



Decision and Reasons for Decision

Citation: Nadel and Queensland Police Service [2026] QICmr 116
(30 June 2026)

Application Number: 318325

Applicant: Nadel

Respondent: Queensland Police Service

Decision Date: 30 June 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - LAW ENFORCEMENT AND PUBLIC SAFETY INFORMATION - request for documents concerning various policing tools - whether 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 - whether access may be refused on the ground information comprises exempt information - sections 47(3)(a) and 48 and schedule 3, section 10(1)(f) of the *Right to Information Act 2009* (Qld)

ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - NONEXISTENT OR UNLOCATABLE DOCUMENTS - whether agency has taken all reasonable steps to locate requested documents - whether access to further documents can be refused on the ground they are nonexistent or unlocatable - sections 47(3)(e) and 52(1) of the *Right to Information Act 2009* (Qld)

DECISION

I set aside¹ the reviewable decision of the Queensland Police Service (**QPS**) and, in substitution for that decision, I find access may be refused to the undisclosed information remaining in issue on the ground it comprises exempt information. I also find that access to further documents relevant to the access application may be refused on the ground they do not exist.

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

My reasons for the decision follow.²



T Lake
Principal Review Officer

Date: 30 June 2026

¹ Under section 110(1)(c) of the *Right to Information Act 2009* (Qld) (**RTI Act**).

² I have made this decision as a delegate of the Information Commissioner under section 145 of the RTI Act. 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 *Information Privacy Act 2009* (Qld) (**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 and chapter 8, part 3 of the IP 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, which may be accessed at:

<<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013>> and

<<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-014>> respectively.

REASONS FOR DECISION

Summary

1. The applicant applied to QPS under the RTI Act to access nine broad categories of documents which generally concern the development, and use, of emerging technologies in a policing context.³
2. QPS did not make a decision within the required statutory timeframe and was therefore taken to have made a deemed decision refusing access to the requested documents.⁴
3. The applicant then applied to the Office of the Information Commissioner (**OIC**) for external review of the deemed decision.⁵
4. During the review, QPS located documents relevant to a number of the access application components and disclosed some of them to the applicant. The applicant is not satisfied with the level of information which has been located and disclosed.

Background

5. The access application sought the following documents:⁶
 1. *Interim Evaluation of the rollout of the High-Risk High Harm Dashboard*
 2. *Final evaluation of the High-Risk High Harm Dashboard rollout*
 3. *documents containing descriptions of processes, methodologies and result of theoretical tests of the Domestic Violence Predictive Model*
 4. *documents containing information about how many decision trees are in Domestic Violence Predictive Model random forest model*
 5. *documents describing tests and or the results of tests to quantify the explainability of the Domestic Violence Predictive Model and/or describing tests and/or the results of tests to make the Domestic Violence Predictive Model more explainable (eg using SHAP or LIME)*
 6. *documents containing the list of demographic and occurrence related features that the Domestic Violence Predictive Model uses to assess a couple's risk of domestic violence*
 7. *document evaluation reports of the 2020 and 2021 theoretical or practical pilot of the artificial intelligence tool that Commissioner Carrol referenced in an email to all QPS officers and staff on 2 December 2021*
 8. *documents containing descriptions of the type of input data that the Total Ranking and Evaluation Tool uses to identify and rank offenders*
 9. *documents containing technical descriptions of the Total Ranking and Evaluation Tool's "automated mathematical applications" and how they "identify and rank offenders".*

³ Access application dated 13 August 2024.

⁴ Under section 46(1) of the RTI Act. QPS notified the applicant of this by letter dated 18 November 2024.

⁵ On 21 November 2024 (External Review Application).

⁶ The access application also provided background context for each document category.

6. The searches and enquiries undertaken by QPS during the review located documents relevant to Items 1, 2, 3, 7, 8 and 9 of the access application. QPS did not locate any documents relevant to Items 4, 5 and 6 and submitted that documents relevant to those components of the access application do not exist in its record keeping systems. Having notified the applicant of the results of QPS's searches, he confirmed⁷ that he:
 - accepted only one evaluation report existed in respect of Items 1 and 2 of the access application (**Document 1**)
 - accepted only one document existed in respect of Item 3 of the access application (**Document 2**); and
 - sought access to only one of the two reports which were located as responsive to Item 7 of the access application (**Document 3**).
7. The applicant maintains that these documents should be disclosed in full. He also submits that documents should exist in respect of Items 4, 5 and 6 of the access application. In respect of the one document which QPS located as responsive to Items 8 and 9 of the access application (**Document 4**), the applicant did not contest that it was the only responsive document that would exist in respect of those components of his access application.

Reviewable decision

8. The decision under review is the deemed decision QPS is taken to have made under section 46 of the RTI Act.

Evidence considered

9. The evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including the footnotes).
10. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.⁸ 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.⁹ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.
11. The applicant made a number of submissions to OIC.¹⁰ Some of these contain quite technical details about certain QPS policing tools and their use. In particular, the

⁷ On 5 December 2025.

⁸ Section 21 of the HR Act.

⁹ *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]. I also 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*'. I further note that OIC's approach to the HR Act (as set out in this paragraph) was considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23] (where Judicial Member DJ McGill SC saw '*no reason to differ*' from OIC's position).

¹⁰ The External Review Application and submissions dated 5 December 2025, 18 December 2025, 24 February 2026 and 10 March 2026.

applicant has provided detailed submissions concerning a policing tool known as the *'Total Ranking and Evaluation Tool'* (**THReT**), which (in generalised terms) is a mathematical tool used by QPS to calculate risk.¹¹ I have carefully reviewed all of the applicant's submissions (including their attachments and referenced external documents) and taken into account the parts of them which are relevant to the issues for determination.

Information in issue

12. During the review, QPS disclosed parts of Documents 1 and 3 to the applicant¹² and submitted that the undisclosed information within those documents, together with the entirety of Documents 2 and 4, comprise exempt information.¹³ Accordingly, the information remaining for consideration (**Information in Issue**) comprises:
- the undisclosed parts of Documents 1 and 3; and
 - Documents 2 and 4.

Issues for determination

13. During the review, I conveyed preliminary views to the applicant that the Information in Issue comprised exempt information and QPS had conducted reasonable searches for the documents requested in Items 4, 5 and 6 of the access application.¹⁴ The applicant did not accept those preliminary views.
14. Accordingly, the issues for determination are whether:
- the Information in Issue comprises exempt information and access to it may be refused on that ground; and
 - access to documents relevant to Items 4, 5 and 6 of the access application may be refused on the ground they do not exist or cannot be located.

Exempt information

Relevant law

15. The access right under the RTI Act¹⁵ is subject to other provisions of the RTI Act, including grounds on which access may be refused.
16. One refusal ground is where information comprises exempt information.¹⁶ Information will qualify as exempt where its disclosure would reasonably be expected to prejudice the effectiveness of a lawful method or procedure for

¹¹ For example, the applicant described an annexure to his 24 February 2026 submission as *'summarising and substantiating the most crucial empirical fact on which many of [his] legal arguments hinge'*. I note that, while this annexure deals specifically with THReT, the applicant also refers to other crime prediction and prevention tools using similar rules to THReT.

¹² On 3 February 2026 and 11 March 2026, respectively.

¹³ On 11 December 2025 and 3 March 2026.

¹⁴ Letter dated 23 January 2026, and emails dated 19 March 2026 and 8 April 2026.

¹⁵ Section 23(1)(a) of the RTI Act.

¹⁶ Sections 47(3)(a) and 48 of the RTI Act. Schedule 3 of the RTI Act identifies the types of information which Parliament has determined will comprise exempt information under the RTI Act.

preventing, detecting, investigating or dealing with a contravention or possible contravention of the law (**Exemption**).¹⁷

17. The phrase '*could reasonably be expected to*' has been considered previously by the Information Commissioner and, in essence, requires that the expectation must be based in reason (as distinct from something that is irrational, absurd or ridiculous) and not merely a possibility. The expectation must also arise as a result of disclosure, rather than from other circumstances.¹⁸
18. Schedule 3, section 10(2) of the RTI Act sets out certain circumstances where the Exemption will not apply (**Exceptions**).

Applicant's general submissions

19. Some of the applicant's submissions relate generally to the Information in Issue, rather than the individual components of it. I have dealt with those here.
20. The applicant submitted¹⁹ that his past conduct in respecting the importance of not prejudicing crime prevention methods '*makes it significantly less likely that disclosure will prejudice the method*'. While I have no reason to believe that the applicant has made this submission other than in good faith, the RTI Act does not place any restriction on the use, dissemination or publication of information which is disclosed in response to an access application. I also note that the RTI Act confers no power on the Information Commissioner to exact any undertaking, or to impose any condition, concerning the use to which a person granted access to a document under the RTI Act will put the document (or the information contained within it).
21. Accordingly, when reaching my factual conclusions about whether the components of the Information in Issue comprise exempt information, I cannot exclude the possibility that the undisclosed information could be further disseminated or published, and I must also take into account that there is no mechanism under the RTI Act to prevent such disclosure.
22. When confirming that he sought access to only one of the two documents which QPS located as responsive to Item 7 of the access application,²⁰ the applicant noted that a separate agency had disclosed the other located document to him and that other agency had not sought to rely on any of the exemptions in schedule 3 of the RTI Act.²¹ As a decision-maker conducting merits review,²² I am required to

¹⁷ Schedule 3, section 10(1)(f) of the RTI Act.

¹⁸ See, for example, *Sheridan and South Burnett Regional Council and Others* [2009] QICmr 26 (9 April 2009) at [189]–[193], referring to *Attorney-General v Cockcroft* (1986) 64 ALR 97.

¹⁹ Applicant submission dated 10 March 2026.

²⁰ As referenced in paragraph 6 above.

²¹ Applicant's submission dated 5 December 2025.

²² That is an administrative reconsideration of a case which can be described as '*stepping into the shoes*' of the primary decision-maker to reach the correct and preferable decision. The Court of Appeal noted in *Commissioner of the Police Service v Shelton & Anor* [2020] QCA 96 at [12] that section 118 of the IP Act '*provides for the relevant form of review to be merits review*'. Similarly, in *Mokbel v Queensland Police Service* [2023] QCATA 158 (**Mokbel**) at [12] and *O'Connor v Department of Child Safety, Seniors and Disability Services* [2024] QCATA 34 at [2], Judicial Member DJ McGill SC confirmed that external review under the IP Act is a merits review process. While these decisions concerned access applications made under the IP Act, they are relevant to the external review process under the RTI Act.

determine each matter on its own facts and on the basis of available evidence at the time of making my decision—there is no requirement for me to follow the approach taken by an agency when processing a separate access application.

23. The applicant also submitted²³ that determining whether the Exemption applies to the Information in Issue required '*proving that THReT applications to DV ... and the other crime-types that its been applied to*' are not in breach of specified provisions of the HR Act and the *Anti-Discrimination Act 1991* (Qld). As I have noted above, external review under the RTI Act is a merits review process,²⁴ and section 110 of the RTI Act requires the Information Commissioner, after conducting an external review, to make a written decision affirming, varying or setting aside the decision under review.²⁵ However, the RTI Act does not empower, or obligate, the Information Commissioner, in a decision issued pursuant to section 110 of the RTI Act, to address or make findings about whether particular policing tools do, or do not, 'breach' various legislative requirements.
24. Finally, the applicant submitted that a public interest test should have been conducted and he identified a number of public interest factors which he considered applied to favour disclosure of the Information in Issue.²⁶ However, the exemptions set out in schedule 3 of the RTI Act do not require, or allow, consideration of public interest issues, as Parliament has determined that disclosure of these categories of information would be contrary to the public interest.²⁷ Accordingly, if information falls within one of the categories of exempt information prescribed in schedule 3, a presumption exists that its disclosure would be contrary to the public interest, and no further consideration is permitted on external review.
25. I will now address the applicant's submissions as they relate to each component of the Information in Issue.

Findings – undisclosed Document 1 information

26. Items 1 and 2 of the access application sought internal QPS evaluations of a policing tool known as the '*High-Risk High Harm Dashboard*' (HRHHD). I have noted above that the applicant accepts Document 1 would be the only document responsive to Items 1 and 2 and QPS has partially released that document.
27. It is QPS's position that the undisclosed Document 1 information comprises exempt information. The applicant does not accept that this information meets the requirements of the Exemption—more specifically, the applicant submits that the

²³ Applicant's submission dated 24 February 2026.

²⁴ I note that, in *Mokbel*, the Judicial Member relevantly observed that 'it is clear that the legislative focus was on the protection of the right to access information by means of a merits review by an independent specialist Commissioner who was able to examine the relevant material and decide whether or not there was a right to access in accordance with the Act'.

²⁵ This obligation does not arise where an external review application is resolved informally (as contemplated in section 90 of the RTI Act).

²⁶ External Review Application.

²⁷ Section 48(2) of the RTI Act.

undisclosed Document 1 information includes *'dozens of details that QPS have already disclosed about the HRHH Dashboard'*.²⁸

28. I accept that there is a range of information in the public domain about various police methods and procedures and, in my view, this is reflected by the fact that some information within Document 1 has been disclosed to the applicant. The applicant submitted that, in considering whether the Exemption applies, a decision-maker is obligated to *'address and counter'* the details he provided in support of his position, including details of what he considers would be included within the undisclosed Document 1 information.²⁹ The manner in which I can describe the undisclosed Document 1 information in this decision is limited under the RTI Act.³⁰ Given this restriction, I am unable to address the applicant's assumptions about the content of the undisclosed Document 1 information. However, I can confirm that, after careful review of the applicant's submissions, I am satisfied that there is no evidence before me which indicates that this particular undisclosed information is in the public domain.³¹
29. I am satisfied that the undisclosed Document 1 information relates to an identifiable lawful method/procedure which is used by QPS for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law. Having carefully examined the undisclosed Document 1 information, I am also satisfied that its disclosure could reasonably be expected to prejudice this policing method/procedure, particularly as this undisclosed information includes details about how this particular method/procedure was used by QPS in carrying out its functions (including in particular circumstances).³²
30. The applicant submitted that the Exceptions in schedule 3, section 10(2)(a), (b) and (c) of the RTI Act apply to the undisclosed Document 1 information due to:
 - his belief that, based on information disclosed to him in response to a separate access application, *'any crime prediction and prevention tool that uses similar rules to THReT would also exceed the limits imposed by law'*³³ because it is discriminatory;³⁴

²⁸ Applicant's submission dated 10 March 2026. In this submission, the applicant:

- referenced specific media reporting, which he submitted listed *'all of the inputs THReT, and in turn, the HRHH Dashboard uses to calculate risk'*
- referenced what he described as *'public domain evidence'* of relevant disclosures; and
- submitted that *'All remaining inputs and all further granularity on them are outlined in'* a separate evaluation report which had been disclosed to him by another agency in response to a separate access application (a copy of which was attached to the External Review Application).

²⁹ Applicant's submission dated 24 February 2026.

³⁰ Section 108(3) of the RTI Act, which prohibits the Information Commissioner from disclosing information that is claimed to be exempt information or contrary to the public interest information in an external review decision.

³¹ In reaching this factual conclusion, I again confirm that I have considered all of the information disclosures the applicant referenced in his submissions (including the content of the separate evaluation report the applicant provided with the External Review Application).

³² I consider it is reasonable to expect that disclosure of this type of information could allow individuals to alter their behaviours in ways that could impact the effectiveness of this policing tool. As noted above, in reaching this factual conclusion, I have taken into account that there is no mechanism under the RTI Act to prevent the dissemination or publication of information disclosed in response to an access application.

³³ Applicant's submissions dated 24 February 2026 and 10 March 2026.

³⁴ Applicant's submission dated 10 March 2026.

- his expectation that, given the nature of his request in Items 1 and 2 of the access application, Document 1 is a report on the degree of success of the HRHHD.³⁵

31. While I acknowledge Document 1 is an evaluation report, the undisclosed information within it cannot be characterised as consisting of ‘a report on the degree of success achieved’ in a QPS policing program. After careful review of the undisclosed Document 1 information and the submissions received from the parties, I am satisfied that this information is not of the nature described in any of the Exceptions. More specifically, I am satisfied that it does not *consist of*:

- matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law³⁶
- matter containing a general outline of the structure of a program adopted by an agency for dealing with a contravention or possible contravention of the law; or
- a report on the degree of success achieved in a program adopted by an agency for dealing with a contravention or possible contravention of the law.

32. For these reasons, I find that access to the undisclosed Document 1 information may be refused³⁷ on the ground it comprises exempt information.

Findings – Document 2

33. Document 2 was located as responsive to Item 3 of the access application, which sought ‘documents containing descriptions of processes, methodologies and result of theoretical tests of the Domestic Violence Predictive Model’ (**DV Model**). Although I am unable to provide any detailed description of Document 2 in these Reasons for Decision,³⁸ I can confirm that it includes information about current **and** potential assessment tools related to QPS’s policing functions (that is, it is not entirely comprised of information about the DV Model).

34. I am satisfied that Document 2 concerns methods and procedures used (or considered for use) by QPS for preventing, detecting, investigating or dealing with contraventions (or possible contraventions) of the law. I am also satisfied that disclosing Document 2 could reasonably be expected to prejudice these methods and procedures, particularly as Document 2 contains information which details, at a point in time:

- how these methods and procedures were used (or were proposed for use) by QPS; and

³⁵ External Review Application.

³⁶ As set out in previous decisions of the Information Commissioner (for example, *Isles and Queensland Police Service* [2017] QICmr 1 (12 January 2017) at [21] and *Flori and Queensland Police Service* [2017] QICmr 5 (16 February 2017) at [25]), for this Exception to apply, the requested information must consist of material that objectively and authoritatively reveals that the scope of a law enforcement investigation has exceeded the limits imposed by law. In the circumstances of this matter, I have made a factual finding that the undisclosed Document 1 information does not reveal in any authoritative manner that any particular investigation was unauthorised, or that the scope of any law enforcement investigation has exceeded the limits imposed by law in any other way.

³⁷ Under sections 47(3)(a) and 48 and schedule 3, section 10(1)(f) of the RTI Act.

³⁸ By virtue of section 108(3) of the RTI Act.

- QPS's internal assessments regarding these methods and procedures and the outcomes they produced.
35. Following my careful review of the Document 2 content and the parties' submissions, I am also satisfied that Document 2 is not of the nature described in any of the Exceptions.
 36. For these reasons, I find that access to Document 2 may be refused³⁹ on the ground it comprises exempt information.

Findings – Undisclosed Document 3 information

37. As mentioned above, Document 3 is one of two documents QPS located as relevant to Item 7 of the access application, which requested evaluation reports of *'theoretical or practical'* pilots of a referenced *'artificial intelligence tool'*. The information which has been disclosed to the applicant confirms that Document 3 is a draft evaluation report about a police operation known as Operation Sierra Alesse.
38. Again, while there is a range of information in the public domain about various police methods and procedures, I am satisfied that there is no evidence before me which indicates that this particular undisclosed information is in the public domain.
39. While I am unable to provide a detailed description of the undisclosed Document 3 information,⁴⁰ I can confirm that it includes information about a range of policing activities and details of various tools utilised by QPS in undertaking those activities. I am therefore satisfied that the undisclosed Document 3 information concerns methods and procedures used by QPS for preventing, detecting, investigating or dealing with contraventions (or possible contraventions) of the law. Given the particular nature of this undisclosed information, I am also satisfied that its disclosure could reasonably be expected to prejudice these methods and procedures.
40. As with the undisclosed Document 1 information, I acknowledge Document 3 is an evaluation report. However, the information within it which has not been disclosed cannot be characterised as consisting of *'a report on the degree of success achieved'* in a QPS policing program. After careful review of the undisclosed Document 1 information and the parties' submissions, I am satisfied that this information is not of the nature described in any of the Exceptions.
41. Accordingly, I find that access to the undisclosed Document 3 information may be refused⁴¹ on the ground it comprises exempt information.

³⁹ Under sections 47(3)(a) and 48 and schedule 3, section 10(1)(f) of the RTI Act.

⁴⁰ By virtue of section 108(3) of the RTI Act.

⁴¹ Under sections 47(3)(a) and 48 and schedule 3, section 10(1)(f) of the RTI Act.

Findings – Document 4

42. Items 8 and 9 of the access application sought documents containing specific types of information about THReT, namely, the types of data inputs that it uses and technical descriptions of its '*automated mathematical applications*'.
43. QPS submitted that:⁴²
 - THReT is a unique and proprietary intelligence tool developed by QPS
 - this tool is used by QPS's Child Protection Offender Registry Unit to detect and reduce harm to vulnerable children; and
 - there is a risk that disclosing Document 4 could allow the reverse engineering of this tool, and thereby decrease the effectiveness of the tool (thereby prejudicing its effectiveness as a policing methodology).
44. As noted in paragraph 11, the applicant has provided detailed submissions about THReT and his concerns about its use in a domestic violence context. Those submissions included that:
 - THReT is not used only by the Child Protection Offender Registry Unit⁴³
 - media reporting has already disclosed '*all the inputs*' to THReT;⁴⁴ and
 - the applicant considers that QPS's use of THReT in the context of domestic violence policing would exceed the limits imposed by law, as its application in that context is discriminatory.⁴⁵
45. The applicant is correct in submitting that THReT is not only used in a child protection context. However, I consider that it is not in dispute that this policing tool is used by QPS across a number of policing contexts, including to detect and reduce harm to vulnerable children. Accordingly, and based on the information which is before me, I am satisfied that THReT is a method/procedure used by QPS for preventing, detecting, investigating or dealing with contraventions (or possible contraventions) of the law.
46. I accept that QPS has publicly disclosed some information about THReT, and how it is used in its policing functions. However, Items 8 and 9 of the access application seek information about what I generally characterise as the 'inner workings' of THReT—that is, the types of data inputs that this tool uses and technical descriptions of its '*mathematical applications*' and how they work. I consider disclosure of this level of information about how a particular policing tool works, and is applied, could enable some level of 'reverse engineering' (which would significantly reduce the effectiveness of this policing tool). After examining the content of Document 4 and noting that it is used by QPS across a number of policing functions,

⁴² For example, QPS's submission dated 15 May 2025.

⁴³ Applicant's submission dated 24 February 2026.

⁴⁴ Applicant's submission dated 10 March 2026.

⁴⁵ Applicant's submission dated 24 February 2026. In this submission, the applicant references a particular evaluation report finding that '*in the context of a proactive domestic violence operation targeting DFV offenders*', THReT did not appear to be effective.

I am satisfied that it is reasonable to expect that its disclosure could prejudice this particular method/procedure.⁴⁶

47. As mentioned above, the applicant has provided substantial submissions in support of his position that the use of THReT is discriminatory and, on that basis, he considers the Exemption in schedule 3, section 10(2)(a) of the RTI Act applies. After careful review of Document 4 and the submissions received from the parties, I am satisfied that this document is not of the nature described in any of the Exceptions. More specifically, I am satisfied that it does not *consist of*:

- matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law⁴⁷
- matter containing a general outline of the structure of a program adopted by an agency for dealing with a contravention or possible contravention of the law; or
- a report on the degree of success achieved in a program adopted by an agency for dealing with a contravention or possible contravention of the law.

48. For these reasons, I find that access to Document 4 may be refused⁴⁸ on the ground it comprises exempt information.

Nonexistent or unlocatable documents

Relevant law

49. On external review, 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.⁴⁹ However, access to a document may be refused if it is nonexistent or unlocatable.⁵⁰

50. To be satisfied that a document does not exist, the Information Commissioner has previously identified a number of key factors to consider.⁵¹ By considering these key factors, a decision-maker may conclude that a particular document was not

⁴⁶ I confirm that, in reaching this factual conclusion, I have taken into account that the RTI Act places no restriction on the use, dissemination or publication of information which is disclosed in response to an access application.

⁴⁷ Again, in the circumstances of this matter, I have made a factual finding that the Document 4 does not reveal in any authoritative manner that any particular investigation was unauthorised, or that the scope of any law enforcement investigation has exceeded the limits imposed by law in any other way.

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

⁴⁹ Section 130(2) of the RTI Act. In *Webb v Information Commissioner* [2021] QCATA 116, it was confirmed (at [6]) that this obligation '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. The Information Commissioner also has power under section 102 of the RTI Act to require additional searches to be conducted during an external review.

⁵⁰ Sections 47(3)(e) of the RTI Act. A document is nonexistent if there are reasonable grounds to be satisfied the document does not exist—section 52(1)(a) of the RTI Act. A document is unlocatable if it has been or should be in the agency's possession and all reasonable steps have been taken to find the document but it cannot be found—section 52(1)(b) of the RTI Act.

⁵¹ 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*). The factors were identified as including the administrative arrangements of government; the agency's structure; the agency's functions and responsibilities; the agency's practices and procedures (including but not exclusive to its information management approach); and other factors reasonably inferred from information supplied by the applicant including the nature and age of the requested document/s and the nature of the government activity to which the request relates.

created.⁵² If searches are relied on to justify a decision that the documents do not exist, all reasonable steps must be taken to locate the documents. What constitutes reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the circumstances.

51. To determine whether a document exists, but is unlocatable, the RTI Act requires consideration of whether there are reasonable grounds for the agency to be satisfied that the requested document has been or should be in the agency's possession; and whether the agency has taken all reasonable steps to find the document.⁵³ What constitutes reasonable steps will, as noted above, vary case by case as the search inquiry process an agency will be required to undertake will depend on which of the key factors are most relevant in the circumstances.⁵⁴
52. Generally, the agency that made the decision under review has the onus of establishing that the decision was justified or that the Information Commissioner should give a decision adverse to the applicant.⁵⁵ However, where an external review involves the issue of missing documents, as is the case here, the applicant has a practical onus to establish reasonable grounds to believe that the agency has not discharged its obligation to locate all relevant documents. Suspicion and mere assertion will not satisfy this onus.⁵⁶

Submissions

53. As noted in paragraph 6 above, QPS did not locate any documents responsive to Items 4, 5 and 6 of the access application. It is QPS's position that documents responsive to those parts of the access application do not exist. In support of this position, QPS submitted⁵⁷ that:
 - external consultants were contracted to build the DV Model
 - no capabilities or methodologies documentation for the DV Model was provided to QPS by those consultants; and
 - the DV Model was not trialled, or operationalised, by QPS.
54. The applicant does not accept that QPS does not hold any documents responsive to Items 4, 5 and 6 of the access application. More specifically, the applicant submits that:⁵⁸

⁵² For example, the 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.

⁵³ In answering these questions, regard should again be had to the circumstances of the case and the relevant key factors (*Pryor* at [21]).

⁵⁴ Such steps may, for example, include inquiries and searches of all relevant locations identified after consideration of relevant key factors.

⁵⁵ Section 87(1) of the RTI Act.

⁵⁶ *Parnell and Queensland Police Service* [2017] QICmr 8 (7 March 2017) at [23].

⁵⁷ For example, QPS's email dated 7 April 2026.

⁵⁸ As many of the applicant's submissions on this issue were quite technical, the applicant confirmed (on 10 March 2026) that a specific extract of his 10 March 2026 submission could be provided to QPS for its response. That extract was provided on 19 March 2026, and it included links to various publications (including exhibits tendered during 2022 hearings of the Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence).

- QPS has not searched locations where it has previously said documents are held⁵⁹
- he considers certain QPS officers within the QPS divisions of Organisation Capability Command (such as ‘Data Services and Research’ and ‘Analytics, Data Analytics’) would hold relevant documents⁶⁰ and he believes QPS holds multiple, additional documents that would have been produced through a ‘*DFV predictive modelling working group*’⁶¹
- he does not accept that the DV Model was built **by** external consultants—rather he considers that it was built by QPS’s Organisational Capability Command **with** an external consultant⁶²
- he considers that, even if the DV Model was built by external providers, it is unlikely that QPS would not possess primary source documentation related to the Model;⁶³ and
- he does not understand how QPS can ‘reconcile’ its position with the content of a number of publicly accessible documents listed in his submissions.⁶⁴

Findings

55. As noted above, Item 3 of the access application sought documents containing descriptions of the processes, methodologies and results of theoretical tests of the DV Model, and one relevant document was located and partially disclosed to the applicant. In contrast, Items 4, 5 and 6 of the access application seek documents which contain very specific information about the DV Model, namely:
- information about how many ‘*decision trees*’ are in the DV Model
 - information describing tests/test results to (i) ‘*quantify the explainability*’ of the model and/or (ii) make the DV Model ‘*explainable*’;⁶⁵ and
 - the list of ‘*demographic and occurrence related features*’ that the DV Model uses to assess ‘*a couple’s risk of domestic violence*’.
56. The question I must consider is whether QPS has taken all reasonable steps to locate documents relevant to Items 4, 5 and 6 of the access application. This entails consideration of whether QPS has required sufficient searches to be conducted of all locations where the documents containing the specific DV Model information requested by the applicant could reasonably be expected to be found.
57. To assess the reasonableness of QPS’s searches, OIC sought information from QPS about the searches and enquiries it had undertaken. The information which QPS provided in this regard⁶⁶ confirmed that:

⁵⁹ Applicant’s submission dated 10 March 2026.

⁶⁰ Applicant’s submission dated 10 March 2026.

⁶¹ Applicant’s submission dated 10 March 2026.

⁶² Applicant’s submission dated 10 March 2026.

⁶³ Applicant’s submission dated 5 December 2025. In this submission, the applicant also stated that, regardless of who built the DV Model, he considers that it is ‘*impossible QPS is not in possession of most if not all of these documents even if they are communications from the external provider eg emails, minutes, contracts, tender evaluation etc*’.

⁶⁴ Applicant’s submission dated 5 December 2025.

⁶⁵ In this regard, the access application stated: ‘*Examples of methods that tests could use include SHAP or LIME*’.

⁶⁶ Including QPS’s email dated 7 April 2026, which was provided in response to an extract of the applicant’s submissions (which, as mentioned above, the applicant agreed that OIC could provide to QPS).

- over several months, searches were conducted (by a number of officers) across QPS's various record management systems; and
- enquiries were made of a number of subject matter experts within QPS—including senior officers within QPS Data Services and QPS DV Command⁶⁷—about the types of documents which would exist within QPS's record keeping systems.

58. I have reviewed the publications the applicant referenced in support of his position. While these do contain references to the DV Model, they do not, as the applicant submitted, contradict QPS's position that the model was developed by external consultants or that it has not been operationalised by QPS.⁶⁸ I also note that one of the specific QPS officers mentioned in some of the applicant's submissions as possessing relevant knowledge about the DV Model⁶⁹ is an officer who, during the review:

- conducted searches for documents responsive to the access application; and
- addressed specific enquiries about the existence of relevant documents.

59. Having carefully reviewed all of the information before me, I consider the searches and enquiries that QPS conducted to locate documents responsive to the access application were comprehensive, appropriately targeted and conducted by QPS staff with requisite knowledge. On that basis, I am satisfied that QPS has taken all reasonable steps to locate documents relevant to the access application (including those responsive to Items 4, 5 and 6 of the access application) and access to any further documents may be refused on the basis that they do not exist.⁷⁰

60. The above are the reasons for my decision at page 2.

⁶⁷ This senior officer was, at the time of QPS's searches and enquiries, within QPS's Domestic, Family and Vulnerable Persons Command.

⁶⁸ I also note that the applicant's submission dated 5 December 2025 attached a 2024 email in which a senior QPS officer confirmed to the applicant that, while the DV Model was 'functional', it had not been used operationally by QPS.

⁶⁹ Being a senior officer within QPS Data Services, Research and Analytics.

⁷⁰ Section 47(3)(e) of the RTI Act.