



Decision and reasons for decision

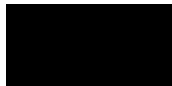
Citation:	V51 and Department of Families, Seniors, Disability Services and Child Safety [2026] QICmr 148 (17 August 2026)
Application number:	00022136
Applicant:	V51
Respondent:	Department of Families, Seniors, Disability Services and Child Safety
Decision date:	17 August 2026
Catchwords:	ADMINISTRATIVE LAW – RIGHT TO INFORMATION – 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 <i>Child Protection Act 1999</i> (Qld) – child protection function information – shared personal information – whether disclosure is prohibited by section 187(2) of the <i>Child Protection Act 1999</i> (Qld) – sections 47(3)(a) and 48 and schedule 3, section 12(1) of the <i>Right to Information Act 2009</i> (Qld)

DECISION

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

- the 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
- the 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
Manager, Right to Information
Date: 17 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 as a parent'* during a specified date range.⁴
2. The Department located 179 pages responding to the application. It decided⁵ to give full access to 27 pages, to refuse access to 44 pages and parts of 108 pages on the grounds that it comprised information the disclosure of which is prohibited by an Act or would otherwise prejudice an ongoing investigation and therefore it is exempt from disclosure.⁶
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision,⁷ and submitted that *'[T]he decision contains heavy/blanket redactions with limited, non-granular reasoning. We contend exemptions have been overapplied contrary to the Act's pro-disclosure bias, and that targeted deletions should yield further release. Please obtain the review file and consider a substituted decision or directions for less redaction'*.
4. As part of this external review, the applicant provided evidence that the current investigation had been finalised.⁸ OIC conveyed a view to the Department that additional information was suitable for release. The Department agreed with OIC's preliminary view and released further information to the applicant.⁹ Given the further release, the applicant did not further contest the refusal of information on the ground that its disclosure would prejudice an ongoing investigation, and this is no longer an issue in this review.
5. In relation to the remaining redacted information, OIC conveyed a preliminary view to the applicant¹⁰ that it comprised exempt information, namely information prohibited from disclosure by sections 186A or 187 of the CP Act (**Information in Issue**) and access may be refused under the RTI Act. The applicant disagreed and maintained that the remaining information should be released. Particularly:¹¹

Even if some material is prohibited, the RTI Act requires edited access where practicable. Edited access can and should be used to produce a document that contains only my personal information, engaging the schedule 3, section 12(2) exception.

CP Act section 187(4)(a) provides that a person covered by section 187 may disclose information or give access to a document to another person, to the extent the information or document is about the other person. This is a direct statutory permission. Where the

³ By application received by the Department on 29 September 2025.

⁴ Scope of the application agreed to by the applicant and the Department by email correspondence dated 14 October and 17 October 2025.

⁵ Decision dated 10 November 2025. This is the *reviewable decision* in this matter.

⁶ Under schedule 3, section 12 and schedule 3, section 10(1)(a) of the RTI Act.

⁷ External review application received on 11 November 2025.

⁸ Submissions from applicant dated 26 May 2026.

⁹ On 5 June 2026.

¹⁰ On 4 February 2026 and 26 May 2026.

¹¹ Submissions dated 4 February, 26 May and 23 June 2026.

withheld material records allegations about me, assessments about me, decisions about me, communications about me, or departmental actions taken about me, that material is (at least in part) about me. It follows that disclosure of that part is not 'prohibited' for schedule 3, section 12(1) purposes, and should not be treated as exempt on that basis.

...

I do not seek notifier identity.

I do not seek information from which a notifier could reasonably be identified.

I do not seek protected child-identifying particulars.

I do not seek information that cannot lawfully be disclosed.

I seek access, or edited access, to information about me, allegations made about me, actions taken concerning me, assessments concerning me, the outcome concerning me, and records showing how the matter was handled and finalised, with lawful redactions applied.

I also seek proper identification of the records so that the refusal can be meaningfully reviewed. If access is refused in whole or in part, the Department should be required to provide a page-by-page or category-level explanation sufficient to identify the type of record, the exemption relied upon, and whether the information is said to be about me, about another person, about a notifier, or mixed information.

...

the public-interest and procedural fairness context remains significant. The information concerns serious allegations affecting my family, my reputation, my role as a... and related correction / notation rights. The Child Safety outcome was unsubstantiated. Access, at least in edited form, is required so that I can understand, respond to, correct and contain inaccurate or misleading personal information that may have circulated across agency systems.

Issues for determination

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

- **Category A Information** – whether some of the information 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 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. 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.¹² 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.¹³ I

¹² Sections 21(2) and 25 of the HR Act.

¹³ *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

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.¹⁴ 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.¹⁵ 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.¹⁶
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'*.
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 person¹⁷ 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.

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).

¹⁴ 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'*.

¹⁵ Section 47(3)(a) of the RTI Act.

¹⁶ Schedule 3, section 12(2) of the RTI Act.

¹⁷ That is, the chief executive, an authorised officer, a police officer, a doctor or a nurse – see section 186 of the CP Act.

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 179 pages comprises information which relates to the identity of individual/s who made a notification/s to the Department.

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.

19. In terms of the exception in schedule 3, section 12(2) of the RTI Act in particular, I have carefully considered the applicant's submissions with their external review application as set out at paragraph 5 above, including '*I] do not seek notifier names or information from which a notifier could be deduced. I seek access to information that is about me... with protected identifiers and child-related particulars redacted as required by law*' and '*[e]dited access can and should be used to produce a document that contains only my personal information, engaging the schedule 3, section 12(2) exception*'. I can confirm that the information redacted on this basis is not information of the applicant.

20. 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.¹⁸
- Therefore, access to the Category A Information under the RTI Act may be refused on the ground it is exempt information.¹⁹

Category B Information

Relevant law

¹⁸ Under schedule 3, section 12(1) of the RTI Act.

¹⁹ Section 47(3)(a) and schedule 3, section 12(1) of the RTI Act.

21. The provisions of the RTI Act and sections 5 and 5A of the CP Act, as noted above, are again relevant.
22. 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 affairs²⁰ 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**).
23. 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

24. I have carefully considered the balance of the information remaining in issue – that is the Category B Information. The Category B Information comprises information that is solely about other individuals in their personal capacity, or shared personal information that is about the applicant as well as such individuals.
25. 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.
26. 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.
27. Given the applicant's submissions as set out in paragraph 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

²⁰ 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.

exception cannot apply to information that is about both the applicant and others,²¹ and therefore cannot apply to the shared personal information component of the Category B Information.

28. This is also the case for the exception in schedule 3, section 12(2) of the RTI Act regarding which I have again considered the applicant's submission that '[e]dited access can and should be used to produce a document that contains only my personal information, engaging the schedule 3, section 12(2) exception'.²² As none of the Category B Information is 'only personal information of the applicant', this exception does not apply and cannot enable the release of any further information.
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. Some 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 at paragraph 4 above, I cannot discern any circumstances which give rise to any of the exceptions.
32. Having considered all possible exceptions, I am satisfied that none of these apply. Therefore, the Third Condition is satisfied.
33. 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
34. I confirm I have carefully considered the applicant's remaining submissions as set out at paragraph 5 above which may be construed as raising public interest arguments

²¹ *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].

²² Under section 74 of the RTI Act.

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

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

favouring disclosure of the Category B Information. However, 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.

Conclusion

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.