OFFICE OF THE
Information Commissioner
QUEENSLAND

Decision and reasons for decision

Citation:	**H20 and Queensland Police Service [2026] QICmr 142 (7 August 2026)**
Application number:	**00022128**
Applicant:	**H20**
Respondent:	**Queensland Police Service**
Decision date:	**7 August 2026**
Catchwords:	**ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSE TO DEAL - EXEMPT CLASS OF DOCUMENTS - request for QPRIME audit logs - whether application seeks all documents containing information relating to a stated subject matter - whether all requested documents are comprised of exempt information - whether agency may refuse to deal with the application - section 40 of the *Right to Information Act 2009* (Qld)** **ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - LAW ENFORCEMENT – whether disclosure of information about access to applicant's personal information within QPRIME system 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 information is exempt under schedule 3, section 10(1)(f) of the *Right to Information Act 2009* (Qld)**

DECISION

I affirm[1] the reviewable decision of the Queensland Police Service (**QPS**) and find[2] that QPS was entitled to refuse to deal with the application under section 40 of the RTI Act on the basis that all of the requested documents comprise exempt information under schedule 3, section 10(1)(f) of the RTI Act. This means that no further information is to be released to the applicant. My reasons for the decision follow.

[redacted]

K Zaidiza
Acting Assistant Information Commissioner, Right to Information
Date: 7 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 Act[3] to QPS for access to '[a] *copy of the audit Logs and access records showing when and by whom our personal information has been accessed within QPS system, including QPRIME'*[4] during a specified date range.

2. QPS decided[5] to refuse to deal with the access application on the basis that the information sought is exempt information under section 40 of the RTI Act and, specifically, that disclosure of the information would prejudice a lawful method or procedure pursuant to schedule 3, section 10(1)(f) of the RTI Act.

3. The applicant then applied[6] to OIC for external review of QPS's decision. On external review, OIC conveyed a preliminary view to the applicant[7] that QPS decision was correct. The applicant disagreed with the preliminary view and submitted:[8]

   …'[T]*he requested audit logs relate solely to our own personal information. We are not seeking operational methods, investigative techniques, or data relating to any other individual. The Information Privacy Act 2009 (Qld) provides a clear right to access personal information held by government agencies, except where doing so would clearly harm legitimate law enforcement activities. Any operationally sensitive information could be redacted, such as officer names or investigation identifiers. Partial disclosure (e.g. anonymised or summarised access logs) would achieve transparency and accountability without compromising police procedures. There is a significant public interest in ensuring that access to personal data within QPRIME is lawful and auditable, particularly given that improper access by officers has been the subject of public concern in Queensland. Releasing audit information to the data subject enhances public confidence and accountability in the QPS, consistent with the objectives of the RTI Act. The exemption in Schedule 3, section 10(1)(f) was applied too broadly. The QPS did not appear to consider whether parts of the requested information could be released without prejudicing law enforcement methods, nor whether section 10(2) exceptions applied. We have a reasonable basis to believe that a former police officer may have requested or encouraged a current/previous QPS officer to access our personal information within QPRIME without a lawful purpose. Our request for audit logs was made in good faith to confirm whether any such access occurred.'*

4. Therefore, the issue for determination is whether QPS was entitled to refuse to deal with the application under section 40 of the RTI Act on the basis that all of the requested documents comprise exempt information.

Evidence considered

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

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[3] Application dated 2 September 2025 and following discussions with QPS on 17 September 2025.
[4] Queensland Police Records and Information Management Exchange (QPRIME).
[5] Decision dated 17 October 2025. This is the *reviewable* decision.
[6] External review application dated 19 October 2025.
[7] Letter dated 14 May 2026, and further email dated 8 July 2026.
[8] With external review application received 19 October 2025 and further submissions of 25 May 2026.

6. 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.

7. The applicant raised a number of concerns about departmental actions which are outside the Information Commissioner's external review jurisdiction. In making my decision in this external review, I have considered the applicant's submissions to the extent they are relevant to the issues for determination in the context of the Information in Issue.

Relevant law

8. Section 39 of the RTI Act provides that where an access application is made, an agency should deal with the application unless this would, on balance, be contrary to the public interest. Section 40 of the RTI Act sets out one of the sets of circumstances in which Parliament has considered it would, on balance, be contrary to the public interest to deal with an access application:

40 Exempt Information

(1) This section applies if—

(a) an access application is expressed to relate to all documents, or to all documents of a stated class, that contain information of a stated kind or relate to a stated subject matter; and

(b) it appears to the agency or Minister that all of the documents to which the application relates are comprised of exempt information.

(2) The agency or Minister may refuse to deal with the application without having identified any or all of the documents.

9. In effect, this allows an agency to refuse to deal with an application if:

a) the application requests all documents, or all documents of a particular class, that contain information of a stated kind or relate to a stated subject matter; and
b) it appears to the agency that all of the documents to which the application relates are comprised of 'exempt information', as defined in section 48 of the RTI Act and described in schedule 3 of the RTI Act.

[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).

10. Exempt information is information the disclosure of which Parliament has proclaimed would, on balance, be contrary to the public interest. Relevantly, under schedule 3, section 10(1)(f) of the RTI Act, information will comprise exempt information if its 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 (**Methods or Procedure Exemption**). However, schedule 3, section 10(2) sets out certain circumstances where the exemption will not apply. Relevantly, information will not be exempt if it consists of matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law.[11]

Findings

11. In terms of the first limb of the test for section 40 set out at a. in paragraph 9 above, I am satisfied that the scope of the application was framed so as to seek access to *all* documents containing information of a stated kind, or relating to a stated subject matter, namely, QPRIME audit logs. For these reasons, I find that the requirement in section 40(1)(a) of the RTI Act is met.

12. In terms of the second limb of the test for section 40 set out at b. in paragraph 9 above, in order to assess whether the exemption applies, I have considered a copy of the documents responding to the application. This is necessary in the circumstances, as was observed by the Court of Appeal in *Commissioner of the Police Service v Shelton & Anor*[12] (***Shelton***):[13]

> *… although s59(2) extends the discretion to refuse to deal with the application by enabling its exercise without any requirement to identify the relevant documents, the latter dispensation will have no practical content where a provision such as sch3 s10(2) makes the actual consideration of those documents a necessary earlier step, in deciding the exemption issue. However, that will not necessarily be the case for other categories of exempt information under sch3, which may permit the forming of an opinion in relation to the documents subject to a particular application by reference to the kind of information sought, without more.*

13. As noted in paragraph 1, the applicant sought access to QPRIME audit logs covering a period of time. These documents comprise what previous decisions of the Information Commissioner have referred to as QPRIME activity reports.[14] I can confirm that the document that responds to this application is a QPRIME Activity Report (**Report**). I am constrained in describing the document in any detail, but QPRIME activity reports generally reveal the amount of activity and the number of occasions on which QPS officers have accessed QPRIME in relation to an individual, the badge number of the inquiring officer, and includes a technical log of interactions within the database. Having considered the Report, I am satisfied that:

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[11] Schedule 3, section 10(2)(a) of the RTI Act. Although schedule 3, section 10(2) of the RTI Act lists other circumstances where the exemption provisions in schedule 3, section 10(1) will not apply, those circumstances do not arise in this matter and are not addressed in this decision.
[12] [2020] QCA 96.
[13] Per Chief Justice Holmes at [48].
[14] *Commissioner of the Police Service v Shelton & Anor* [2020] QCA 96 (*Shelton*), *Coughlan v Queensland Police Service* [2023] QCATA 112 (*Coughlan)*; and *Mokbel v Queensland Police Service* [2023] QCATA 158 (*Mokbel*).

- the process of QPS officers accessing the QPRIME database forms an integral part of QPS's lawful methods and procedures for preventing, detecting or investigating contraventions or possible contraventions of the law, specifically in terms of intelligence and surveillance operations; and
- disclosing a QPRIME audit log, which shows when and how often QPS officers have accessed the QPRIME database in relation to an individual (or an address in this case), could reasonably be expected to prejudice QPS methods and procedures because it would enable an individual to deduce the level of surveillance they may or may not be under.[15]

14. Accordingly, I am satisfied that all documents responsive to the application comprise exempt information under schedule 3, section 10(1)(f) of the RTI Act. Given the applicant's submission that they '[h]*ave a reasonable basis to believe that a former police officer may have requested or encouraged a current/previous QPS officer to access our personal information within QPRIME without a lawful purpose'*, it is necessary to consider the schedule 3, section 10(2)(a) exception, which provides that information will not be exempt if it consists of matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law.[16]

15. Generally, it is the case that information found in QPRIME activity reports records access but does not reveal that any given access was unauthorised or that the scope of the law enforcement investigation had exceeded proper limits. Having carefully considered the Report in issue, I can confirm that this is the case in the present matter. The Report contains nothing to indicate that any law enforcement investigation exceeded proper bounds. It does not reveal in any authoritative manner that any investigation was unauthorised, or that the scope of a law enforcement investigation has exceeded the limits imposed by law in any other way. At its highest, the Report may amount to untested evidence concerning a suspected contravention of the law. Even in circumstances where the QPRIME database may have— as identified by the applicant—been accessed without authority, I remain satisfied that it is an integral part of QPS' lawful methods and procedures for preventing, detecting or investigating contraventions, or possible contraventions, of the law.[17] As QPS noted in the decision under review:

> *When dealing with contraventions, or possible contraventions, of the law, QPS officers record information about individuals on QPRIME, and such information may relate to intelligence or surveillance operations, or other investigations. Further, QPS officers also access information recorded in QPRIME both during and after such activities, for example, to obtain background information and inform decisions.*

16. I accept this submission as to the purpose of QPRIME and find that the database is a lawful method or procedure for preventing, detecting, investigating or dealing with a

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[15] In accordance with the observations of then Chief Justice Holmes in *Shelton* at [50].
[16] Although schedule 3, section 10(2) of the RTI Act lists other features which will render information in issue non-exempt, those circumstances do not arise in this matter and are, therefore, not addressed in this decision.
[17] As noted in *Shelton* at [5], the Queensland Civil and Administrative Tribunal has also previously described QPRIME as a database of information obtained by QPS in its law enforcement functions, which is a dynamic and constantly updated central record for QPS.

contravention or possible contravention of the law. I am also satisfied that disclosing a QPRIME activity report, which shows when and how often QPS officers have accessed the QPRIME database in relation to an individual, could reasonably be expected to prejudice these QPS methods and procedures because it would enable an individual (in this case, the applicant) to deduce the level of surveillance or investigation they may, or may not, be under.

17. I have carefully considered the Report, and I do not consider that legitimate investigatory bounds have been exceeded in this case. The Court of Appeal observed in *Shelton*:[18]

> *… it may well be apparent to the Queensland Police Service on the face of an activity report, from the identities of those who have been obtaining access or the frequency of access, that legitimate investigatory bounds have been exceeded. (I would note, however, that it does not follow that every instance of unauthorised access will be evidence that a law enforcement investigation has gone beyond legal limits, as opposed to being the improper conduct of an individual.)*

18. Therefore, I consider that schedule 3, section 10(2)(a) does not render the QPRIME audit logs non-exempt under schedule 3, section 10(1)(f).

19. I have noted the applicant's submissions that QPS applied the exemption in schedule 3, section 10(1)(f) *'too broadly'* and *'operationally sensitive information could be redacted'*. However, in this regard, while possible in a practical sense, redacting only operationally sensitive information (should any exist) would still enable an individual to deduce the level of surveillance they may or may not be under and therefore any remaining information would still be captured by such exemption.

20. In relation to the applicant's remaining submissions as included in paragraph 3, these may be construed as raising public interest arguments in favour of disclosure. 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.

21. In the circumstances of this case, I am satisfied that the requirements of section 40 are met, as follows:

    a) the application seeks access to documents of a stated kind or related to a stated subject matter, namely, QPRIME activity reports, thereby satisfying the requirement in section 40(1)(a) of the RTI Act; and

[18] Per Chief Justice Holmes at [46]-[47].
[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.

b) all of the documents to which the application relates are comprised of exempt information as its 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, thereby satisfying the requirement in section 40(1)(b) of the RTI Act.

22. Based on the above, I find that QPS may refuse to deal with the application under section 40 of the RTI Act as *all* of the requested information is exempt information under section 48 and schedule 3, section 10(1)(f) of the RTI Act, and the exception in schedule 3, section 10(2) of the RTI Act does not apply.

Conclusion

23. The above are the reasons for my decision set out at page 1.