



Decision and Reasons for Decision

Citation:	<i>G37 and Queensland Police Service [2025] QICmr 58 (28 August 2025)</i>
Application Number:	317635
Applicant:	G37
Respondent:	Queensland Police Service
Decision Date:	28 August 2025
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - request for access to historical police investigation documents - eligible family member of deceased - crime scene photographs and autopsy details - accountability and transparency - personal information of deceased - privacy of the acquitted individual - no control over further dissemination - 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)

REASONS FOR DECISION

Summary

1. The applicant applied¹ to the Queensland Police Service (**QPS**) under the *Right to Information Act 2009* (Qld) (**RTI Act**)² for documents regarding the investigation, undertaken over 30 years ago, into the death of her sister. The request was framed to include ‘*crime reports, court documents, case notes, coroner’s report*’ and ‘*legal documents regarding the charges and acquittal*’ of a named individual.
2. QPS located 40 pages in response to the application and decided³ to disclose some of that information.⁴ QPS relied on the prejudice to the flow of information to police and prejudice to the deceased’s privacy, if they were still alive, to support its decision that disclosure of the refused information would, on balance, be contrary to the public interest.⁵

¹ Access application dated 21 August 2023, which became valid on 1 September 2023.

² On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) (**IPOLA**) came into force, effecting significant changes to the RTI Act and the *Information Privacy Act 2009* (Qld) (**IP Act**). In accordance with Chapter 7 Part 9 of the RTI Act and Chapter 8, Part 3 of the IP Act, comprising transitional provisions requiring that access applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted, references in this decision to the RTI Act and IP Act are to the those Acts as in force prior to 1 July 2025.

³ On 31 October 2023. This is the *reviewable decision* for the purpose of this external review.

⁴ Three full and 27 part pages; the remaining parts of those 27 pages and 10 full pages were refused. The released documents included the result of the trial, the court brief, requests and reimbursements for overtime, travel, telephone charges and accommodation, and information conveyed to the QPS media unit.

⁵ Sections 47(3)(b) and 49 of the RTI Act.

3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's decision to refuse access to information.⁶ During the review, the applicant also raised concerns about missing documents.⁷
4. OIC required QPS to undertake further searches.⁸ QPS located some further documents through those additional searches⁹ and agreed to partially disclose some of those documents to the applicant.¹⁰ However, QPS submitted that access to some of the additionally located documents, namely photographs and information in an autopsy report, should be refused on public interest grounds.¹¹ QPS was also unable to locate a box of evidence, despite extensive enquiries with the relevant region.
5. The applicant was represented during the course of the external review process by a family friend. The applicant, through her representative, was receptive to informally resolving the issue of unlocatable documents, and accepted OIC's view¹² on nondisclosure of other individuals' personal information.¹³ Those issues are therefore, not dealt with in these reasons for decision.
6. The remaining information in issue (**Remaining Information**) comprises 35 photographs of the deceased taken at the crime scene, and during the autopsy; and information on three pages of the autopsy report about the deceased's injuries.¹⁴ The issue for determination is whether it would be, on balance, contrary to the public interest to disclose the Remaining Information.¹⁵
7. In making this decision, I have considered evidence, submissions, legislation and other material as set out in these reasons.¹⁶ I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information,¹⁷ and in doing so, have acted in accordance with section 58(1) of the HR Act.¹⁸
8. For the reasons set out below, I vary QPS's decision and find that access to the Remaining Information may be refused under section 47(3)(b) of the RTI Act, on the basis that its disclosure would, on balance, be contrary to the public interest.

Relevant law

9. Under the RTI Act a person has a right to be given access to documents in the possession or under the control of a Queensland government agency.¹⁹ It is Parliament's intention that the RTI Act is administered with a pro-disclosure bias.²⁰ Access under the RTI Act is, however, subject to limitations, including grounds for refusing access.²¹

⁶ On 31 October 2023.

⁷ In phone contact with OIC on 8 February 2024.

⁸ By letters dated 12 March 2024 and 19 August 2024.

⁹ 37 pages and 199 photographs held with the Forensic Imaging Unit at QPS provided to OIC on 16 May 2024 and 19 June 2024.

¹⁰ Including most of the autopsy report, internal QPS documents from 2003 and 2004 reviewing the case, documents pertaining to the decision not to hold a coronial inquest and certain photographs.

¹¹ Submissions received on 23 September 2024.

¹² Conveyed by letter dated 4 November 2024 and email dated 18 November 2024.

¹³ Email to OIC dated 15 January 2025.

¹⁴ I am limited in the extent to which I can describe the content of the Remaining Information due to the operation of section 108 of the RTI Act. However, it is implicit, given the known circumstances of the death, that the content of the Remaining Information is of a highly sensitive nature.

¹⁵ Section 47(3)(b) of the RTI Act.

¹⁶ Including footnotes.

¹⁷ Section 21 of the HR Act.

¹⁸ 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].

¹⁹ Section 23 of the RTI Act.

²⁰ Section 44 of the RTI Act.

²¹ Section 47(3) of the RTI Act.

Relevantly, access to information may be refused if disclosure would, on balance, be contrary to the public interest.²²

10. 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. However, there are some recognised public interest considerations that may apply for the benefit of an individual.
11. In determining where the balance of the public interest lies, the RTI Act requires a decision maker to consider the relative weight of applicable public interest factors for and against disclosure.²³ Schedule 4 of the RTI Act contains non-exhaustive lists of factors that may be relevant in determining where the balance of public interest lies in a particular case.

Submissions

12. I have carefully considered the applicant's submissions made throughout the review process.²⁴ In response to OIC's preliminary view,²⁵ the applicant (through her representative) submitted as follows:²⁶

We do not agree with the QPS nondisclosure position. The public interest in disclosure outweighs nondisclosure factors, especially given missing evidence, no coronial inquest, no ongoing investigation, the historical corruption context, and the family's ongoing trauma.

...

[The applicant] is the younger sibling of the deceased, making her an eligible family member. The homicide remains unresolved after 40 years, with critical evidence missing and no coronial inquest held.

...

This homicide occurred ... during a period of systemic QPS corruption. Loss of evidence in this climate raises serious concerns about investigative integrity.

...

Privacy concerns for the deceased and acquitted individual should carry less weight after 40 years. The family seeks private access, not public dissemination.

...

The loss of the evidence box is a major failure. Where other evidence has been lost, the Remaining Information is even more important.

...

Unresolved violent bereavement causes lasting mental health impacts. Access to this information is part of healing.

13. QPS also made submissions to OIC in support of its nondisclosure position.²⁷ In summary, QPS submitted that:

- The passage of time does not diminish the deceased's right to privacy as individuals should be afforded dignity and privacy in death.
- Disclosure of photographs would not assist inquiry into QPS's investigation.
- Disclosure could be distressing to the family and members of the community generally which could negatively affect the good order of the broader community.

²² Sections 47(3)(b) and 49 of the RTI Act.

²³ Section 49(3) of the RTI Act.

²⁴ External review application on 31 October 2023, and emails dated 15 June 2024, 8 August 2024, 3 October 2024, 10 and 22 November 2024, 15 January 2025, 7 February 2025 and 14 August 2025.

²⁵ Conveyed by letter dated 23 June 2025.

²⁶ Submission dated 14 August 2025.

²⁷ On 23 September 2024.

- The case is not the subject of a ‘cold case’ investigation, rather it is recorded as a failed prosecution as an offender was identified and was acquitted in a court.
- Whilst it is acknowledged the applicant is an eligible family member of the deceased; this does not allow unfiltered access to their personal information.
- The RTI Act provides that disclosing personal information of a person, whether living or dead, could reasonably be expected to cause a public interest harm.
- Given the sensitivity and very private nature of the personal information contained in the photographs, the public interest harm resulting from disclosure of this sensitive personal information would be significant and should be afforded significant weight to this factor favouring nondisclosure.
- There is no provision for disclosure subject to any condition, republication of the accessed documents or dissemination of the information contained in the documents. Once QPS releases material there can be no limitation to further disclosure.

Findings

Irrelevant factors

14. The RTI Act requires a decision maker to identify *and disregard* any irrelevant factors.²⁸ I find that it is not relevant to take into account the perceived emotional distress that disclosure may have on an applicant, as submitted by QPS. I am satisfied that any anticipated distressing impact arising from disclosure, as raised by QPS, is irrelevant to determining the public interest. Accordingly, I have disregarded this factor, as required by the RTI Act.²⁹

Factors favouring disclosure

15. I am satisfied that the following public interest factors are relevant in this case:³⁰
- (a) the applicant is an eligible family member³¹ and the Remaining Information would be the personal information³² of the deceased if she were still alive³³
 - (b) community members being provided with access to information held by government that may assist in the grieving process and obtaining closure³⁴
 - (c) enhancing the accountability and transparency of QPS³⁵
 - (d) allow or assist inquiry into possible deficiencies in the investigation³⁶
 - (e) contribution to informed debate on a matter of serious interest,³⁷ namely violence against women and girls, noting that police responses to violence against women and girls remain ongoing matters of serious interest to the community
 - (f) the administration of justice generally and for a victim's family;³⁸ and
 - (g) promoting the rights of victims of crime and family members of deceased victims.³⁹

²⁸ Section 49(3)

²⁹ Section 49(3)(d) of the RTI Act.

³⁰ In addition to the pro-disclosure bias in section 44 of the RTI Act which I have also taken into account.

³¹ As defined in schedule 5 of the RTI Act.

³² Schedule 5 of the RTI Act and section 12 of the IP Act defines personal information 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.’

³³ Schedule 4, part 2, item 9 of the RTI Act.

³⁴ As recognized in *OKP and Department of Communities* (Unreported, Queensland Information Commissioner, 9 July 2009) (*OKP*) at [82] and *Keogh and Department of Health* (Unreported, Queensland Information Commissioner, 31 August 2010) (*Keogh*) at [12]-[22].

³⁵ Schedule 4, part 2, item 1 of the RTI Act.

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

³⁷ Schedule 4, part 2, item 3 of the RTI Act.

³⁸ Schedule 4, part 2, items 16 and 17 of the RTI Act.

³⁹ Per section 3(a) and Schedule 1, division 1, part 1 of the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) (*VCSVRB Act*).

16. In analysing the public interest factors and determining the weight to be afforded to the relevant factors, I also consider it is relevant to take into account the particular circumstances of this case, including:
- there was no coronial inquest following the acquittal
 - QPS has advised the case is not the subject of a ‘cold case’ investigation
 - documents released by QPS to date have been limited, largely relating to administrative actions (eg. travel reimbursement for QPS officers)
 - an evidence box has not been located, confirmed by search records from the region
 - nearly 40 years has passed since the death of the applicant’s sister; and
 - the applicant has been unable to obtain access to the court transcripts through other access mechanisms.⁴⁰

Eligible family member – disclosure factor

17. As noted at paragraph 15(a) above, the applicant is an eligible family member and the Remaining Information would be the personal information of the deceased if she were still alive. This raises a factor favouring disclosure.⁴¹ Through this factor, the RTI Act recognises that there is a public interest in an eligible family member receiving access to a deceased family member’s personal information. Previous decisions of the Information Commissioner have identified circumstances⁴² that may assist a decision maker determine the weight of this factor (and its corresponding nondisclosure factor, discussed below).⁴³ Although arising more commonly in an application for deceased family member medical records, I have had regard to those factors in determining the weight of this factor in this case.
18. The applicant was a teenager at the time of her sister’s death. The applicant has described the impact of her sister’s death on her and her family as significant and that it has caused extreme and unresolved distress for nearly 40 years; this is evident from the applicant’s submissions provided during the review.
19. I accept that the Remaining Information is the sensitive personal information of the deceased and that the content of the photographs and autopsy report is not expressly known to the applicant, other than to the extent the applicant may have become aware of any content through evidentiary discussions in the court proceedings or through media reporting at the time.⁴⁴ Having considered the deep impact that the loss of her sister has caused, the ongoing grief and distress the applicant suffers in the absence of a finding of guilt, and no indication from QPS that the case will be re-investigated, I am satisfied the applicant, as an eligible family member, has a particularly strong right of access to this information in the circumstances of this case. I am therefore, satisfied that significant weight applies to this factor to favour disclosure.⁴⁵

⁴⁰ Confirmed by the Department of Justice and Attorney General Recording and Transcription Services’ correspondence dated 6 February 2025 refusing to grant the applicant access to the transcripts of the trial. This letter was provided to OIC by the applicant with submissions to OIC dated 7 February 2025.

⁴¹ Schedule 4, part 2, item 9 of the RTI Act.

⁴² Including: the extent to which the eligible family member was in contact with and/or had a relationship with the deceased and the extent to which that overlaps with the time the information covers; the nature and sensitivity of the information; and the extent to which the information is or may be known to the applicant.

⁴³ *Lowe and Department of Health* (Unreported, Queensland Information Commissioner, 25 November 2010); *WEU27L and Mackay Hospital and Health Service* [2017] QICmr 44.

⁴⁴ I have no information available to me to establish what was revealed through the court proceeding, nor has the applicant indicated she has awareness of any evidentiary content from the trial. I make this observation only to acknowledge that there may be some existing awareness of the content of *some* of the Remaining Information.

⁴⁵ Schedule 4, part 2, item 9 of the RTI Act.

Wellbeing of the community – grieving process

20. I have also considered the public interest in community members being provided with access to information held by government agencies that may assist them with their grieving process and obtaining closure; this has previously been identified by the Information Commissioner as a public interest factor contributing to the wellbeing of the community.⁴⁶ Again, this factor more commonly arises in the context of family members seeking medical records of a deceased person.
21. The applicant has expressed that *'the family has suffered greatly not knowing the facts about [the deceased's] last movements'* and she feels *'very strongly [the deceased's] short life deserves validation and justice, and [it] has been a long time to carry our unanswered questions.'*⁴⁷ I also observe that the impact on families of homicide victims who are unable to find closure is a matter of general public interest.
22. The applicant has grieved for many years over the sudden loss of her sister in violent circumstances; I accept that the applicant is seeking access to the information to aid her and her family in achieving closure. Given the circumstances of the acquittal and no subsequent coronial inquest, I consider the photographs and autopsy report information represent information that may be used by the applicant to understand the deceased's end of life. I am satisfied that providing access to the Remaining Information would contribute to the applicant's grieving process and enable the applicant to assess any further courses of action that she may wish to pursue to achieve closure. Having had regard to the particular circumstances of this case at paragraph 16, the nature of the Remaining Information, and the submissions advanced by the applicant during the review, I am satisfied that disclosure would contribute to the applicant's grieving process and afford the community wellbeing factor significant weight.

Accountability, transparency and assisting inquiry

23. The circumstances of this matter include what appears to be the loss of police investigation records; resulting in a substantial void in what is available to the applicant to piece together the police investigation into the case. While an individual was charged and subject to a criminal trial for murder, for reasons that I am not privy to, the proceedings resulted in an acquittal, and further prosecution proceedings were not pursued. Further, the released documents confirm that a coronial inquest was not undertaken on the basis that *'no good purpose will be served'*.⁴⁸ As such, there has been no legal outcome to address the deceased person's death through the justice system.
24. The Remaining Information does not however, explain the reasons why further prosecution proceedings were not pursued, nor do they contain information about the steps followed by QPS in conducting the investigation, other than confirming photographs were taken, and an autopsy was conducted. I acknowledge that release of the Remaining Information will afford some additional transparency and insight into the evidence that was gathered by QPS. Given the particular nature of the Remaining Information, I am satisfied that moderate weight should be afforded to the public interest factor at paragraph 15(c) above.
25. I have also considered whether disclosure could reasonably be expected to allow or assist inquiry into possible deficiencies in QPS's investigation⁴⁹ taking into account the minimal documents located by QPS – a regrettable outcome for the applicant and other

⁴⁶ OKP at [82] and Keogh at [12]-[22].

⁴⁷ In her external review application dated 31 October 2023 and submissions dated 15 June 2024.

⁴⁸ Page 4 of the additional documents released to the applicant on external review.

⁴⁹ Schedule 4, part 2, item 5 of the RTI Act.

members of the deceased's family. The threshold for establishing this factor is low.⁵⁰ I am satisfied that this factor would be advanced through disclosure of the Remaining Information as it would reveal further evidence gathered by QPS, and enable the applicant to assess that against actions taken during the investigation, and make resulting inquiries. Taking into account that QPS did not lay any other charges in connection with the death, and there being no coronial inquest, I am satisfied that this factor applies, and I afford it moderate weight.

Administration of justice

26. The applicant has submitted that they seek to understand '[w]hether steps can now be taken with experts in the Forensic DNA field... and any fresh and compelling evidence obtained through experts in Forensic DNA'.⁵¹ The applicant has also submitted that she and the family are 'exploring the coronial inquest pathway as an alternative avenue for investigation'.⁵² I have therefore considered the public interest factors associated with the administration of justice.⁵³
27. I accept that there have been cases in recent years where community interest/action has contributed to the reopening of unsolved cases. While I make no finding on the probative or evidentiary nature of the Remaining Information, it does not comprise DNA, nor statements made by witnesses or other individuals. While I accept that disclosure of the Remaining Information would provide the applicant with access to additional evidentiary material that she could include in any request she submits to the Coroner, I do not consider there is sufficient information available to me to demonstrate that the Remaining Information if disclosed, would contribute, beyond a limited degree, to the administration of justice. In the circumstances, taking into account the nature of the Remaining Information, I afford these factors low weight.

Victims of crime

28. Finally, in favour of disclosure, I have considered whether disclosure of the Remaining Information could reasonably be expected to promote the rights of victims of crime, and their families, by providing them with access to information.⁵⁴
29. While it is not necessary for me to make a finding on the applicant's status as a victim of crime, based on the information available to me and for the purpose of this considering this factor, I find it uncontroversial that she would fall within the relevant legislative definition of a 'victim of crime'.⁵⁵
30. The applicant has submitted that she has been unsuccessful in obtaining information about her sister's death through other avenues including being refused access to the transcripts from the Supreme Court proceedings.⁵⁶ As noted above, while the applicant has obtained access to some information from QPS, certain evidence gathered by police was not able to be located. Taking into account the particular information that has been disclosed to the applicant, and the broader circumstances of this case, I consider there is moderate weight to afford to this factor.

⁵⁰ *Kelson v Queensland Police Service* [2019] QCATA 67 at [55]-[74].

⁵¹ Submission dated 3 October 2024.

⁵² Submission dated 14 August 2025 at page 1 of the applicant's briefing note regarding a potential coronial inquest.

⁵³ Schedule 4, part 2, items 16 and 17 of the RTI Act.

⁵⁴ In identifying this factor, I am informed by the Charter of Victims' rights as set out in Schedule 1 of the VCSVRB Act which includes various rights relating to the criminal justice system.

⁵⁵ *Victims of Crime Assistance Act 2009* (Qld).

⁵⁶ See footnote 40 above.

Factors favouring nondisclosure

Eligible Family Member – nondisclosure factor

31. While the applicant's position as an eligible family member raises a factor favouring disclosure, the RTI Act also recognises that there is a competing nondisclosure factor to take into account, where an individual is seeking information about a deceased family member. That public interest factor will apply where the information relates to the deceased and all of the following apply:⁵⁷
 - (a) the information would, if the person were alive, be their personal information;
 - (b) the applicant is an eligible family member of the person;
 - (c) the disclosure of the information could reasonably be expected, if the person were alive, to impact on the person's privacy.
32. In determining the weight of the Eligible Family Member nondisclosure factor, I have taken into account that the applicant is aware that her sister's death was investigated as a homicide by QPS and that it was prosecuted in the Supreme Court. The applicant has knowledge of some of the circumstances of her sister's death through information disclosed under the RTI Act and through information she has obtained over the years through other avenues. I am satisfied that the information that is already in the applicant's possession and the passage of time of nearly 40 years both operate to slightly reduce the weight of the Eligible Family Member nondisclosure factor. However, despite the applicant's knowledge of the case and her relationship to the deceased, I still consider that there would be a significant impact to the deceased's privacy, if she was alive, given the highly sensitive nature of the Remaining Information.

Personal Information of the deceased – harm factor

33. The RTI Act recognises that disclosure of information could reasonably be expected to cause a public interest harm if disclosure would disclose personal information of a person, whether living or dead.⁵⁸
34. In addition to the privacy impacts outlined above, I have considered the Personal Information harm factor and how it applies to the personal information of the deceased. As already indicated, the Remaining Information is largely comprised of graphic photographs taken at the crime scene and autopsy. The deceased appears in a vulnerable state in the images and in my view, such images are of an inherently personal and private nature which would lead to significant public interest harm if disclosed.
35. In affording weight to the Personal Information harm factor, I am required to take into account the principle that information released under the RTI Act is done so on the basis that there can be no control over or limitation placed on its further dissemination, and there are no legal mechanisms by which I can impose limits on the future use or dissemination of the material.⁵⁹ This is unlike a court which has powers to issue orders or directions controlling the use or dissemination of information or documents before the court. Taking this into account, I must afford this factor significant weight.

⁵⁷ Schedule 4, part 3, item 5 of the RTI Act.

⁵⁸ Schedule 4, part 4, section 6 of the RTI Act.

⁵⁹ *FLK v Information Commissioner* [2021] QCATA 46 at [17].

Right to privacy – acquitted individual

36. A further nondisclosure factor that arises for consideration in the circumstances of this case is in connection with the acquitted person's individual's right to privacy.⁶⁰
37. The Remaining Information is solely *about* the deceased and the documents, on their face, do not explicitly identify the acquitted individual nor contain their personal information. However, in the circumstances of this case, I consider there is a reasonable expectation that a connection could be made between the acquitted individual and the information, if it was released under the RTI Act. Having regard to the fact that there can be no control over further dissemination of information released under the RTI Act, I consider there is a significant level of public interest harm that could arise, through disclosure of the information given the likelihood of the acquitted individual being identified, by association, with the Remaining Information.
38. Importantly, I do not consider the passage of time serves to reduce the weight to be afforded to the acquitted individual's right to privacy, rather, it strengthens the case for nondisclosure. To my mind, a person who was acquitted of a violent crime should be entitled to privacy in respect of charges that were brought against them nearly 40 years ago and in respect of which they were acquitted by a court. In affording the privacy factor significant weight, I have also taken into account that the acquitted person would have been considered to be a child under the *Youth Justice Act 1992* (Qld) at the time of the court proceeding.⁶¹
39. Again, in considering the weight of the privacy nondisclosure factor, I am required to take into account that there is no limitation on the use or further disclosure of information released under the RTI Act. My reasons should not be taken as suggesting that the applicant would further disseminate the information in a way that would prejudice the acquitted individual's privacy, but rather that there is no *control* over disclosure once information is released and that is how the prejudice to another individual's privacy must be measured.

Balancing the public interest factors

40. In the circumstances of this case, I have afforded significant weight to the applicant's status as an eligible family member and her right to seek access to personal information of her deceased sister. I have also afforded significant weight to the public interest in the wellbeing of the community as I am satisfied that disclosure would contribute to the applicant's grieving process, and enable her to assess any further courses of action that she may wish to pursue to achieve closure.
41. For the reasons set out in this decision, and given the particular nature of the Remaining Information, I have found that the accountability and transparency and assisting inquiry factors will be served to a moderate degree by disclosure. I acknowledge that the applicant is seeking the Remaining Information to pursue justice for her deceased sister, and therefore, I consider the public interest factors relating to the administration of justice arise for consideration. However, in the circumstances of this case and taking into account the particular nature of the Remaining Information, I have afforded only low weight to these factors. Lastly, in favour of disclosure, I have considered the public interest in promoting the rights of victims of crime, and their families, through obtaining access to information as eligible family members. Given the relatively limited amount of

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

⁶¹ See footnote 40 above.

information that the applicant has been able to obtain through the RTI Act process, and other information access mechanisms, I have afforded this factor moderate weight.

42. Balanced against the factors favouring disclosure, and the applicant's compelling submissions in support of her case, I have also found that due to the extremely sensitive nature of the Remaining Information, significant weight must be afforded to applicable nondisclosure factors as discussed in paragraphs 31 to 39 above⁶² namely, the privacy and personal information of the deceased, and the privacy of the acquitted individual. In doing so, I have given thorough consideration to the principle that information released under the RTI Act is done so on the basis that there can be no control or limitations over its further dissemination, and that therefore, there are no mechanisms by which I can impose limits on future use or dissemination of material once released under the RTI Act. On balance, I am satisfied that the nondisclosure factors carry such significant weight in this case that they outweigh the disclosure factors, and that therefore, disclosure of the Remaining Information would be contrary to the public interest.

DECISION

43. For the reasons set out above, I vary the reviewable decision⁶³ by finding that access to the Remaining Information may be refused under section 47(3)(b) of the RTI Act, on the basis that its disclosure would, on balance, be contrary to the public interest.



Joanne Kummrow
Information Commissioner

Date: 28 August 2025

⁶² Schedule 4, part 3, items 3 and 5 of the RTI Act, and schedule 4, part 4, section 6 of the RTI Act.

⁶³ Under section 110(1)(b) of the RTI Act.