



Decision and reasons for decision

Citation:	N11 and Queensland Police Service [2026] QICmr 153 (20 August 2026)
Application number:	00022948
Applicant:	N11
Respondent:	Queensland Police Service
Decision date:	20 August 2026
Catchwords:	ADMINISTRATIVE LAW – RIGHT TO INFORMATION – REFUSAL TO DEAL – applicant seeking information within QPRIME database – information about the accessing of applicant’s personal information in QPRIME – whether application is expressed to relate to all documents containing information of a stated kind – whether all documents to which the application relates comprise exempt information – section 40 of the <i>Right to Information Act 2009</i> (Qld) ADMINISTRATIVE LAW – RIGHT TO INFORMATION – EXEMPT INFORMATION – LAW ENFORCEMENT AND PUBLIC SAFETY INFORMATION – information about the accessing of applicant’s personal information in QPRIME – whether 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 – whether information consists of matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law – whether information is exempt under schedule 3, section 10(1)(f) and schedule 3, section 10(2) of the <i>Right to Information Act 2009</i> (Qld)

DECISION

I affirm¹ the reviewable decision of the Queensland Police Service (**QPS**) and find that QPS may refuse to deal with the access application under section 40 of the RTI Act.²

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.

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

My reasons for the decision follow.



A Rickard
Assistant Information Commissioner

Date: 20 August 2026

REASONS FOR DECISION

Summary

1. The applicant applied to QPS under the RTI Act to access a '*List of all sworn and unsworn staff (name/regio number)*' who had accessed the applicant's name in QPRIME and the dates/reasons for that access.³
2. QPS decided⁴ to refuse to deal with the access application pursuant to section 40 of the RTI Act. The applicant sought internal review⁵ of that decision. On internal review, QPS affirmed⁶ the original decision.
3. The applicant then applied⁷ to the Office of the Information Commissioner (**OIC**) for external review.
4. The decision under review is the internal review decision of QPS dated 14 January 2026.
5. The issue for determination is whether QPS was entitled to refuse to deal with the access application under section 40 of the RTI Act.

Evidence considered

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

Relevant law

8. The RTI Act creates a right of access to government documents. This access right is subject to the other provisions of the RTI Act.

³ Access application dated 27 October 2025. The date range specified in the access application was '*01/03/2025 – 27/10/2025*'.

⁴ Decision dated 17 December 2025.

⁵ By email dated 7 January 2026.

⁶ Decision dated 14 January 2026.

⁷ On 11 February 2026 (**External Review Application**).

⁸ Section 21 of the HR Act.

⁹ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (XYZ) at [573]; *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 Freedom of Information Act*'. I further note that OIC's approach to the HR Act (as set out in paragraph 7) was considered 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.

9. If an access application is made to an agency under the RTI Act, the agency should deal with the application unless this would not be in the public interest.¹⁰ One of the circumstances where it is not in the public interest to deal with an access application is set out section 40 of the RTI Act, as follows:

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.*
10. Schedule 3 of the RTI Act lists the types of information that comprise exempt information. Relevantly, under schedule 3, section 10(1)(f) of the RTI Act, information will be 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 (**Exemption**). However, such information will not be exempt information if it consists of certain types of information identified in schedule 3, section 10(2) of the RTI Act. One such type is matter revealing that the scope of a law enforcement investigation has exceeded the limits imposed by law.

Findings

11. For section 40 of the RTI Act to apply, I must be satisfied that:
- the 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
 - all of the documents to which the access application relates comprise exempt information.

Documents containing information of a stated kind or subject matter

12. To determine whether the first requirement of section 40 is met, it is necessary to closely examine the terms of the access application, as noted at paragraph 1 above.
13. On an objective reading of the access application, I am satisfied that it is framed as a request which relates to all documents that contain information of a stated kind – that is, information about access to the applicant’s personal information during the identified time period. Such information is contained within a QPRIME Activity

¹⁰ Section 39 of the RTI Act.

Report which QPS may create¹¹ using information stored in within its QPRIME database.¹²

14. While section 108(3) of the RTI Act restricts the detail I can provide about the responsive QPRIME Activity Report, I can confirm that such reports generally reveal the amount of activity and the number of occasions on which QPS officers have accessed QPRIME in relation to an individual and the badge number of the inquiring officer.
15. For sake of completeness, I note that in the applicant's application for internal review, the applicant indicated they accepted that '*details of individual officers, dates, and reasons for access*' comprised exempt information, and purported to narrow the access request to the total number of times their name had been accessed within the during the relevant time period. As there is no evidence before me to indicate there was any agreement to narrow the scope of the access application, I have proceeded on the basis that the terms of the access application were not narrowed. This finding is not, however, material to the outcome of this review. Even if the terms were narrowed as per the applicant's advice on internal review, it would remain the case that the request still sought all documents of the kind noted in paragraph 13 above.
16. Accordingly, I find that the first limb of section 40 of the RTI Act is satisfied.

Exempt information

17. To determine whether the second requirement of section 40 is met, it is necessary to determine whether all of the requested documents comprise exempt information. I must therefore consider whether the information contained within a QPRIME Activity Report regarding all instances of access to the applicant's personal information during the identified time period (if any) exempt information.
18. For the Exemption to apply, I must be satisfied that:
 - (a) there exists a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law
 - (b) disclosure of the responsive information would create a reasonably based expectation of prejudice to that method or procedure; and
 - (c) the responsive information must not be a type of information described in schedule 3, section 10(2) of the RTI Act.
19. The QPRIME database has been described as a database of the information obtained by QPS in its law enforcement functions.¹³ In the decision under review, QPS stated that:

¹¹ Noting that access may be given in this form under section 68(1)(e) of the RTI Act.

¹² QPRIME is an abbreviation used by QPS for its Queensland Police Records and Information Management Exchange.

¹³ Refer to *SJN v Office of the Information Commissioner & Anor* [2019] QCATA 115 at [1], as cited in *Commissioner of the Police Service v Shelton & Anor* [2020] QCA 96 (**Shelton**).

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.

20. In terms of requirement (a), I am satisfied that accessing the QPRIME database is an integral part of QPS's lawful methods and procedures for preventing, detecting or investigating contraventions, or possible contraventions, of the law.
21. In terms of requirement (b), the applicant submits that they have detailed knowledge of the QPRIME system¹⁴ and, for that reason, disclosure of the responsive QPRIME Activity Report *'would not reveal any investigative methodology that [the applicant does] not already understand'*.¹⁵ While I accept that the applicant may be familiar with the QPRIME system (and QPS's methodologies and investigative procedures), I do not consider that this knowledge reduces or negates the prejudice to QPS's methods and procedures that could reasonably be expected to arise from disclosure. This is because I am satisfied that revealing the extent of information in a QPRIME Activity Report, for any individual, whether that individual is subject to intelligence and surveillance operations or not, could reasonably be expected to prejudice these lawful methods and procedures as a whole.¹⁶
22. In terms of requirement (c), I turn now to consider the circumstances where the Exemption will not apply, as listed in schedule 3, section 10(2) of the RTI Act.
23. The applicant submits that they hold a *'genuine and objectively reasonable concern that [their] personal information may have been accessed without lawful authority'*¹⁷ and they consider that schedule 3, section 10(2)(a) of the RTI Act applies and operates to render the requested information non-exempt under the Exemption.¹⁸
24. In this regard, the applicant submits:¹⁹

[t]here have been numerous publicly reported incidents involving Queensland Police officers improperly accessing QPRIME for personal reasons. These incidents demonstrate that misuse of the system is a recognised and documented issue rather than a hypothetical possibility.
25. More specifically, the applicant submits that *'[c]laiming blanket exceptions for the type of information requested is against the public interest as it covers up unlawful breaches of an individual's privacy. This is directly contrary to the intent of the provisions of Schedule 3, section 10(2).'*²⁰

¹⁴ External Review Application. In the applicant's email dated 24 July 2026, the applicant further submitted that they *'possess extensive operational knowledge of QPRIME and its legitimate policing functions'*.

¹⁵ Applicant's email dated 24 July 2026.

¹⁶ In reaching this factual conclusion, I have taken into account that the RTI Act does not restrict how information disclosed in response to an access application is used, disseminated or published.

¹⁷ Applicant's email dated 24 July 2026.

¹⁸ External Review Application

¹⁹ Applicant's email dated 24 July 2026.

²⁰ External Review Application.

26. The Court of Appeal, when considering an access request made under the *Information Privacy Act 2009* (Qld) for similar QPRIME access information, observed as follows:²¹

In sum, the inference I draw from s 59(2)^[22] is that it is permissible (but not obligatory), in considering sch 3 s 10(1) factors, to draw conclusions as to the effects of disclosure by reference to the nature of information that documents of the kind to which access is sought usually contain, without reference to the particular content of the documents in question. But although s 59(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 sch 3 s 10(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 sch 3, 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.

27. While I acknowledge that the applicant has suspicions in relation to unauthorised access to their information within QPRIME, consistent with the Court of Appeal's above comments, it is the material itself which must reveal that the scope of a law enforcement investigation has exceeded the limits imposed by law. I have obtained and reviewed a QPRIME Activity Report created in relation to the applicant for the relevant time period, which contains the requested information (if any). I am satisfied that the content of the QPRIME Activity Report does not reveal any access to the applicant's personal information was unauthorised, nor does it consist of matter revealing that the scope of any law enforcement investigation has exceeded the limits imposed by law. Accordingly, I am satisfied that schedule 3, section 10(2)(a) of the RTI Act does not apply.
28. The applicant requested that they be provided with an 'explanation of the reasoning employed in reaching the conclusion that there is no indication of unlawful investigative conduct'²³ and submitted that 'fairness requires that I be given sufficient reasons to understand why the statutory exception has been found not to apply'. While I am precluded from describing the content of the QPRIME Activity Report in any detail in this decision,²⁴ I can confirm that, in reaching the conclusion noted in the preceding paragraph, I have noted the Court of Appeal's following observation when considering the content of the QPRIME Activity Report:

... [I]t 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.)

²¹ *Shelton* at [48].

²² The observation was made in relation to an access application made under the *Information Privacy Act 2009* (Qld) (**IP Act**) prior to changes to the RTI and IP Acts by the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) which came into force on 1 July 2025. Section 59 of the IP Act was the then IP Act cognate of section 40 of the RTI Act.

²³ Applicant's email dated 24 July 2026.

²⁴ Section 108(3) of the RTI Act.

29. For sake of completeness, having reviewed the QPRIME Activity Report, I am also satisfied that it does not contain any of the other types of information identified in schedule 3, section 10(2) of the RTI Act.
30. Accordingly, I am satisfied that the QPRIME Activity Report containing the requested information meets each of the three requirements of the Exemption. I therefore find that the second limb of section 40 of the RTI Act is satisfied.
31. The applicant has also put forward public interest arguments favouring disclosure.²⁵ However, the exemptions in schedule 3 of the RTI Act set out the types of information which Parliament has decided, would, on balance, be contrary to the public interest to disclose. Once the requirements of an exemption have been established, as I have found in this case, I am precluded from considering any public interest factors.

Conclusion

32. Having determined that both limbs of section 40 of the RTI Act are satisfied, I find that QPS was entitled to refuse to deal with the access application under that section.
33. The above are the reasons for my decision set out at pages 1–2.

²⁵ For example, in the External Review Application, the applicant submits that nondisclosure prejudices their right to seek natural justice against any QPS staff who have unlawfully gained access to their information.