



Decision and reasons for decision

Citation: R26 and Department of Families, Seniors, Disability Services and Child Safety [2026] QICmr 137 (4 August 2026)

Application number: 00022109

Applicant: R26

Respondent: Department of Families, Seniors, Disability Services and Child Safety

Decision date: 4 August 2026

Catchwords: ADMINISTRATIVE LAW – RIGHT TO INFORMATION – REFUSAL OF ACCESS – EXEMPT INFORMATION – DISCLOSURE OF INFORMATION PROHIBITED BY PROVISION – information comprising the identity of a person who made a child protection notification, or from which the identity of the notifier could be deduced – whether disclosure is prohibited by section 186A(1) of the *Child Protection Act 1999* (Qld) (CP Act) – child protection function information – shared personal information – whether disclosure is prohibited by sections 186A or 187(2) of the CP Act – sections 47(3)(a) and 48 and schedule 3, section 12(1) of the *Right to Information Act 2009* (Qld)

DECISION

I affirm¹ the reviewable decision of the Department of Families, Seniors, Disability Services and Child Safety (**Department**) and find that:²

- Category A Information comprises information prohibited from disclosure by section 186A of the *Child Protection Act 1999* (Qld) (**CP Act**) and therefore may be refused on the ground it is exempt information; and
- Category B Information comprises information prohibited from disclosure by section 187 of the CP Act and therefore may also be refused on the ground it is exempt information.

This means that no further information is to be released to the applicant. My reasons for the decision follow.



K Zaidiza

Acting Assistant Information Commissioner RTI

Date: 4 August 2026

¹ Under section 110(1)(a) 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.

REASONS FOR DECISION

Background

1. The applicant applied under the RTI Act³ to the Department for access to the *'electronic child safety documents relating to the applicant'* during a specified date range.
2. The Department located 47 pages responding to the application. It decided⁴ to give full access to 11 pages and to refuse access to 17 pages and parts of 19 pages on the basis the information was exempt information, namely information prohibited from disclosure by sections 186A or 187 of the CP Act.
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision,⁵ and submitted that the redactions were excessive in the circumstances where *'[t]he information is either: about me as the applicant and notifier, materially relevant to my legal rights as a co-owner of the property, and/or directly concerns my interactions with departmental officers.'*
4. The applicant submitted:

'...[I] submit that the scope and extent of the redactions exceed what is reasonably justified, particularly where the information is either: about me as the applicant and notifier, materially relevant to my legal rights as a co-owner of the property, and/or directly concerns my interactions with departmental officers [named officers] in a professional capacity. In my view, the application of Schedule 3, section 12(1) (law enforcement information) has been used too broadly in this case. The information redacted includes events where I was a party or eyewitness and where the Department has acknowledged my involvement in its case plans. I also note that Schedule 3 exemptions are not absolute and must still pass the public interest test in Schedule 4. I am concerned that redactions may have concealed important context relevant to my complaint to Child Safety [reference number], including timelines involving [named officer 1] and Child Safety Officer [named officer 2]. The decision letter lacks a detailed justification for the redaction of my own name, direct speech, and factual summaries, which in my view are not law enforcement methods but basic observations.

Given the above, I respectfully request the Office of the Information Commissioner conduct an external review to assess: Whether the redactions applied under Sch 3(12)(1) were lawfully and proportionately applied; Whether information about me as applicant and co-resident should be disclosed in full or in part; Whether procedural fairness was maintained in the decision-making process under the RTI Act; Whether the balance of public interest favours greater disclosure in this matter.'

5. As part of this external review, OIC requested, and the Department agreed to release a small amount of additional information to the applicant.⁶ However in relation to the remaining redacted information (**Information in Issue**) OIC conveyed a preliminary

³ By application received by the Department on 1 July 2025.

⁴ Decision dated 5 August 2025. This is the *reviewable decision* in this matter.

⁵ External review application received on 5 August 2025.

⁶ Further information released to the applicant on 21 May 2026.

view to the applicant⁷ that it comprised exempt information and access may be refused under the RTI Act. The applicant disagreed and maintained that the remaining information should be released. Particularly:⁸

'...[I] acknowledge the reasoning in Hughes and Department of Communities, Child Safety and Disability Services. However, I respectfully submit that Hughes should not be interpreted as preventing disclosure of every statement made by an applicant merely because it appears in a document that also refers to other individuals.

I therefore ask OIC to consider each redacted passage individually and determine:

- 1. whether the passage records something said, observed or communicated by me; and*
- 2. whether disclosure of that particular passage would reveal information about another person's affairs.*

Where a passage merely records my own communications and does not disclose information concerning another person's affairs, I respectfully submit that section 187(4)(a) applies. In the alternative, if a passage contains both my own communications and information concerning another person, I respectfully request consideration of partial disclosure by severance.

I accept that section 186A protects information that could identify a notifier. I do not seek disclosure of information that would reveal the identity of a protected notifier. My concern is whether the exemption has been applied more broadly than necessary.

Section 73 of the RTI Act reflects the principle that exempt information should be removed and any remaining non-exempt information released where practicable.

I respectfully request confirmation that pages 32–34 have been examined on a line-by-line basis and that all reasonably severable information has been released. If any portion of those pages can be disclosed without identifying a notifier or revealing exempt information, I respectfully request that such information be released...

I respectfully request that OIC:

- 1. re-examine each disputed passage individually to determine whether it records information communicated by me and is therefore information about me for the purposes of section 187(4)(a);*
- 2. consider whether any disputed passages can be partially disclosed through severance;*
- 3. confirm that severability has been fully applied to pages 32–34; and*
- 4. release any information that is not itself exempt under sections 186A or 187 of the Child Protection Act 1999 (Qld).'*

Issues for determination

6. In terms of the Information in Issue, the issues for determination are:

- **Category A Information** – whether some of the Information in Issue is prohibited from disclosure by section 186A of the CP Act and therefore may be refused on the ground it is exempt information; and
- **Category B Information** – whether the remaining Information in Issue is prohibited from disclosure by section 187 of the CP Act and therefore may also be refused on the ground it is exempt information.

Evidence considered

⁷ On 22 May 2026 and further emails on 12 June 2026 and 27 July 2026.

⁸ Submissions dated 22 June 2026.

7. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes).
8. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the rights to seek and receive information and privacy and reputation.⁹ I consider a decision-maker will be '*respecting, and acting compatibly with*' those rights, and others prescribed in the HR Act, when applying the law prescribed in the RTI Act.¹⁰ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Category A Information

Relevant law

9. An individual has a right to access documents of an agency to the extent they contain the individual's personal information.¹¹ However, this right is subject to some limitations under the RTI Act.
10. Relevantly, an agency may refuse access to a document to the extent the document comprises exempt information.¹² Exempt information includes information the disclosure of which is prohibited by a number of provisions listed in schedule 3, section 12(1) of the RTI Act.
11. Schedule 3, section 12(1) of the RTI Act lists a number of Acts which contain provisions prohibiting the disclosure of information. Such information will be exempt information unless it is only the personal information of the access applicant.¹³
12. The Department's exercise of its child safety functions is governed by the CP Act. The CP Act provides for the protection of children, promotes the safety of children and, to the extent it is appropriate, supports families caring for children.
13. Section 5 requires the CP Act be administered under the principles stated in that Act. Section 5A states the paramount principle for administering the CP Act is '*the safety, wellbeing and best interests of a child, both through childhood and for the rest of the child's life, are paramount*'.

⁹ Sections 21(2) and 25 of the HR Act

¹⁰ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; and *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 FOI 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).

¹¹ Personal information is defined in section 12 of the *Information Privacy Act 2009* (Qld) 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*'.

¹² Section 47(3)(a) of the RTI Act.

¹³ Schedule 3, section 12(2) of the RTI Act.

14. Section 186A(1) of the CP Act prohibits disclosure of a notifier's identity, or information from which their identity could be deduced. For section 186A(1) to apply, the following elements must be satisfied:
 - a. a person has notified a specified person¹⁴ of harm or suspected harm to a child or unborn child
 - b. release of the information could disclose the identity of the notifier, or information from which their identity could be deduced; and
 - c. none of the exceptions in section 186A(2) apply.
15. If the above three conditions are met, the information will be exempt information under schedule 3, section 12(1) of the RTI Act (unless, as mentioned at paragraph 11 above, it is only the personal information of the access applicant, in which case the exception in schedule 3, section 12(2) of the RTI Act applies).

Findings

16. Some of the redacted information in the 47 pages comprises information which relates to the identity of individual/s who made a notification/s to the Department.¹⁵
17. I have carefully considered this Category A Information and can confirm:
 - the individual/s in question notified a specified person of harm or suspected harm to a child
 - release of the information would disclose the identity of the notifier/s, or information from which their identity could reasonably be deduced; and
 - therefore the criteria in section 186A(1) of the CP Act are satisfied.
18. I have considered the exceptions listed in section 186A(2) of the CP Act, and the exception in schedule 3, section 12(2) of the RTI Act. I am satisfied that none of these apply.¹⁶
19. I must therefore conclude:
 - Section 186A(1) of the CP Act prohibits disclosure of the Category A Information.
 - Accordingly, this information is a type of exempt information, as listed in schedule 3, section 12(1) of the RTI Act.¹⁷
 - Therefore, access to the Category A Information under the RTI Act may be refused on the ground it is exempt information.¹⁸

¹⁴ That is, the chief executive, an authorised officer, a police officer, a doctor or a nurse – see section 186 of the CP Act.

¹⁵ This also includes a small amount of information on pages 32–34 of the 47 pages which would allow the identity of an individual other than the applicant to be deduced.

¹⁶ This also included consideration of the information contained in pages 32–34 of the 47 pages.

¹⁷ Under schedule 3, section 12(1) of the RTI Act.

¹⁸ Section 47(3)(a) and schedule 3, section 12(1) of the RTI Act.

20. I have carefully considered the applicant's submissions as set out at paragraphs 3 to 5 above which, in effect, may be construed as raising public interest arguments favouring disclosure of the Category A Information.
21. While I acknowledge these submissions, where information meets the requirements of an RTI Act exemption, it is not necessary to also carry out a public interest balancing exercise.¹⁹ This is because Parliament has considered that it is contrary to the public interest to disclose such information in all circumstances.²⁰ This means that OIC has no power under the RTI Act to proceed to consider public interest considerations beyond those which Parliament has deemed relevant, and no power to reach a different conclusion.

Category B Information

Relevant law

22. The provisions of the RTI Act and sections 5 and 5A of the CP Act, as noted above, are again relevant.
23. Section 187(2) of the CP Act prohibits disclosure of certain information acquired by the Department in carrying out its functions under that Act. For this section to apply, the information must:
 - a) be about a person's affairs²¹ as required by section 187(1)(b) of the CP Act (**First Condition**)
 - b) have been acquired by a person performing functions under or relating to the administration of the CP Act, as listed in section 187(1)(a) of the CP Act (**Second Condition**); and
 - c) not be subject to an exception in section 187(3) or (4) of the CP Act (**Third Condition**).
24. If the above three conditions are met, the information will be exempt information under schedule 3, section 12(1) of the RTI Act unless section 12(2) applies. Schedule 3, section 12(2) provides that information is not exempt information under section 12(1) *'if it is only personal information of the applicant'*. If this further exception does not apply, the information is exempt information and access may be refused.

Findings

25. I have carefully considered the balance of the information remaining in issue – that is the Category B Information. The Category B Information comprises information

¹⁹ This was confirmed by QCAT in *Dawson-Wells v Office of the Information Commissioner & Anor* [2020] QCATA 60 at [10] and *Mokbel v Queensland Police Service* [2023] QCATA 158 at [30].

²⁰ Section 48(2) of the RTI Act.

²¹ The term 'person's affairs' is not defined in the CP Act or the *Acts Interpretation Act 1954* (Qld). Accordingly, the *Macquarie Dictionary* Online (Ninth Edition) definition of 'affair/s' (matters of interest or concern) (a private or personal concern), adopted in *7CLV4M and Department of Communities* (Unreported, Queensland Information Commissioner, 21 December 2011) at [30], is considered relevant.

that is solely about other individuals in their personal capacity, or shared personal information that is about the applicant as well as such individuals.

26. I am satisfied that the Category B Information was acquired by individuals who, in their capacity as persons listed in section 187(1)(a) of the CP Act, were performing functions under or relating to the administration of the CP Act. I am also satisfied that the information is about the affairs of individuals other than the applicant, as required by section 187(1)(b) of the CP Act. Therefore, the First and Second Conditions necessary for section 187(2) of the CP Act are satisfied.
27. I have considered the exceptions listed in section 187(3) and (4) of the CP Act, and the exception in schedule 3, section 12(2) of the RTI Act.
28. Given the applicant's submissions as set out in paragraphs 3 to 5 above, I have particularly considered the exception in section 187(4)(a) of the CP Act, which provides that disclosure of information to another person is not prohibited under section 187(2) of the CP Act *'to the extent the information... is about the other person'*. However, this exception is limited to an applicant's personal information *only*, and information which is solely about the applicant is already among the disclosed information. This exception cannot apply to information that is about both the applicant and others,²² and therefore cannot apply to the shared personal information component of the Category B Information. This is also the case for the exception in schedule 3, section 12(2) of the RTI Act.
29. I have also considered the exception in section 187(3)(e) of the CP Act, which enables a person other than an applicant to consent in writing to the disclosure of their information. However, this exception can only apply when the person to whom the information relates is or becomes an adult. In the present matter, the information largely relates to a child. Regardless of whether it relates solely to them, or to both them and the applicant or others, this particular exception cannot apply, and the prohibition in section 187(2) remains.
30. A small amount of the Category B Information does not relate to the child, but comprises shared personal information of the applicant and another adult/s. Given its nature, I do not consider it reasonable to expect informed consent could be forthcoming from the adult/s in question. Consequently, I conclude it reasonable and preferable to not explore the exception in section 187(3)(e) further in this regard.
31. Having carefully considered the entirety of the applicant's submissions with their external review application and as set out above, I cannot discern any circumstances which give rise to any of the exceptions. Having considered all possible exceptions, I am satisfied that none of these apply. Therefore, the Third Condition is satisfied.

²² *Hughes and Department of Communities, Child Safety and Disability Services* (Queensland Information Commissioner, 17 July 2012) at [23]–[27]; applied recently in *X30 and Department of Families, Seniors, Disability Services and Child Safety; and Other* [2026] QICmr 21 (12 February 2026) at [56]–[70] and *I31 and Department of Families, Seniors, Disability Services and Child Safety* [2026] QICmr 41 at [32]–[44].

32. I therefore conclude:

- section 187(2) of the CP Act prohibits disclosure of the child protection function information
- this information is a type of exempt information, as listed in schedule 3, section 12(1) of the RTI Act;²³ and
- accordingly, access to this type of information under the RTI Act may be refused on the ground it is exempt information.²⁴

33. As set out in paragraph 5 above, the applicant submitted that the Department's redactions were excessive and failed to take into account the ability to delete certain information in section 73 of the RTI Act. Whilst section 73 does not apply to exempt information, section 74 is relevant. I confirm I have carefully considered whether any of the information redacted on the ground it is exempt information could, in fact, be released. This includes Category A and B Information. However, for the reasons contained in this decision, I must confirm that Category A and B Information may be refused in accordance with the provisions mentioned above.

34. I confirm I have carefully considered the applicant's remaining submissions which may be construed as raising public interest arguments favouring disclosure of the Category B Information. However, as explained at paragraph 21 above, I am unable to take such considerations into account. Even if public interest considerations such as those raised by the applicant apply, when information qualifies as exempt information, such considerations cannot displace Parliament's position that disclosure is contrary to the public interest.

Summary

35. In summary, I find that each of the abovementioned categories of information may be refused.

36. The above are the reasons for the decision as set out at page 1.

²³ Under schedule 3, section 12(1) of the RTI Act.

²⁴ Sections 47(3)(a) and 48 of the RTI Act.