonably based, that it is neither irrational, absurd or ridiculous, nor merely a possibility. The expectation must arise as a result of disclosure, rather than from other circumstances. Whether the expected consequence is reasonable requires an objective examination of the relevant evidence. It is not necessary for a decision-maker to be satisfied upon a balance of probabilities that disclosing the document will produce the anticipated prejudice. See *Nine Network Australia Pty Ltd and Department of Justice and Attorney-General* (Unreported, Queensland Information Commissioner, 14 February 2012) at [31].

⁴⁹ QCS advised that the applicant had alleged in public forums that she had faced ‘*systemic gaslighting*’, ‘*procedural misconduct*’ and ‘*betrayal*’ by QCS staff during her period of employment.

concerned. QCS decided that disclosure of the personal information of officers could reasonably be expected to disclose non-routine personal work information, which automatically gave rise to a public interest harm in disclosure.⁵⁰ In the particular circumstances of the stated nature of the applicant's grievances against QCS Academy staff following the termination of her employment, QCS afforded significant weight to this public interest harm, and to the associated public interest nondisclosure factor concerned with protecting the right to privacy of the relevant officers.⁵¹ QCS was satisfied that disclosure of the positions held by the officers, together with their landline telephone numbers, was sufficient to discharge QCS's accountability and transparency obligations.

39. The submissions made by the applicant throughout this review did not specifically address this category of information or provide arguments as to why disclosure of this personal information would not, on balance, be contrary to the public interest. I am unable to identify public interest factors favouring its disclosure beyond the general government accountability and transparency factors identified by QCS.⁵² Despite the applicant's allegations that she was treated unfairly by QCS staff, there is nothing in the material before me that would give rise to a reasonable expectation that disclosure would, for example, reveal or substantiate that any officer engaged in misconduct, or improper or unlawful conduct in their interactions with the applicant. As such, and given that the positions and landline contact details of the relevant staff have been disclosed, I afford only low weight to the accountability and transparency pro-disclosure factors. I am not satisfied that disclosure of the names of individual officers could reasonably be expected to enhance, to any significant extent, the accountability and transparency of QCS regarding decisions made about the applicant. Similarly, I am not satisfied that disclosure of the small segment of information redacted from page 14 of the Employee Relations file (which is not directly relevant to the applicant) would enhance QCS's accountability in any meaningful way.
40. There is nothing in the material before OIC to indicate that any of the officers in question were acting outside their authority or their official capacity as officers of QCS in their dealings with the applicant. As such, the actions the officers took and the decisions they made with respect to the applicant are properly to be regarded as decisions and actions taken on behalf of QCS. I do not accept that the applicant requires access to the names of individual staff in order to pursue her grievances against QCS.
41. Accordingly, for the same reasons as given by QCS in its decision, and in the context of the applicant's pursuit of her grievances against QCS, I afford strong weight to the public interest in protecting the personal information and right to privacy of QCS staff. In affording strong weight to these factors, I have taken account of the fact that there are no restrictions upon what an applicant may do with information that is disclosed to them under the RTI Act or IP Act.⁵³ In those circumstances, a mere assurance given by an applicant that they will not publish certain information if it is

⁵⁰ See paragraph 32, factor f) above.

⁵¹ See paragraph 32, factor a) above.

⁵² See paragraph 31, factor a) above.

⁵³ See footnote 33 above.

released to them under the IP Act cannot be enforced and therefore cannot serve to lessen the weight to be afforded to the personal information/right to privacy nondisclosure factors.

42. After balancing the competing public interest factors, I find that those favouring nondisclosure outweigh those favouring disclosure such that, on balance, disclosure of this category of personal information in issue would be contrary to the public interest. Access under the IP Act therefore may be refused.

Examination/assessment information

Factors favouring disclosure

43. The bulk of the information in issue (and of central concern to the applicant) is information relating to QCS's testing and assessment procedures for candidates taking part in the COEP. The information disclosed to the applicant during the review, and the information that remains in issue, is described at paragraphs 12–14 above.
44. As noted, as a result of the applicant's submissions regarding the material that was released to recruits (during the training program) about the Exam 4 assessment, QCS agreed to give the applicant access to the Exam 4 Assessment Marking Tools, as well as to the marks she received for both the initial exam and the re-sit. The applicant then submitted that her argument that confidentiality had been lost in respect of this Exam 4 marking material should also apply to the items listed in the Observation Checklists for Assessment Task 1. While agreeing to release some additional Assessment Task 1 information, QCS had maintained its objection to disclosure of the checklist items on the basis that disclosure of the items would reveal what particular action/skill was being observed and scored by the assessor. The applicant submitted that this information should be disclosed to her because QCS had '*disclosed the criteria to candidates as 'part of its structured training program'*'.⁵⁴ However, there is no evidence before OIC (beyond the applicant's unsupported assertion) to establish that this occurred in respect of the Observation Checklists. I would also note, in any event, that the applicant's performance for Assessment Task 1 was assessed as 'satisfactory', and therefore presumably did not contribute to the decision to terminate her employment.
45. Turning to the public interest factors favouring disclosure relied upon by the applicant and listed in paragraph 31 above, I am not satisfied that factors b), c), d) or f) apply to the information in issue. I do not accept that disclosure of the information in issue would reveal anything about the expenditure of public funds in connection with the COEP. There is no discussion about funding contained in the information in issue, and I am satisfied that it would not reasonably be possible to draw any conclusions about public funding from its disclosure.
46. Nor am I satisfied that disclosure of the information in issue could reasonably be expected to allow or assist inquiry into possible deficiencies in the conduct or administration of QCS or its staff, or to reveal or substantiate that QCS has engaged in misconduct or negligent, improper or unlawful conduct. While the applicant

⁵⁴ Applicant's email of 4 April 2026.

asserts that her inspection of the Exam 4 re-sit material showed that QCS took into account '*criteria absent from the official marking tool*', there is no independent evidence before OIC to support this assertion, and the applicant has provided no particulars of her claim. But in any event, as noted, the applicant has been given access to the Exam 4 Assessment Marking Tools which reveal the criteria being assessed, as well as the marks awarded to the applicant for each criteria. In addition, some general comments by the assessor have been disclosed. Furthermore, the applicant has inspected her complete Exam 4 re-sit paper and can pursue this issue in the context of the relevant proceedings in which she is involved, should she wish to do so. I am not satisfied, on the material before OIC, that it has been established there are reasonable grounds for expecting that disclosure of the remaining information would have the effects contended for by factors c) or d) in paragraph 31 above. Similarly, for factor f), I am not satisfied on the material before OIC that it has been established that disclosure of the information in issue could reasonably be expected to reveal that information is incorrect or misleading or unfairly subjective.

47. Turning now to the accountability and transparency factors favouring disclosure (see factor a) in paragraph 31 above), I accept that disclosure of the information in issue would, to some extent, enhance the accountability and transparency of QCS regarding its assessment of the applicant and the decision it made to terminate the applicant's employment as a Trainee CCO. There is a public interest in agencies conducting assessment methods and procedures as transparently as possible, so that individuals who are subject to those procedures can be satisfied that they have been assessed fairly and in accordance with agreed criteria. I also accept that disclosure would provide some contextual or background information (that is, the Exam 4 material) that informed or contributed to that decision.
48. However, taking account of the volume of information to which the applicant has been given access, I afford moderate weight to the accountability factors favouring disclosure. I do not consider that disclosure of the information in issue would add significantly to what the applicant already knows about her Exam 4 results, and the reasons for QCS's decision to terminate her employment during the probationary period. I note that, upon termination of her employment, the applicant received a letter from the Acting Chief Superintendent of the QCS Academy⁵⁵ that set out the reasons for her termination. Given the totality of the material that has been made available to the applicant, I am not satisfied that disclosure of the information in issue under the IP Act could reasonably be expected to further enhance, to any significant degree, the accountability and transparency of QCS regarding the way in which it assessed the applicant, or the reasons for the decisions it made with respect to her employment.
49. For similar reasons, I afford low weight to the administration of justice factors at items g) and h) of paragraph 31 above. Again, taking account of the totality of the material that has been made available to the applicant by QCS, through disclosure or inspection, I am not satisfied that there are reasonable grounds for expecting that disclosure of the information in issue under the IP Act would contribute significantly to the administration of justice for the applicant, including in affording her

⁵⁵ See footnote 6 above.

procedural fairness. I do not consider that disclosure is necessary to enable the applicant to pursue, or to further pursue, her grievances against QCS (whether in the formal context of the various proceedings in which she is already involved, or informally). She has been given access to sufficient information to enable her to identify whether grading errors were made, or whether there were any other deficiencies, in QCS's assessment of her Exam 4 material.

50. The final factor favouring disclosure of the information in issue is factor e) at paragraph 31 above – the public interest in giving an individual access to their own personal information as held by government. I note that QCS has disclosed to the applicant all sensitive personal information in the form of the feedback that was communicated to the applicant during her training concerning aspects of her performance and behaviour. As to the personal information of the applicant that remains in issue, the bulk of it comprises the applicant's answers (typed offender case notes and officer reports) to Exam 4 hypothetical breach scenarios. I acknowledge that the applicant prepared this material as part of her response to an examination, and it is therefore to be regarded as her personal information for the purposes of the IP Act. Given its nature, I afford moderate weight to factor e).
51. In summary, I find as follows in respect of the public interest factors favouring disclosure listed in paragraph 31 above:
 - factors b), c), d) and f) do not apply to the information in issue and I afford them no weight in the public interest balancing test
 - I afford moderate weight to the accountability and transparency factors (factor a))
 - I afford low weight to the administration of justice factors (factors g) and h)); and
 - I afford moderate weight to the personal information factor (factor e)).

Factors favouring nondisclosure

52. Turning now to the public interest nondisclosure and harm factors listed at paragraph 32 above, it is factors b), c), d) and e) that are relevant to the examination/assessment information in issue.
53. The public interest will favour nondisclosure of information that could reasonably be expected to prejudice (i) the management function of an agency (factor b), and (ii) the effectiveness of an agency's testing procedures (factor c)). The RTI Act also recognises that disclosure could reasonably be expected to cause a public interest *harm* if disclosure could:
 - prejudice the effectiveness of a method or procedure for the conduct of tests or examinations by an agency (factor d)); and
 - prejudice achieving the objects of a test or examination conducted by an agency (factor e)).
54. QCS decided that disclosure of the information in issue could reasonably be expected to cause prejudice to the effectiveness of QCS's testing procedures for

correctional officer recruits. QCS noted that all recruits are required to complete the same assessments, including Exam 4, and that disclosing this assessment information under the IP Act, *'would enable future recruits to tailor their responses to gain a more beneficial outcome, thereby undermining these processes'*.⁵⁶

55. QCS administers tests and examinations that are designed to ensure that individuals who are selected to become correctional officers will have the ability to discharge, efficiently and effectively, the important correctional centre security, safety and good order functions that the community expects, and to handle the rigorous demands of working in a correctional centre environment. As discussed above, the assessment includes both practical (Assessment Task 1) and theoretical (Exam 4) testing. As noted, passing Exam 4 is a mandatory requirement of the COEP.
56. Having considered the information in issue, I am satisfied that there are reasonable grounds for expecting that its disclosure would have each of the prejudicial and harm effects contended for by the factors favouring nondisclosure.
57. In respect of the Observation Checklist items that are in issue, I am satisfied that their disclosure could reasonably be expected to enable future recruits to identify not only the type of practical tasks and activities that they may be required to perform for Academy trainers, but also each of the skills required in order to demonstrate competency in the task.
58. As regards the Exam 4 material, it comprises fictional breach scenarios prepared by QCS trainers which recruits are required to assess and then to prepare case notes and officer reports in response. The applicant argued that because the scenarios are fictional and change from time to time, their disclosure could not reasonably be expected to prejudice the effectiveness of the testing. I do not agree. While the scenario facts may be fictional and may change from time to time, the scenarios are nevertheless designed to assess the same general criteria. The applicant has been given access to the Assessment Marking Tools, as well as to the marks she received for each assessment item. However, I am satisfied that disclosure of the scenarios, the applicant's responses (in the form of the case notes and reports that she prepared), and some of the comments made by the assessors that indicate why the applicant lost marks, would reveal not only what the exam was seeking to test, but also whether or not the applicant's answers satisfied each of the elements of the marking criteria. Disclosure of this information could reasonably be expected to enable future recruits to identify not only the type of scenarios that are likely to form the basis of the test, but also what is required to be contained in a candidate's response in order to gain marks (and, conversely, what is missing from the response that results in a loss of marks).
59. I am satisfied that the effectiveness of testing/examination methods and procedures used in QCS's correctional officer recruitment is likely to be compromised substantially by disclosure of the information in issue as it could reasonably be expected to allow future applicants to tailor their responses to gain a more beneficial outcome, thereby undermining the recruitment process. Disclosure

⁵⁶ QCS's decision dated 30 June 2025.

would reveal the particular areas on which recruits are assessed, and the methods and procedures that are used by QCS to evaluate a recruit's responses/performance. Disclosure could reasonably be expected to subvert the purpose of those testing methods as it would enable future candidates to respond to assessment tasks in a way that could give them an unfair advantage in a highly competitive environment.

60. For these reasons, I am also satisfied that disclosure of the information in issue could reasonably be expected to cause a public interest harm by prejudicing the effectiveness, and objects, of the testing/examination methods used by QCS in its recruitment process. I also find that this could reasonably be expected to have a corresponding prejudicial impact on QCS's management function as it may lead to unsuitable candidates being selected to the role of correctional officer due to the presence of skewed/misleading testing results.
61. Having regard to the importance of preserving, on behalf of the community, the integrity, effectiveness and objects of QCS's testing methods and procedures so as to ensure that only suitable individuals are appointed to the role of custodial correctional officers, I afford significant weight to each of the prejudice and harm factors identified in paragraph 53 above that weigh in favour of nondisclosure of the information in issue.
62. After weighing the various public interest factors favouring both disclosure and nondisclosure of the information in issue, I am satisfied that those factors favouring nondisclosure outweigh those favouring disclosure. As such, disclosure of the assessment/examination information in issue would, on balance, be contrary to the public interest and access to it may be refused under the IP Act.

Relevant law – sufficiency of search

63. The IP and RTI Acts permit an agency to refuse access to information where the requested information is non-existent or unlocatable.⁵⁷ A document will be non-existent if there are reasonable grounds to be satisfied it does not exist.⁵⁸ A document will be 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.⁵⁹
64. To be satisfied that a document does not exist, the Information Commissioner has previously identified a number of key factors to consider, including the agency's structure, its recordkeeping practices and procedures and the nature and age of requested documents.⁶⁰ After considering relevant factors, a decision-maker may conclude that a particular document was not created because, for example the

⁵⁷ Section 67(1) of the IP Act and sections 47(3)(e) and 52(1) of the RTI Act.

⁵⁸ Section 52(1)(a) of the RTI Act.

⁵⁹ Section 52(1)(b) of the RTI Act.

⁶⁰ 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] (*PDE*). These factors were more recently considered in *B50 and Department of Justice and Attorney-General* [2024] QICmr 33 (7 August 2024) at [15], *T12 and Queensland Police Service* [2024] QICmr 8 (20 February 2024) [12], and *G43 and Office of the Director of Public Prosecutions* [2023] QICmr 50 (12 September 2023) [19].

agency's processes do not require creation of that specific document. In such instances, it is not necessary for the agency to search for the document, but sufficient that the circumstances to account for the nonexistence are adequately explained by the agency. 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.⁶¹ What constitutes reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the circumstances.

65. 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.⁶² On an external review, the agency or Minister who 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. However, where the issue of missing documents is raised, the applicant bears a practical onus of demonstrating that the agency has not discharged its reasonable search obligations.⁶³ Suspicion and mere assertion about the possible existence of additional documents will not satisfy this onus.⁶⁴

Submissions

66. In her submission of 4 April 2026, the applicant raised, for the first time, an issue about missing documents:

The documents released to me following the QIRC inspection do not account for all documents that should exist in relation to my assessment. QCS has not confirmed whether all relevant documents have been located and considered. I formally put the sufficiency of QCS's search before this review as an issue requiring determination. Under section 67(1) of the IP Act read with section 52 of the RTI Act, QCS has an obligation to take all reasonable steps to locate all documents relevant to the application. I rely on the OIC's powers under the IP Act to require QCS to confirm the completeness of its search if this has not already been done.

67. In response,⁶⁵ OIC advised the applicant that, based upon the terms of her access application and the specific documents to which she sought access, QCS's search of her Academy records, and her Academy email account, appeared reasonable in all the circumstances and should reasonably have been expected to locate responsive documents. OIC noted that the applicant had not identified any specific missing documents, but had contended simply that QCS had not confirmed

⁶¹ In *Webb v Information Commissioner* [2021] QCATA 116 (**Webb**) at [6], McGill J observed that this does not extend to all 'possible' steps.

⁶² 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* at [6] that this '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.

⁶³ See *Mewburn and Department Local Government, Community Recovery Resilience* [2014] QICmr 43 (31 October 2014) [13].

⁶⁴ *Parnell and Queensland Police Service* [2017] QICmr 8 (7 March 2017) [23]; *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) [36]; *Y44 and T99 and Office of the Public Guardian* [2019] QICmr 62 (20 December 2019) [38].

⁶⁵ OIC's email of 14 April 2026.

‘whether all relevant documents had been located and considered’. The applicant was advised that this was not sufficient to discharge the practical onus upon her.

68. The applicant responded with an email containing 83 numbered points that not only dealt with her sufficiency of search concerns, but also sought to make additional submissions about release of the Exam 4 material.⁶⁶ In addition, many of her submissions about missing documents in fact referred to documents in issue and to which access had been refused. As to the additional searches and inquiries that the applicant contended that QCS should be required to undertake to locate (unspecified) missing documents, these were extremely broad in nature and/or repeated searches that had already been conducted of Academy records:

...

46. QCS should be required to search my complete recruit file, assessment file, Academy file, HR file, recruitment file, termination file, and any physical or electronic file created in relation to my Academy attendance, assessment outcomes, progression, failure, or dismissal.

47. QCS should be required to search Academy assessment folders, trainer folders, marking folders, cohort folders, intake folders, physical Academy storage locations, scanned assessment repositories, archived Academy records, and any off-site storage location used for Academy assessment records.

48. QCS should be required to search its electronic document and records management system, including Content Manager or any equivalent recordkeeping platform used by QCS.

49. QCS should be required to search network drives, shared drives, SharePoint sites, OneDrive folders, learning management systems, HR systems, recruitment systems, assessment systems, and any database used to record recruit competency, assessment progress, assessment failure, or termination outcomes.

50. QCS should be required to search the email accounts of the trainer or assessor who marked Exam 4, any trainer or assessor involved in Assessment Task 1, any trainer who received or marked Practice Scenario 2, any Academy officer responsible for assessment administration, any officer responsible for storing recruit assessment documents, any HR or recruitment officer involved in the termination process, and any officer who prepared or contributed to the termination documentation.

51. QCS should also be required to search shared mailboxes used by the Academy, HR, recruitment, assessment administration, or training staff.

52. QCS should be required to search Microsoft Teams chats, Teams channels, or equivalent internal communications if those systems were used for Academy, assessment, HR, recruitment, or termination communications.

53. QCS should be required to make direct inquiries of the trainer or assessor who marked Exam 4, any second marker, reviewer, moderator, supervisor, or officer who checked or approved the Exam 4 result, the trainer or assessor who completed Assessment Task 1 records, the trainer who received or marked Practice Scenario 2, the

⁶⁶ Applicant's email of 24 April 2026.

officer responsible for storing Academy assessment records, the officer who retrieved documents for the original decision, and the officer who retrieved documents for external review.

...

69. The applicant also listed 35 separate search terms that she contended should be used in conjunction with these searches.
70. The applicant was given a final opportunity to provide a submission in which she identified specific missing documents. She did so on 17 May 2026. In that submission, the applicant focused on the following:
 - a) documents relating to what she referred to as a ‘shadow-boxing’ allegation made against her that had been raised at a meeting with Academy staff, including any written record of the complaint, any CCTV footage that recorded the alleged behaviour by her, and any ‘roster, sign-in, movement, post-assignment, attendance or location records capable of showing where [the applicant] was at the time the shadowboxing behaviour was alleged to have occurred’
 - b) a handwritten allegation sheet that the applicant contended had been shown to her at the meeting
 - c) *Converge*,⁶⁷ EAP, counselling, support-service, or wellbeing referral records generated after the ... meeting including any referral made by Academy staff and any response or outcome from Converge or any nominated provider; and
 - d) ‘Internal communications about my performance review, progression, suitability, graduation or marching status, dismissal, support referral, Exam 4 result handling, and decision-making between [dates provided], including email, Teams, messages, notes, file notes, and meeting records.’
71. The applicant listed the following searches that she contended QCS should be required to undertake:

i Mailboxes, Teams channels, messages, calendar entries, and local or shared drive files of: the officers present at the 11 March 2025 meeting [names of officers]; any officer involved in the shadow boxing allegation or CCTV request; any officer involved in the support referral, performance review, graduation or marching decision, termination decision, and Exam 4 result administration.

ii Academy records and HR/recruitment records relating to my COEP progression, performance notes, suitability assessments, and termination.

iii Support and wellbeing records including Converge referral records, any EAP provider correspondence, and any record of the outcome of any support referral made in my name.

iv CCTV and security records, including any request log, review log, retention schedule, and deletion or overwrite record.

⁶⁷ Converge is the external provider of confidential employee assistance/counselling services offered to QCS employees. .

v BCC and AGCC placement records relating to my placement performance, any feedback from placement supervisors, and any communication between placement and Academy staff about my suitability or conduct.

vi Document management systems including TRIM, SharePoint, OneDrive, and any Academy-specific records systems.

72. OIC asked QCS to provide search certifications that recorded the searches that had been conducted in an effort to locate documents responding to the terms of the access application and having regard to the type of documents that the applicant had specified in her application. QCS confirmed that a copy of the access application had been sent to the QCS Academy which had conducted searches of all electronic systems and databases to locate any documents concerning the applicant. Searches were also conducted of the applicant's Academy email account for the relevant period by QCS's Digital Services & IT Group.
73. As noted at paragraph 14 above, and after considering the applicant's submissions, QCS identified one other unit that could reasonably be expected to hold records about the applicant's employment – its HR unit. A search of HR records resulted in the applicant being given full or partial access to an additional 20 pages.

Findings

74. As has been confirmed by the Queensland Civil and Administrative Tribunal, when assessing an agency's searches for responsive documents, the issue to be determined by OIC is whether the agency has taken all *reasonable* steps to locate responsive documents, not all *possible* steps. Furthermore, the terms of an access application set the parameters for an agency's response and the direction of an agency's search efforts.⁶⁸
75. In this case, from the terms of the access application, the applicant's correspondence with QCS during the processing of her access application, and her correspondence with OIC during the external review, it is clear that the applicant's primary concern has been to obtain access to her assessment material as held by the QCS Academy. In her access application, she listed the following as the type of documents to which she was seeking access, stating that she believed they would be located at the QCS Academy at Wacol.
 - Assessment results
 - Marked exam papers
 - Written feedback/comments
 - Internal performance evaluations
 - Training review notes
 - All exams completion confirmation/receipt and scoring/results.

⁶⁸ *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 at [8] considering equivalent provisions in the now repealed *Freedom of Information Act 1992* (Qld); *O8OPCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [33].

76. Taking account of that information, QCS confirmed to the applicant in its decision that it had arranged for searches of the Academy's records to be undertaken (including the applicant's email account).

77. In the email to OIC that accompanied her external review application, the applicant stated as follows:

I am writing to formally appeal Queensland Corrective Services' recent decision regarding my Right to Information (RTI) request pertaining to my Exam 4 resit at the QCS Academy.

78. OIC's review therefore proceeded on the basis of reviewing QCS's decision to refuse access to the applicant's assessment material, including her Exam 4 re-sit material. It was only at a very late stage of the review that the applicant raised an issue about missing documents for the first time.

79. Having regard to the terms of the applicant's request and the type of documents that she listed as the subject of her request, I am satisfied that the searches that QCS has conducted in an effort to locate responsive documents (that is, a search of QCS Academy records (including a search of the applicant's email account) and a search of HR records) are reasonable in all the circumstances. I am satisfied that, based on QCS's knowledge of its record-keeping processes and procedures, as well as the fact that the only position held by the applicant during her three month period of employment with QCS was as a Trainee CCO based at QCS's Academy at Wacol, searches of the Academy's records and HR records should reasonably be expected to locate the type of documents that the applicant identified in her request.

80. As to the broad range of additional searches that the applicant contended that QCS should be required to carry out, as extracted at paragraph 68 above (and which the applicant has sought, in effect, to repeat in her later submission set out at paragraph 71 above), these searches appear, to a large extent, to be simply another way of describing a search of Academy records that has already been conducted. Other requests are vague in their terms, for example, the request for a search of '*...security records, including any request log, review log...*'. To the extent that the applicant's additional search and inquiry requests do not replicate the search of Academy records that has already taken place (such as, for example, requiring that direct inquiries be made '*of the trainer or assessor who marked Exam 4, any second marker, reviewer, moderator, supervisor, or officer who checked or approved the Exam 4 result, the trainer or assessor who completed Assessment Task 1 records, the trainer who received or marked Practice Scenario 2, the officer responsible for storing Academy assessment records, the officer who retrieved documents for the original decision, and the officer who retrieved documents for external review*'), I consider that these extend beyond what could be considered to be reasonable steps for QCS to take in an effort to locate responsive documents.

81. As to the specific documents that the applicant contends are missing (see items a), b) and c) at paragraph 70 above), the feedback page shown to the applicant at the relevant meeting is located at page 95 of File 01 and has been released to the applicant.⁶⁹ The 'shadow boxing' issue that was raised with the applicant at the

⁶⁹ QCS's searches did not locate a handwritten page of feedback.

meeting is recorded on this page. Furthermore, the page records that the various concerns that were raised about the applicant's behaviour were brought to the attention of Academy training officers/mentors by staff working in areas and units at the correctional centre where the applicant worked during her week 5 placement period. I consider that the manner in which the information is recorded reasonably suggests that such concerns were communicated verbally by correctional staff to Academy training staff during the placement period. But in any event, I consider that the searches of Academy records already conducted by QCS should reasonably have been expected to locate any responsive documents relating to feedback about the applicant's performance. Furthermore, none of the performance concerns that are recorded, including the shadow boxing issue, are dated. The shadow boxing concern is recorded in general terms as having occurred while the applicant was assisting with a medication round at the correctional facility. Therefore, I am not satisfied that reasonable steps require QCS to search '*roster, sign-in, movement, post-assignment, attendance or location records capable of showing where [the applicant] was at the time the shadowboxing behaviour was alleged to have occurred*', particularly given the time that has passed since the placement occurred.

82. In terms of the applicant's request for any correctional centre CCTV footage recording her alleged shadow boxing behaviour while on placement, QCS advised that correctional centre CCTV footage is retained for only 30 days unless it is required to be retained for a longer period because it records a reportable incident by an offender, or the use of force by a correctional officer.
83. Lastly, as regards the applicant's request for any documents relating to Converge or other counselling services, the released documents⁷⁰ indicate that the applicant was 'offered' counselling by Converge due to her emotional state during her meeting with Academy staff. The applicant has provided no evidence that she in fact sought counselling from Converge. Nor is there anything in the material to indicate that QCS 'referred' the applicant to Converge, such as to suggest that there are reasonable grounds for expecting that any documents described by the applicant at item c) of paragraph 70 above would exist in QCS's possession or under its control. While employees may often be reminded that an external counselling or assistance service is available to them if needed,⁷¹ whether or not an employee utilises the service is a matter for the employee only. Furthermore, the service is external to the agency and is considered to be confidential. The following is stated on Converge's website:⁷²

EAP [Employee Assistance Program] support is a free of charge, confidential wellbeing and mental health service funded by your employer. When your organisation partners with an employee assistance programme, such as Converge, you're able to access expert support to overcome mental health challenges in your personal and professional life. ... EAP support is completely confidential. When you engage with a clinician, you'll receive expert guidance, advice, and support without worrying that your employer or others within your organisation or broader community will know what was discussed....

⁷⁰ See released page 94 in File 01.

⁷¹ See released page 17 in the Employee Relations File.

⁷² <<https://www.convergeinternational.com.au>> (accessed 8.June 2026).

84. Even if the applicant did, in fact, utilise the counselling services offered by Converge, I am not satisfied that, given the confidential nature of the service between employee and counsellor, there are reasonable grounds for expecting that QCS would hold documents relating to that interaction.
85. For the reasons set out above, I am satisfied that QCS has discharged its reasonable search obligations under the IP Act and has taken all reasonable steps in an effort to locate documents responding to the terms of the applicant's access request. I find that access to any additional responsive documents may be refused under the IP Act on the grounds that they are nonexistent or unlocatable.

Conclusion

86. The above are the reasons for my decision set out at paragraph 1 above.

--End--