

Decision and Reasons for Decision

Citation:	I32 and Queensland Police Service [2026] QICmr 122 (9 July 2026)
Application Number:	00021658
Applicant:	I32
Respondent:	Queensland Police Service
Decision Date:	9 July 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST - request for document regarding death of another individual - eligible family member - personal information and privacy - prejudice flow of information to agency - whether disclosure would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld)

DECISION

I affirm¹ the reviewable decision of the Queensland Police Service (**QPS**) and find that access to information on eight part pages may be refused under section 47(3)(b) of the *Right to Information Act 2009* (Qld) (**RTI Act**) on the basis disclosure would, on balance, be contrary to the public interest.²

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

My reasons for the decision follow.



Brianna Luhrs
Manager, Right to Information

Date: 9 July 2026

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

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

REASONS FOR DECISION

Summary

1. The applicant applied to QPS under the RTI Act for access to an occurrence report relating to the death of the applicant's adult child.³
2. QPS refused access to parts of eight pages on the basis disclosure would, on balance, be contrary to the public interest.⁴ This decision was affirmed by QPS at internal review.⁵
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's internal review decision.⁶
4. On external review, QPS agreed to release a small portion of further information to the applicant. OIC then conveyed a preliminary view to the applicant that access to the remaining information, appearing on eight part pages (**Remaining Information**), may be refused under the RTI Act.⁷ The applicant did not accept OIC's preliminary view and provided submissions in support of their position.⁸

Relevant law

5. Under the RTI Act, an individual has a right to be given access to documents in the possession or under the control of an agency.⁹ While the legislation is to be administered with a pro-disclosure bias,¹⁰ the right of access is subject to certain limitations, including grounds for refusing access, as set out in the RTI Act.¹¹ Relevantly, access to information may be refused where its disclosure would, on balance, be contrary to the public interest.¹²
6. The term '*public interest*' refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. This means that in general, a public interest consideration is one which is common to all members of, or a substantial segment of, the community, as distinct from matters that concern purely private or personal interests.
7. The RTI Act explains the steps that the decision-maker must take in deciding the public interest¹³ and identifies factors in Schedule 4 that may be relevant to deciding

³ Access application dated 11 August 2025.

⁴ Decision dated 26 August 2025.

⁵ Internal review decision dated 25 September 2025. This is the *reviewable decision*.

⁶ On 20 October 2025.

⁷ On 17 March 2026. On 6 July 2026, the applicant confirmed that they do not seek access to the names of public sector employees who attended the scene. As such, this information was not considered further in the review.

⁸ On 1 April 2026, 12 April 2026, 22 April 2026 and 6 July 2026.

⁹ Section 23 of the RTI Act.

¹⁰ Section 44 of the RTI Act.

¹¹ Section 47 of the RTI Act. Those grounds are however, to be interpreted narrowly.

¹² Sections 47(3)(b) and 49 of the RTI Act.

¹³ Section 49(3) of the RTI Act.

the balance of public interest. I have considered all these factors, together with other relevant information in reaching my decision, and discuss relevant factors below.¹⁴

8. In reaching my decision in this review, I have taken into account evidence, submissions, legislation and other material as set out in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information¹⁵ and in doing so, I have acted in accordance with section 58(1) of the HR Act.¹⁶

Applicant submissions

9. The applicant submitted that:¹⁷

- They are next of kin for the deceased.
- They are estranged from other family members of the deceased and therefore, unable to obtain information from family members who may have been involved in events.
- Due to the estrangement, the applicant was not granted access to personal items of the deceased which caused the applicant emotional distress.
- Information provided to QPS by the applicant's estranged family members should be given to the applicant, as it is their right as next of kin for the deceased.
- After the death, the applicant was prevented from attending the scene which affected their ability to obtain firsthand information.
- The applicant does not seek sensitive personal information of other individuals such as the names of officers in attendance. Rather, they want access to information about the circumstances surrounding the death of their adult child.
- Release of the Remaining Information would not infringe upon the privacy rights of those involved.
- This information is crucial for the applicant's emotional well-being, understanding and grieving process.
- Privacy concerns can be managed if an officer from QPS would communicate this information verbally to the applicant.
- Public interest considerations in favour of the release of this information outweigh those favouring nondisclosure.
- The further information released on review did not address the applicant's concerns. They consider critical information has been withheld, and that QPS redacted more information than from the original release of documents.
- In a separate matter, a friend of the applicant's accessed a police report about the death of their deceased spouse through administrative access processes. The applicant contends their rights as a parent, should be treated equally to that of a spouse, with access to the Remaining Information granted.
- It is unfair if the applicant does not receive this information, due to their standing as next of kin.

¹⁴ No irrelevant factors arise in the circumstances of this case and I have not taken any into account in making this decision.

¹⁵ Section 21 of the HR Act.

¹⁶ OIC's approach to the HR Act set out in this paragraph has been considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23].

¹⁷ External review application dated 20 October 2025, and submissions dated 1 April 2026, 12 April 2026, 22 April 2026 and 6 July 2026.

Findings

10. Firstly, the applicant submitted that when QPS released the revised occurrence report on external review, information which was previously released, had been redacted. OIC asked the applicant to identify this information. The applicant did not identify any specific information. I have however, compared both versions of the occurrence report and can identify no instances of information being redacted, that was previously released. I confirm the document received by the applicant on 19 March 2026 accords with my assessment as set out in this decision.
11. Turning to the balancing of the public interest, I recognise the public interest in QPS conducting investigations in an accountable and transparent way. This is particularly the case where the investigation relates to the sudden death of a person, given the impact that events of this kind have on the broader community. The release of information considered by QPS as part of this investigation would provide contextual background for any decision made, by enabling a complete picture of the information relied upon in the investigation.
12. However, QPS have released large portions of the occurrence report to the applicant which demonstrate investigation actions and decisions. I consider the release of this information has served to discharge the accountability and transparency factors to some degree. Nevertheless, I recognise that the release of the Remaining Information would increase transparency and accountability and provide further insight to decision making processes. In these circumstances, I afford the factors which seek to promote QPS's accountability and transparency low weight.¹⁸
13. I recognise that the applicant seeks the Remaining Information to bring closure and assist their understanding to events relating to the death of their family member, which I acknowledge had a significant personal impact on them. The relevant test under the RTI Act is however, whether disclosure is in the public interest. As identified above, a public interest is generally a consideration common to members of a community, as distinct from matters of private or personal interests. There are however, some recognised public interest considerations that may apply for the benefit of an individual.
14. I accept that the applicant, as next of kin, is an eligible family member of the deceased, raising a factor favouring disclosure. Given the nature of the Remaining Information (discussed below), I afford this factor moderate weight.¹⁹
15. In *Keogh and Department of Health (Keogh)*²⁰, the Information Commissioner recognised that a further factor favouring the release of information is enlivened, where the disclosure would assist the grieving process of an applicant, and therefore advance the public interest by improving the social and economic well-being of the community. The applicant in *Keogh* was an eligible family member of the deceased, with demonstrated close involvement in the deceased's medical care leading up to

¹⁸ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

¹⁹ Schedule 4, part 2, item 9 of the RTI Act. Schedule 5, eligible family member, of a deceased person, means (c) if a spouse or adult child is not reasonably available—a parent of the deceased person.

²⁰ Unreported, Queensland Information Commissioner, 31 August 2010 at [12]–[22].

their death. Based on the supporting medical evidence and information provided by the applicant about their grief, the Information Commissioner in *Keogh* found that it was more probable than not that disclosure would assist the applicant's rehabilitation. By understanding the circumstances surrounding the death, this would fulfill a therapeutic need which relates to the applicant's own health and wellbeing.

16. I acknowledge the applicant's submission that their knowledge of the deceased medical history demonstrates the close relationship between the applicant and the deceased. The applicant also explained the personal significance of the Remaining Information to their understanding and grieving. On the information before me, I consider that it is more probable than not that release of the Remaining Information would support the applicant's grieving process, and as such, this factor is enlivened. However, apart from the applicant's statements to this effect, there is limited information before me to demonstrate the anticipated impact that release would have on the applicant's rehabilitation. For this reason, I afford this factor moderate weight only.
17. Balanced against the factors favouring disclosure, the RTI Act provides that disclosing personal information of an individual, whether living or dead, could reasonably be expected to cause a public interest harm.²¹ A public interest factor favouring nondisclosure also arises where the disclosure of information could reasonably be expected to impact on another individual's privacy.²² The concept of privacy is not defined in the RTI Act, but it can be viewed as the right of an individual to preserve their '*personal sphere*' free from interference from others.²³
18. The Remaining Information relates to the deceased's death and includes sensitive information about their life and circumstances of their sudden death. Information about other individuals is also captured within the occurrence report, due to their involvement in QPS's investigation.²⁴
19. The applicant has explained that complex family dynamics impacted their ability to obtain information about the death of their adult child at the time when police attended the scene, and in the months that followed. The applicant submitted that as next of kin of the deceased, the release of this information would not impact the deceased's privacy.
20. Having considered the Remaining Information, I do not accept this submission. The Remaining Information contains highly personal information of the deceased, in the sensitive context of their death. I consider that even as an eligible family member and next of kin, the Remaining Information is of a kind that the deceased is entitled to keep private, beyond their death. Disclosure under the RTI Act, would be an unwarranted intrusion with the release of sensitive personal information and the

²¹ Schedule 4, part 4, section 6 of the RTI Act.

²² Schedule 4, part 3, item 3 of the RTI Act.

²³ *Matthews and Gold Coast City Council* (Unreported, Queensland Information Commissioner, 23 June 2011) at [22] paraphrasing the Australian Law Reform Commission's definition of the concept in 'For your information: Australian Privacy Law and Practice' Australian Law Reform Commission Report No. 108 released 11 August 2008, at paragraph 1.56. The report is available at <https://www.alrc.gov.au/wp-content/uploads/2019/08/108_vol1.pdf>.

²⁴ Schedule 4, part 3, items 3 and 5 of the RTI Act.

extent of the public interest harm that could be anticipated from disclosure is significant.

21. The Remaining Information also includes the personal information of other individuals who were involved in the investigation. The applicant has explained that they are not seeking the identifying information of other individuals. However, due to the inextricably intertwined nature of the Remaining Information, I consider that it is not possible for any further information to be released, without revealing the personal information of others, which in turn, would impact those individuals' right to privacy.
22. The Information Commissioner has found in some circumstances that the weight afforded to the personal information and privacy nondisclosure factors may be reduced, based on the applicant's demonstrated knowledge of the matters reflected within the documents, or the closeness of their relationship with the deceased.²⁵ While the applicant has explained awareness of some contextual information, due to the complex family dynamics and sensitive nature of the Remaining Information, I do not consider that the weight to be afforded to these factors are reduced in this case, and as such, afford them significant weight.
23. Finally, some of the Remaining Information was provided to QPS by other individuals throughout the investigation. In addition to the personal information and privacy factors discussed above, I also consider that disclosure of this information could reasonably be expected to prejudice the flow of information to police,²⁶ giving rise to a further factor favouring nondisclosure.
24. QPS investigators dealing with these types of matters rely on the free flow of information from members of the community. I consider that giving access to this information under the RTI Act and outside of the investigation process would mean that the public would be less likely to freely provide information to police in the future, due to concerns about its later dissemination. I afford this factor significant weight in these circumstances, to the extent information was provided to QPS by private individuals.
25. Finally, I acknowledge that the applicant submitted it would be unfair, given their status of next of kin, if they are not granted access to this information, as they consider the public interest supports the release of this information. In making this decision under the RTI Act, I am required to undertake a balancing exercise to determine the public interest. While I recognise the applicant's standing as next of kin and eligible family member, this does not provide an absolute right to access information in this process. As the applicant applied for access under the RTI Act, I have applied the relevant provisions of this legislation, as required.²⁷

²⁵ See *Keogh* at [30].

²⁶ Schedule 4, part 3, item 13 of the RTI Act.

²⁷ As a merits review body, OIC decide the application on the facts before us. To the extent the applicant has raised inequality compared to a separate administrative access process, or that an officer at the scene advised the applicant that they would receive a complete copy of the report, I do not consider this has any bearing on my application of the RTI Act.

26. On balance, I am satisfied that the factors favouring nondisclosure outweigh the pro-disclosure factors and find that access to the Remaining Information may be refused.²⁸
27. The above are the reasons for my decision set out at page 1.

²⁸ Under section 47(3)(b) of the RTI Act.