



Decision and Reasons for Decision

Citation:	<i>J95 and Queensland Police Service</i> [2025] QICmr 80 (12 November 2025)
Application Number:	318350
Applicant:	J95
Respondent:	Queensland Police Service
Decision Date:	12 November 2025
Catchwords:	<p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - EXEMPT INFORMATION - LAW ENFORCEMENT - METHOD OR PROCEDURE - request for information about applicant being reported as a missing person - whether information is exempt under schedule 3, section 10(1)(f) of the <i>Right to Information Act 2009</i> (Qld) due to prejudice to investigative methods and procedures - whether access may be refused under section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and section 47(3)(a) of the <i>Right to Information Act 2009</i> (Qld)</p> <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO PUBLIC INTEREST INFORMATION - information about other individuals involved in missing person investigation process - privacy and personal information - flow of information to police - contrary to public interest information - whether access may be refused under section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and section 47(3)(b) of the <i>Right to Information Act 2009</i> (Qld)</p> <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - DOCUMENTS NONEXISTENT OR UNLOCATABLE - applicant submits further documents should exist - reasonable steps to locate relevant documents - whether further documents do not exist - section 52(1)(a) of the <i>Right to Information Act 2009</i> (Qld) - whether access to further documents may be refused under section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and section 47(3)(e) of the <i>Right to Information Act 2009</i> (Qld)</p> <p>ADMINISTRATIVE LAW - RIGHT TO INFORMATION - IRRELEVANT INFORMATION - information within agency documents pertaining to matters unrelated to applicant's missing person case - whether information may be deleted as not relevant to the terms of the access application - section 88 of the <i>Information Privacy Act 2009</i> (Qld)</p>

REASONS FOR DECISION

Background

1. The applicant applied¹ to Queensland Police Service (**QPS**) under the *Information Privacy Act 2009* (Qld) (**IP Act**)² for access to the following:

All documents associated with the missing person reports made about me from the period of 01.09.22 - 19.08.24.

2. QPS located 37 documents, determined to fully release 14, partially release 21³ and refuse access to two documents (**Original Documents**).⁴ In refusing access to information QPS decided that some information was exempt and some would, on balance, be contrary to the public interest to disclose.⁵ The applicant sought internal review of the QPS decision in respect of all refused information and raised concerns about various types of missing material.⁶ QPS affirmed its original decision on internal review and sought to address the applicant's concerns about missing material.⁷
3. The applicant applied to OIC for external review of the QPS decision to refuse access to information, and also raised concerns about further documents which he considered should have been located.⁸
4. On external review, QPS located an additional nine documents⁹ (**Additional Documents**) and agreed to release some of that information to the applicant. However, with respect to the additionally located BWC recordings, and certain other information, QPS submitted access should be refused on the basis that disclosure would on balance, be contrary to the public interest.
5. Throughout the review, the applicant maintained his position that QPS should have located further documents and provided submissions in support of his case contesting the grounds for refusing access.¹⁰
6. The issues for determination in this review are whether:
 - information is exempt under schedule 3, section 10(1)(f) of the RTI Act
 - disclosure of information, would, on balance, be contrary to the public interest
 - access to further documents may be refused on the basis that they are nonexistent/unlocatable, including whether QPS has taken all reasonable steps to locate responsive documents; and
 - information is irrelevant to the terms of the application.

¹ Access application dated 19 August 2024.

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

³ Including two body worn camera (**BWC**) recordings.

⁴ Decision dated 10 October 2024.

⁵ A small amount of information was also deleted as irrelevant under section 88 of the IP Act.

⁶ Internal review application dated 7 November 2024.

⁷ Internal review decision dated 5 December 2024. The internal review decision maker also identified some irrelevant information in the documents. This is the reviewable decision for the purpose of this review.

⁸ External review application dated 5 December 2024.

⁹ Seven pages and two additional BWC recordings.

¹⁰ Submissions dated 1 August 2025 comprising 50 typed pages plus attachments (including documents obtained under the *Freedom of Information Act 1982* (Cth) from the Australian Federal Police (**AFP**)). The applicant's submissions were received by OIC on 4 August 2025.

7. In reaching my decision, I have taken into account evidence, submissions, legislation and other material referred to in these reasons (including footnotes). I have had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information¹¹ and have acted in accordance with section 58(1) of the HR Act.¹²
8. For the reasons set out below, I vary¹³ QPS' decision and find that:
- certain information¹⁴ is exempt under schedule 3, section 10(1)(f) of the RTI Act and access to it may be refused under section 47(3)(a) of the RTI Act
 - disclosure of certain information¹⁵, would, on balance, be contrary to the public interest and access to it may be refused under section 47(3)(b) of the RTI Act
 - access to further documents responding to the terms of the application may be refused on the basis that they are nonexistent under sections 47(3)(e) and 52(1)(a) of the RTI Act; and
 - certain information¹⁶ is irrelevant to the terms of the application and can be deleted under section 88 of the IP Act.

Issues for determination

9. The information to which QPS has refused access appears in various QPS documents associated with the reporting and investigating of the applicant as a missing person, including QPRIME¹⁷ incident reports, BOLO¹⁸ reports, BWC footage, QPS officer notebooks, emails, and an extract of a QPS Activity Log from a traffic stop.¹⁹ The refused information in those documents falls into the following categories:
- a. Information about QPS's investigation into the missing persons reports (**Investigation Information**)²⁰
 - b. Personal details and identifying information of other individuals/informant/s including information those individuals provided to QPS during the investigation (**Third Party Information**)²¹
 - c. Non-public facing contact details of QPS and a private sector organisation (**Contact Details**)²²
 - d. Information about matters unrelated to the missing persons reports (**Irrelevant Information**).²³

Relevant law

10. Under the IP Act a person has a right to be given access to documents of an agency to the extent they contain the individual's personal information.²⁴ However, this right of

¹¹ Section 21 of the HR Act.

¹² 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].

¹³ While my decision applies the same grounds of refusal as relied on by QPS in its internal review decision, due to the additional documents located on external review, I am required to make findings on those documents and thus, vary the original decision.

¹⁴ In pages 1, 2, 7, 11, 21, 22, 27, 30 and 35 of the Original Decision documents, and pages 1-3 of the Additional Documents.

¹⁵ In pages 1-5, 8-10, 15-17, 19, 22, 23, 27 and 28 of the Original Documents, pages 6-7 of the Additional Documents, parts of the 2 originally located BWC recordings and the two BWC recordings located on external review (in their entirety).

¹⁶ Appearing in page 17 of the Original Documents and page 4 of the Additional Documents.

¹⁷ The Queensland Police Records Information Management Exchange is the central database and recordkeeping system of QPS for investigative material.

¹⁸ An acronym for *Be on the Lookout*. QPS has disclosed information to the applicant referring to the existence of BOLO reports but not the content of the reports themselves.

¹⁹ 5 full pages, 22 part pages and 2 part and 2 full BWC recordings.

²⁰ The information described at footnote 14 above.

²¹ Appearing in pages 1-5, 8-10, 22, 23 and 27 of the Original Documents, pages 6-7 and the 2 BWC recordings within the Additional Documents.

²² Appearing in pages 15-17, 19 and 28 of the Original Documents.

²³ The information described at footnote 16 above.

²⁴ Section 40 of the IP Act.

access is subject to certain limitations, including grounds upon which access to information may be refused.²⁵ The legislation requires the grounds for refusing access to be interpreted narrowly, and decisions on access to be made with regard to the pro-disclosure bias.²⁶ For the purpose of this decision, the relevant grounds of refusal are:

- exempt information²⁷
- contrary to public interest information²⁸
- nonexistent or unlocatable documents.²⁹

11. In addition, while not a ground for refusing access, section 88 of the IP Act provides a mechanism to allow an agency to delete information from documents where it is not relevant to the terms of the application.

Exempt information

12. Schedule 3 of the RTI Act sets out the types of information which Parliament has decided would, on balance, be contrary to the public interest to disclose. Exempt information includes various types of law enforcement and public safety information, including where disclosure could reasonably be expected to:

(f) prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law (including revenue law)

13. For this exemption to apply, the following criteria must be satisfied:
- a. there must exist a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law
 - b. disclosure of the information would create a reasonably based expectation³⁰ of prejudice to the method or procedure at (a); and
 - c. the information must not be a type of information described in schedule 3, section 10(2) of the RTI Act.

Contrary to public interest information

14. Access to information may also be refused where its disclosure would, on balance, be contrary to the public interest.³¹ 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. There are, however, some recognised public interest considerations that may apply for the benefit of an individual.

²⁵ Section 47(3) of the RTI Act. Section 67 of the IP Act provides that access to information may be refused on the same grounds as set out in section 47(3) of the RTI Act.

²⁶ Section 67(2)(a) and 64 of the IP Act.

²⁷ Section 47(3)(a) of the RTI Act.

²⁸ Sections 47(3)(b) and 49 of the RTI Act.

²⁹ Section 47(3)(e) of the RTI Act.

³⁰ A reasonable expectation is one that is reasonably based, and not irrational, absurd or ridiculous: *Sheridan and South Burnett Regional Council and Others* (Unreported, Queensland Information Commissioner, 9 April 2009) at [189] – [193], referring to *Attorney-General v Cockcroft* (1986) 64 ALR 97 (**Cockcroft**). This test requires a decision-maker to distinguish '*between what is merely possible ... and expectations that are reasonably based*' and for which '*real and substantial grounds exist*': *B and Brisbane North Regional Health Authority* [1994] QICmr 1.

³¹ Sections 47(3)(b) and 49 of the RTI Act.

15. The RTI Act explains the steps that the decision-maker must take in deciding the public interest.³² It also identifies a non-exhaustive list of factors in Schedule 4 that may be relevant to deciding the balance of the public interest. I have considered all these factors, together with other relevant information in reaching my decision, and discuss relevant factors below.

Nonexistent documents

16. Access to a document may be refused if it is nonexistent or unlocatable.³³ A document will be nonexistent if there are reasonable grounds to be satisfied it does not exist.³⁴ A document will be unlocatable if it has been or should be in the agency's possession and all reasonable steps have been taken to find the document, but it cannot be found.³⁵
17. To be satisfied that a document does not exist, the Information Commissioner has previously identified a number of key factors to consider, including the agency's structure, its recordkeeping practices and procedures and the nature and age of requested documents.³⁶ After considering relevant factors, a decision-maker may conclude that a particular document was not created because, for example the agency's processes do not require creation of that specific document. In such instances, it is not necessary for the agency to search for the document, but sufficient that the circumstances to account for the nonexistence are adequately explained by the agency. If searches are relied on to justify a decision that the documents do not exist, all *reasonable* steps must be taken to locate the documents.³⁷ What constitutes reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the circumstances.
18. The Information Commissioner's external review functions include investigating and reviewing whether agencies have taken reasonable steps (as opposed to all possible steps)³⁸ to identify and locate documents applied for by applicants.³⁹ On an external review, the agency or Minister who made the decision under review has the onus of establishing that the decision was justified or that the Information Commissioner should give a decision adverse to the applicant.⁴⁰ However, where the issue of missing documents is raised, the applicant bears a practical onus of demonstrating that the agency has not discharged its obligation to locate all relevant documents.⁴¹ Suspicion and mere assertion will not satisfy this onus.⁴²

³² Section 49(3) of the RTI Act.

³³ Sections 47(3)(e) and 52(1)(a) of the RTI Act.

³⁴ Section 52(1)(a) of the RTI Act.

³⁵ Section 52(1)(b) of the RTI Act.

³⁶ These factors are identified in *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) (*Pryor*) at [19], which adopted the Information Commissioner's comments in *PDE and the University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) at [37]-[38] (*PDE*). These factors were more recently considered in *B50 and Department of Justice and Attorney-General* [2024] QICmr 33 (7 August 2024) at [15], *T12 and Queensland Police Service* [2024] QICmr 8 (20 February 2024) at [12], and *G43 and Office of the Director of Public Prosecutions* [2023] QICmr 50 (12 September 2023) at [19].

³⁷ In *Webb v Information Commissioner* [2021] QCATA 116 (*Webb*) at [6], McGill J observed that this does not extend to all 'possible' steps.

³⁸ *S55 and Queensland Police Service* [2023] QICmr 3 (30 January 2023) at [23], cited with approval in *W55 and Brisbane City Council* [2024] QICmr 13 (17 April 2024) at [19].

³⁹ Section 137(2) of the IP Act. The Information Commissioner also has power under section 115 of the IP Act to require additional searches to be conducted during an external review. The Queensland Civil and Administrative Tribunal confirmed in *Webb* at [6] that the RTI Act 'does not contemplate that [the Information Commissioner] will in some way check an agency's records for relevant documents' and that, ultimately, the Information Commissioner is dependent on the agency's officers to do the actual searching for relevant documents.

⁴⁰ Section 100(1) of the IP Act.

⁴¹ See *Mewburn and Department Local Government, Community Recovery Resilience* [2014] QICmr 43 (31 October 2014) at [13].

⁴² *Parnell and Queensland Police Service* [2017] QICmr 8 (7 March 2017) at [23]; *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) at [36].

Irrelevant information

19. Section 88 of the IP Act provides that access may be given to a document subject to the deletion of information reasonably considered not relevant to an application. This is a mechanism to allow irrelevant information to be deleted from documents which are identified for release to an applicant. In deciding whether information is irrelevant, it is necessary to consider whether the information has any bearing upon, or is pertinent to, the terms of the application.⁴³

Submissions

Applicant's submissions

20. The applicant provided extensive submissions to OIC particularly in relation to his concerns about missing information.⁴⁴ The applicant submitted that insufficient information had been located in relation to the two missing person reports, and also submitted that a third missing person report had been made in respect of which documents should have been located. The applicant pointed to the QPS Operational Procedures Manual to '*highlight the steps that should have been undertaken by QPS at various stages of the missing persons investigations*' and that '*one of the investigating officer's first actions would have been to obtain formal statements from concerned persons*'.⁴⁵

21. The applicant summarised his concerns as follows:

The documents / categories of documents the applicant alleges to be missing from the QPS release are as follows:

- a) Communications with concerned persons.*
- b) Health information.*
- c) QPRIME report attachments.*
- d) Centrelink / Medicare information.*
- e) Activity logs.*
- f) Bank statements and BOLO photo.*
- g) Missing person report 3.*
- h) Missing person workflows.*
- i) Documents associated with the second missing persons investigation (including the transfer of said investigation).⁴⁶*

22. The applicant also made submissions contesting that information he had requested qualified for exemption, as follows:

- a) The information requested by the applicant relates to documents associated with several missing persons reports that were made about him throughout the years 2022–2024 (inclusive).*
- b) Questions of prejudice only usually arise in cases involving the disclosure of covert investigative methods and procedures.*
- c) There is no information to suggest that the missing person investigations involved covert activities or operations.*
- d) There is no information to suggest that the missing person cases were suspected as involving foul play.*

⁴³ O80PCE and Department of Education and Training (Unreported, Queensland Information Commissioner, 15 February 2010) at [52] which was a decision made under the equivalent provision in the repealed *Freedom of Information Act 1992* (Qld).

⁴⁴ The applicant's submissions on sufficiency of search extend over 20 pages (pages 9-31). While I have read those submissions thoroughly in reaching my decision in this matter, these reasons do not explicitly refer to the specifics of each argument made by the applicant due to the voluminous nature of those submissions.

⁴⁵ Submission to OIC page 10-12, paragraph 27 to 31.

⁴⁶ Paragraph 87 of the applicant's submissions dated 1 August 2025.

- e) *The information subject of the schedule 3, s 10 (1)(f) exemption only appears to relate to evidence and statements collected by the QPS throughout the course of the missing person investigations; these are overt investigative methods.*
- f) *QPS Missing person investigative methods and procedures are publicly accessible via the QPS website.*
- g) *The applicant has never been known to publicly disseminate information.*
- h) *Besides whether the release of certain information would reveal a method that could be prejudiced if disclosed, there is no information to support a reasonable expectation that prejudice would follow disclosure.⁴⁷*

...

The information and documents the QPS are claiming as exempt appear to relate to well-known or overt QPS investigative methods and procedures. Further, even if there did exist a legitimate concern about a method or procedure that was not known to the public or accessible via public facing materials, the applicant has no intention to publish, disseminate or share any information given to him in response to the access request.⁴⁸

[footnotes omitted]

23. With respect to relevant public interest factors, the applicant also put forward comprehensive submissions to support his case, including the following:

- a) *The applicant already knows who the informants for both the missing person reports are.*
- b) *The applicant no longer has contact with these people.*
- c) *The applicant is not going to contact these people, regardless of what they said to the QPS throughout the course of the missing person investigations.*
- d) *The applicant was never 'missing', and the people who made the missing persons reports were aware of the applicant's living arrangements.*
- e) *The applicant has already been given a fair bit of information regarding the nature of the information that was disclosed to the QPS.*
- f) *It is well known that disclosing information to the police doesn't automatically afford protection to that information.*
- g) *People are generally aware of the principles of natural justice, procedural fairness, and access to one's own personal information for the purposes of self-advancement.*
- h) *The applicant seeks this information for such purposes.*
- i) *People should be careful not to make disparaging comments about another person, regardless of whether they are believed to be missing.⁴⁹*

...

- a) *The existence of access regimes is already well-known.*
- b) *The public interest test is applied on a case-by-case basis.*
- c) *Even if a person was aggrieved by a decision to release information they gave to the QPS about another individual, there is no evidence to suggest that one such decision would result in a widespread misconception of reckless disclosure by the QPS.*
- d) *The QPS have refused the applicant access to the various documents on the basis the disclosure of such documents would be contrary to the public interest. If the decision were to be overturned, it would only reveal that the OIC, after careful consideration, decided that access should be granted. As I understand, the IP Act is biased towards disclosure.*
- e) *The outcome of the public interest test should not be determined by reference to some imagined widespread consequence that would never actually occur from the making of one decision.⁵⁰*

...

⁴⁷ Paragraph 101 of the applicant's submissions dated 1 August 2025.

⁴⁸ Paragraph 102 of the applicant's submissions dated 1 August 2025.

⁴⁹ Paragraph 115 of the applicant's submissions dated 1 August 2025.

⁵⁰ Paragraph 116 of the applicant's submissions dated 1 August 2025.

The applicant finds that the applicant's personal information should be released. The public interest factors favouring disclosure far outweigh those favouring non-disclosure both in volume and in weight. Further, the IP Act creates a pro-disclosure bias, so unless, on balance, giving access would be contrary to the public interest, access may not be refused. Finally, while it is unknown to the applicant what the documents contain exactly, their content is heavily implied by the information already released. The release of specific details concerning interactions between the QPS and concerned persons will unlikely alter how the applicant views those interactions. It will however provide the applicant with the information needed to correct any false / exaggerated claims that have been made about him.⁵¹

24. The applicant raised particular concerns about the redaction of non-public facing contact details of QPS officers, as follows⁵²:

There is no public interest consideration protecting the contact details of government agencies, and as I understand calls to government offices are filtered through private branch exchanges. Further, I'm having difficulty understanding who might attempt to harass the QPS. The applicant further notes that relevant contact details may serve as a point of further inquiry for the purposes of his applications.

25. Two additional points made by the applicant in his submissions concerned the inability to distinguish between redaction markings in the released documents⁵³ and specific documents which he considered 'would greatly assist in determining the scope of this review' and asked OIC to exercise discretion to obtain them.⁵⁴

QPS submissions and searches

26. In the internal review decision, QPS outlined its reasons on exempt and contrary to public interest information⁵⁵ as follows:

Some of the document in question contains information relating to lawful investigative methods and procedures of the QPS used in cases of missing persons. I have determined that the release of this information could reasonably be expected to prejudice such methods and procedures because it may allow for a person to anticipate and circumvent police using such methods and procedures when police are attempting to ascertain the welfare of a person.

...

The information sought under your application relates to enquiries with individuals other than yourself and by its nature contains personal information such as names and contact details. Whether or not a person has been spoken to by police or has cooperated with police is information that is within an individual's personal sphere.

Some of the information involves the provision of information to police by people other than yourself. This information has been provided to police in a cooperative fashion whilst police were investigating these matters. When considering this type of information, the Information Commissioner has previously identified that routine disclosure could reasonably be expected to discourage the sharing of information and cooperation with police.

27. Specifically with respect to the non-public facing contact details, QPS found⁵⁶ as follows:

⁵¹ Paragraph 126 of the applicant's submissions dated 1 August 2025.

⁵² At paragraph 117 of the applicant's submissions dated 1 August 2025.

⁵³ In the footnotes to paragraph 9 of these reasons, I have identified the category of information which appears on each of the released pages.

⁵⁴ QPS First Response Handbook, Risk Assessment Guidelines for Missing Persons, QPRIME User Guide, Guidelines relating to requests for information from Services Australia.

⁵⁵ Internal review decision, pages 3 and 5.

⁵⁶ Internal review decision, page 5.

The information sought under your application contains non-public facing telephone numbers and email addresses.

Despite the concept of routine personal work information influencing the weight attached to personal information of government employees, the release of non-public facing contact details can have a significant impact on an agency's ability to perform its functions.

It is common for agencies to have publicly available contact details, with arrangements and structures put into place to ensure enquiries from the public are dealt with through these contact points.

QPS has publicly available contact details for police stations, with arrangements and structures put into place to ensure enquiries from the public are dealt with through these contact points (for example, pre-recorded instructions detailing how to report an emergency when phoning a station directly). The release of a direct phone number for a police station which is not the general phone line, could result in the number being phoned in an emergency, delaying an appropriate police response.

28. QPS submitted to OIC that it had made direct inquiries with the investigating officer in relation to the documents alleged by the applicant to be missing, including witness statements, health information, Centrelink/Medicare information and bank statements. In summary, the investigating officer explained that the primary reason further documents did not exist was due to the applicant being located within a short period of time of being reported as missing on both occasions.⁵⁷
29. QPS provided OIC with search records and declarations from the relevant officers⁵⁸ which confirm QPS undertook searches of the following systems for information responsive to the access application:
 - Notebook/diaries
 - QPRIME
 - Correspondence systems (including email)
 - Case notes/reports
 - Tapes or footage (including BWC footage)
30. In relation to a third missing person report QPS confirmed searches of QPRIME did not reveal any additional report.⁵⁹

Findings

Investigation Information

31. QPS decided that certain information if disclosed, 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.⁶⁰
32. I am limited in the extent to which I can describe the information that QPS has submitted comprises exempt information.⁶¹ However I have closely examined the Investigation Information and I am satisfied that it is concerned with the methods and procedures used by QPS to investigate missing person reports, including evidence and intelligence gathering. I acknowledge the applicant's submission that *'...the missing persons unit does not prevent, detect or investigate contraventions or possible contraventions of law; it is concerned with responding to missing person reports and subsequently undertaking*

⁵⁷ Approximately one week on both occasions. Email to OIC dated 18 March 2025.

⁵⁸ Search records and declarations dated 10 April 2024 and 11 September 2024.

⁵⁹ Internal review decision at page 7 and QPS submission dated 7 April 2025.

⁶⁰ Schedule 3, section 10(1)(f) of the RTI Act.

⁶¹ Sections 120(a) and 121(3) of the IP Act.

*investigations into their whereabouts and safety. The content of the documents precludes the use of this exemption’.*⁶²

33. I am satisfied that in undertaking investigations into a missing person’s whereabouts and safety, it is reasonable to expect that QPS will be investigating the surrounding circumstances of a particular matter and this may involve investigation into suspected criminal activity and/or foul play. I am satisfied that these investigations comprise lawful methods or procedures within the meaning of schedule 3, section 10(1)(f) of the RTI Act. Further, given the sensitive nature of the Investigation Information, I consider that disclosure would prejudice the effectiveness of the methods and procedures that QPS pursues in relation to investigating missing persons as it would reveal certain actions that QPS takes, which may enable individuals involved in contraventions of the law to circumvent detection in the future. I have also considered the exception in schedule 3, section 10(2) of the RTI Act and am satisfied that none of the Investigation Information which would reveal that the scope of any law enforcement investigation has exceeded the limits imposed by law.
34. Accordingly, I consider access to Investigation Information may be refused on the basis it is exempt information.

Third Party Information

35. I have not taken into account any irrelevant factors in deciding where the balance of the public interest lies with respect to disclosure of this category of information.
36. There are a number of public interest factors concerned with enhancing the accountability and transparency of QPS in the discharge of its law enforcement obligations which I consider are relevant in this case.⁶³ In affording weight to these factors, I have taken into account the level of information that was disclosed to the applicant by QPS. I am satisfied that disclosure of that information, including unredacted copies of the missing person located reports in both investigations, and the majority of the QP incident reports, has served to discharge those factors to a moderate degree. In my view, the released information outlines, subject to redaction of exempt and third party information, the process followed by QPS to investigate the missing person reports pertaining to the applicant. I therefore, afford these factors moderate weight only.
37. I am also satisfied that given the documents containing the Third Party Information were located by QPS in connection with two investigations of the applicant as a missing person, inevitably, the applicant’s personal information appears within the documents, thereby raising a further factor favouring disclosure which I consider should be afforded significant weight.⁶⁴ However, the applicant’s personal information appears in such a way that it is intertwined with the Third Party Information, which requires me to also consider factors favouring nondisclosure, as discussed below at paragraphs 40 to 41.
38. Having considered the applicant’s submissions, I am also satisfied that the following public interest factors apply to favour disclosure of the Third Party Information:
- Disclosure of the information could reasonably be expected to advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies.⁶⁵

⁶² Paragraph 90 of the applicant’s submissions dated 1 August 2025 quoting his internal review application of 7 November 2024.

⁶³ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

⁶⁴ Schedule 4, part 2, item 7 of the RTI Act.

⁶⁵ Schedule 4, part 2, item 10 of the RTI Act.

- Disclosure of the information could reasonably be expected to contribute to the administration of justice for a person⁶⁶; and
 - Disclosure of the information could reasonably be expected to reveal that the information was incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant.⁶⁷
39. For the following reasons, I afford the above three public interest factors moderate weight in favour of disclosure. I accept that disclosing the Third Party Information to the applicant would provide him with a more complete version of the information that was available to QPS during the investigation of the missing person reports, and that this may in some way advance his fair treatment, contribute to the administration of justice in any future related matters pursued by the applicant, and afford him an opportunity to review the accuracy of information. However, noting this category of information is about other individuals or has been provided directly by other individuals, I afford these factors moderate weight only.
40. On the other hand, in considering factors favouring nondisclosure, I am satisfied the Third Party Information comprises the personal information of other individuals who participated in the QPS investigation including informant/s.⁶⁸ The Third Party Information comprises their names, dates of birth, contact details, details about personal circumstances and relationships, reveals emotions and opinions, and documents their interactions with QPS in the context of the missing person investigations. Also, the Third Party Information which appears within the BWC recordings is of a particularly sensitive nature in that it records images and voices of relevant individuals within the context of a QPS investigation. For these reasons, I also consider that other individuals' right to privacy would be prejudiced through disclosure of the Third Party Information.⁶⁹ In my view, disclosing this category of information, which appears in the context of QPS investigative records, would constitute a significant intrusion into the private sphere of the other individuals and the extent of the harm that could be expected to arise from its disclosure would be significant.
41. As noted above, the applicant's personal information appears within the Third Party Information given that he was the subject matter of the missing person investigations. However, I am satisfied that his information is intertwined to such a degree with the personal information of other persons (including their images and voices), that it cannot be separated.⁷⁰ Although the applicant may be aware of some of the Third Party Information, I do not consider this reduces the weight of privacy and personal information nondisclosure factors, particularly as there can be no restriction on the use, dissemination or republication of information disclosed under the RTI Act.⁷¹
42. A further factor favouring nondisclosure arises regarding the flow of information to QPS.⁷² QPS needs to be able to obtain information from members of the public to enable them to properly investigate matters. If information were to be disclosed under the RTI Act process, where there is no ability to place constraints on the further dissemination of that information,⁷³ it is reasonable to conclude that this would prejudice QPS's ability to obtain that type of information in the future. Here, the Third Party Information indicates that the

⁶⁶ Schedule 4, part 2, item 17 of the RTI Act.

⁶⁷ Schedule 4, part 2, item 12 of the RTI Act.

⁶⁸ Schedule 4, part 4, section 6 of the RTI Act

⁶⁹ Schedule 4, part 3, item 3 of the RTI Act.

⁷⁰ I have considered the applicant's submission about obtaining copies of the recordings in transcript form, however, due to the particularly sensitive nature of the content, I am satisfied a transcript would still comprise contrary to public interest information due to the high level of personal information within the content of the recordings.

⁷¹ *FLK v Information Commissioner* [2021] QCATA 46 at [17].

⁷² Schedule 4, part 3, item 13 of the RTI Act.

⁷³ *FLK* at [17].

other individuals cooperated with QPS and volunteered information that assisted QPS to discharge their investigative duties. It is reasonable to expect that disclosing information of this type may impact the future willingness of persons to voluntarily cooperate with investigations and the associated free flow of information to QPS, thereby prejudicing the ability of QPS to carry out their functions in an efficient and effective manner. In the circumstances I afford this significant weight.

43. I acknowledge the applicant's submission that *'it is quite unlikely the future flow of information relating to genuine concerns about missing people would be prejudiced by releasing it. This is because if there existed a genuine concern, people would not hesitate to report it...'* However, as outlined above, I am satisfied that a missing person investigation is more than an exercise in locating an individual and, by their nature, involve QPS detecting and dealing with possible contraventions of the law. In my view, if sensitive information voluntarily provided by members of the public to QPS was routinely disclosed under the IP Act, it could reasonably be expected to lead to a reluctance in provision of such information in the future.

Balancing the public interest

44. I have taken into account the pro-disclosure bias⁷⁴ and the factors favouring disclosure outlined above. I accept that the applicant's right of access to his personal information should be afforded significant weight. I also afford moderate weight to enhancing QPS accountability and transparency, promoting fair treatment of an individual, administration of justice and revealing incorrect information. However, I consider the public interest in protecting the personal information and privacy of other individuals, and safeguarding QPS's ability to obtain sensitive information from members of the public, carry higher and determinative weight so as to favour nondisclosure of the Third Party Information.
45. On balance, I am satisfied that the nondisclosure factors outweigh the disclosure factors and therefore, the Third Party Information would, on balance, be contrary to the public interest to disclose, and access to it may therefore be refused under section 47(3)(b) of the RTI Act.

Contact Details

46. This category of information consists of non-public facing direct contact details of QPS officers and direct contact details of a private sector employee of a banking institution who was contacted by QPS as part of their investigations.
47. Generally, information relating to the day-to-day work duties and responsibilities of a public sector employee may be disclosed under the RTI Act, despite it falling within the definition of personal information. It is accepted that there is a level of accountability and transparency in the disclosure of routine public sector work information. However, agency documents can also contain personal information of public sector employees which is not *routine* work information.⁷⁵
48. I accept that the direct contact details of QPS officers are connected to their public sector employment. However, given the sensitive nature of the work undertaken by QPS, and potentially challenging behaviour QPS officers can encounter when dealing with members of the public, I consider there should be an additional level of privacy afforded to their direct contact details, particularly given that there is no control over further

⁷⁴ Section 64 of the IP Act.

⁷⁵ *Underwood and Department of Housing and Public Works* (Unreported, Queensland Information Commissioner, 18 May 2012) at [60].

dissemination of information once it is released under the IP Act. I afford the privacy factor moderate weight for these reasons.

49. I have also taken into account QPS' submission that the release of non-public facing contact details can have a detrimental impact on an agency performing its functions, as out lined in paragraph 27 above. I accept that there may be some prejudice to law enforcement and the flow of information to QPS⁷⁶ if non-public facing contact details were released under the IP Act as the efficient reporting of complaints to QPS may be impacted if they are used in preference to formal channels of communication are not used. I afford these factors moderate weight.
50. With respect to the details of the private sector individual, I am satisfied that there is limited accountability and transparency in the disclosure of their details, taking into account that the name of the banking organisation and the substance of the communication with QPS has been disclosed.⁷⁷ On the other hand, as an employee in the private sector, their direct contact details should in my view, be afforded a significant degree of privacy⁷⁸ so as to justify nondisclosure.
51. On balance, for the reasons outlined in the preceding four paragraphs, I find that disclosure of the Contact Details would be contrary to the public interest and therefore, access to that information may be refused under section 47(3)(b) of the RTI Act.

Nonexistent documents

52. The applicant's submissions demonstrate that the documents located by QPS in response to the application have not met his expectations. He is particularly concerned that information about a third missing person report should have been created, and considers there should be many further documents evidencing the communications QPS had with other individuals and entities in conducting the investigations.
53. As set out in paragraph 28 above, the investigating officer at QPS provided an explanation as to why the level of documentation is relatively limited, in that it can be attributed to the applicant being located within a short period of time of being reported as missing on both occasions and therefore, further communications, including with government agencies, such as what the applicant points to in his submissions, were not required. The documents available to me confirm that the period of time between the reports being lodged and the applicant being located were relatively short (approximately a week in both instances). In the circumstances, I consider QPS has provided a reasonable explanation as to why no further documents exist, which is supported by the content of the located documents.
54. With respect to the applicant's submission that there should be more documents evidencing communications with '*concerned persons*', I am limited in describing the content of the information claimed to be exempt or contrary to public interest, however, communications with other individuals, including originating reports from informant/s do form part of the refused information. I acknowledge the applicant is at a certain disadvantage in having limited descriptions of this information conveyed to him, but having independently assessed the located documents, I am satisfied QPS has undertaken reasonable steps of this category of information.

⁷⁶ Schedule 4, part 3, items 7 and 13 of the RTI Act.

⁷⁷ Pages 17-18 of the Original Documents.

⁷⁸ Schedule 4, part 3, item 3 of the RTI Act.

55. I have also taken into account QPS's searches outlined in paragraphs 29 to 30 and the nature of the located documents. I am satisfied that searches of QPRIME, notebooks, reports, email systems and recording repositories, were targeted and appropriate searches to undertake for the purpose of locating information pertaining to the two missing person investigations as they represent the locations where QPS investigative materials would reasonably be expected to be located.
56. QPS's position on a third missing person report is that no records relating to such a report could be located.⁷⁹ QPS relies on its searches of its recordkeeping systems to support this position. Given that searches of those recordkeeping systems did locate documents pertaining to two missing persons reports, I consider it is reasonable to expect that if a third one existed, it would have also been discovered through those searches. As no information pertaining to a third report was located, I consider there are reasonable grounds for QPS to be satisfied that it did not exist.
57. I have also considered the AFP documents which the applicant provided in support of his submission that a third missing person report should exist. The AFP documents were released through the Commonwealth information access regime and contain significant redactions. They do however, reveal that:

Police advised [the applicant] that a check welfare was active with Queensland Police and they were required to advise them of his whereabouts and that there were no concerns for his welfare. [The applicant] accepted this, however declined to provide an updated contact number as he adamantly believed Police would provide this to his family, which he did not want.

58. I acknowledge that the AFP report was produced within the timeframe of the application.⁸⁰ However, I am not satisfied that it conclusively demonstrates documents pertaining to a third missing person report should exist. The AFP documents refer to an active welfare check, however, they do not explicitly refer to a missing person report. I do not accept the applicant's submission that the reference to a welfare check '*implies that the QPS were actively looking for the applicant, which ultimately qualifies the matter as a missing persons investigation.*'⁸¹ Without further information available to me about the nature of information shared between the AFP and QPS in relation to the applicant, and taking into account that the terms of the access application were for documents associated with '*missing person reports*', I do not consider it was reasonable for QPS to undertake searches for information relating to welfare checks. I also accept that QPS searched for information pertaining to a third report and was not able to locate any responsive information.
59. It is clear from the applicant's submissions that the applicant considers QPS should have taken further steps to investigate the missing person reports, and that in his view, QPS has not complied with relevant procedures in handling the matters. It is beyond the Information Commissioner's jurisdiction on external review to interrogate the investigative actions of QPS; the question to determine under the IP Act and RTI Act is whether QPS has taken all reasonable steps to locate relevant documents, in the particular circumstances of the case.
60. For completeness, with respect to the documents sought by the applicant at paragraph 25, I am satisfied these fall outside the terms of the application, and if the applicant seeks access to these from QPS, a fresh application would be required.

⁷⁹ QPS submission dated 7 April 2025.

⁸⁰ Dated 24 May 2024.

⁸¹ Paragraph 81 of the applicant's submissions dated 1 August 2025.

61. In the circumstances of this case, taking into account the terms of the application, the located documents, and submissions made by the applicant and QPS, I am satisfied that QPS has taken all reasonable steps to locate documents responding to the application and that access to further documents may be refused on the basis they do not exist.⁸²

Irrelevant information

62. This category of information includes the name of the QPS member who processed the access application; that individual converted emails responsive to the application, into pdf documents and their name appears at the top of those emails. I am satisfied that QPS member has no connection to the investigation pertaining to the applicant and that this information is not relevant to the application.
63. I am also satisfied that information in the Activity Log relates to other investigations that were simply recorded in the same system as the applicant's matter. It has no connection to the missing persons reports pertaining to the applicant and is therefore irrelevant to the scope of the application. I am satisfied QPS was entitled to delete the information under section 88 of the IP Act.

DECISION

64. For the reasons set out above, I vary the reviewable decision⁸³ and find that:
- the Investigation Information⁸⁴ is exempt under schedule 3, section 10(1)(f) of the RTI Act and access to it may be refused under section 47(3)(a) of the RTI Act
 - disclosure of the Third Party Information and Contact Details⁸⁵, would, on balance, be contrary to the public interest and access to it may be refused under section 47(3)(b) of the RTI Act
 - access to further documents responding to the terms of the application may be refused on the basis that they are nonexistent under sections 47(3)(e) and 52(1)(a) of the RTI Act; and
 - certain information⁸⁶ is irrelevant to the terms of the application and can be deleted under section 88 of the IP Act.
65. I have made this decision as a delegate of the Information Commissioner.⁸⁷



Katie Shepherd
Assistant Information Commissioner

Date: 12 November 2025

⁸² Section 47(3)(e) and 52(1)(a) of the RTI Act. I am also satisfied that section 52(2) of the RTI Act is not enlivened and that therefore, backup searches are not required in this case.

⁸³ Under section 123(1)(b) of the IP Act.

⁸⁴ In pages 1, 2, 7, 11, 21, 22, 27, 30 and 35 of the Original Decision documents, and pages 1-3 of the Additional Documents.

⁸⁵ In pages 1-5, 8-10, 15-17, 19, 22, 23, 27 and 28 of the Original Documents, pages 6-7 of the Additional Documents, parts of the 2 originally located BWC recordings and the two BWC recordings located on external review (in their entirety).

⁸⁶ In page 17 of the Original Documents and page 4 of the Additional Documents.

⁸⁷ Section 139 of the IP Act.