



Decision and reasons for decision

Citation: *T49 and Queensland Police Service [2026] QICmr 138 (6 August 2026)*

Application number: 00022135

Applicant: T49

Respondent: Queensland Police Service

Decision date: 6 August 2026

Catchwords: ADMINISTRATIVE LAW – RIGHT TO INFORMATION – EXEMPT INFORMATION – LAW ENFORCEMENT AND PUBLIC SAFETY INFORMATION – whether disclosing information 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 – schedule 3, section 10(1)(f) of the *Right to Information Act 2009 (Qld)*

DECISION

I affirm the reviewable decision of the Queensland Police Service (**QPS**) under the *Right to Information Act 2009 (Qld)* (**RTI Act**) and find that access to the Information in Issue¹ may be refused on the ground it comprises exempt information.²

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

My reasons for the decision follow.



Kristen McGuire
Acting Manager, Right to Information

Date: 6 August 2026

¹ As defined in paragraph 3.

² Under section 110(1)(a) of the RTI Act as a delegate of the Information Commissioner under section 145 of the RTI Act.

REASONS FOR DECISION

Summary

1. The applicant applied³ to QPS under the RTI Act for access to all police reports that contain their personal information.
2. QPS located 48 pages and decided to refuse access to eight full pages and parts of 30 pages on the basis the information comprised either exempt information or contrary to public interest information.⁴
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for an external review of QPS's decision refusing access to the eight full pages.⁵ During the review:
 - QPS agreed⁶ to disclose one page and part of one page to the applicant⁷
 - OIC conveyed a preliminary view to the applicant⁸ that access to the remaining six pages (**Information in Issue**) could be refused on the basis they comprise exempt information under schedule 3, section 10(1)(f) of the RTI Act; and
 - the applicant maintained that access to the Information in Issue should be granted.⁹
4. While the RTI Act prevents me from describing exempt information in any detail,¹⁰ the Information in Issue can generally be described as QPS reports containing lawful methods of investigating and dealing with possible contraventions of the law.
5. The issue for determination is whether access to the Information in Issue may be refused on the basis it comprises exempt information.
6. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes). The applicant's submissions provided throughout this review have also addressed issues arising in another external review by the applicant. I have taken account of the applicant's submissions to the extent that they are relevant to the issue for determination in this review.
7. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.¹¹ I consider a decision-maker will be '*respecting and acting compatibly with*' that right and others prescribed in the HR Act, when

³ Access application dated 3 October 2025.

⁴ Decision dated 7 November 2025. This is the '*reviewable decision*' for the purpose of this review.

⁵ External review application dated 10 November 2025. The applicant did not seek review of QPS's decision refusing access to parts of 30 pages. Accordingly, I have not considered this information in my decision.

⁶ Emails from QPS dated 9 February 2026 and 11 June 2026.

⁷ QPS disclosed this information to the applicant on 20 February 2026 and 12 June 2026.

⁸ Email dated 19 February 2026.

⁹ Submissions dated 19 February 2026, 22 February 2026 and 12 June 2026.

¹⁰ Section 108 of the RTI Act.

¹¹ Section 21 of the HR Act.

applying the law prescribed in the RTI Act.¹² 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 provides individuals with a right to be given access to documents held by Queensland government agencies.¹³ While the legislation is to be administered with a pro-disclosure bias,¹⁴ the right is subject to other provisions of the RTI Act, including grounds on which access to information may be refused.
9. Relevantly, access to information may be refused where it comprises exempt information¹⁵ the disclosure of which 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 (**Lawful Method or Procedure Exemption**).¹⁶
10. When applying the Lawful Method or Procedure Exemption, I must be satisfied that:¹⁷
 - the method or procedure exists, is identifiable and is for preventing, detecting, investigating or dealing with a contravention or possible contravention of the law; and
 - disclosure of the relevant information could reasonably be expected to reduce effectiveness or usefulness of that method or procedure.
11. Schedule 3, section 10(2) of the RTI Act sets out certain circumstances where the Lawful Method or Procedure Exemption will not apply.
12. The exemptions in schedule 3 to the RTI Act – including the Lawful Method or Procedure Exemption – do not require or allow consideration of public interest factors. This is because Parliament has determined that disclosure of these categories of information would be contrary to the public interest.¹⁸ Accordingly, if information falls within one of the categories of exempt information in schedule 3, a conclusive presumption exists that its disclosure would be contrary to the public interest, and no further consideration is permitted.¹⁹

Submissions

13. QPS's decision stated:²⁰

¹² *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].

¹³ Section 23 of the RTI Act. Section 47 sets out the grounds on which access to information may be refused.

¹⁴ Section 44 of the RTI Act.

¹⁵ Schedule 3 of the RTI Act identifies the types of information which are exempt from disclosure. Section 48(2) of the RTI Act confirms that these are the categories of information which Parliament has determined would, on balance, be contrary to the public interest to disclose.

¹⁶ Schedule 3, section 10(1)(f) of the RTI Act.

¹⁷ *Harris and Queensland Police Service* [2014] QICmr 10 (18 March 2014) (**Harris**) and *T and Department of Health* [1994] 1 QAR 386 (11 March 1994).

¹⁸ Section 48(2) of the RTI Act.

¹⁹ *Dawson-Wells v Office of the Information Commissioner & Anor* [2020] QCATA 60 at [17].

²⁰ Decision dated 7 November 2025.

Some of the document in question contains information relating to lawful investigative methods and procedures of the QPS. I have determined that the release of this information could reasonably be expected to prejudice such methods and procedures.

14. OIC conveyed a preliminary view²¹ to the applicant that access to the Information in Issue could be refused on the basis it comprised exempt information. The applicant's submissions in response are, in summary:²²
- '[a]ll of the interactions with QPS or people who report me to QPS are because of my disabilities and the symptoms thereof'
 - '[p]olicing of my conditions and their symptoms is not a lawful methods or procedure'
 - QPS's decision not to disclose their personal information 'is contrary to my rights' as it 'will show that QPS are illegitimately and unlawfully policing my disability'; and
 - it has not been 'explained why QPS's policing of the symptoms of mental ill health is legitimate or lawful.'

Findings

15. I have considered the Information in Issue. While the RTI Act limits the level of detail I can provide,²³ broadly speaking it comprises information that QPS obtained, assessed, or identified during its investigation activities. Given the responsibilities of QPS include preventing and detecting contraventions of the law and administering the law fairly and efficiently,²⁴ I am satisfied that the method or procedure for collecting information during an investigation by QPS is for the prevention, detection, investigation or dealing with a contravention or possible contravention of the law. Accordingly, I am satisfied that the Information in Issue reveals identifiable methods or procedures used by QPS.
16. To fulfil its role of preventing and detecting crime and administering the law fairly and efficiently, QPS collects information²⁵ about contraventions or possible contraventions of the law.²⁶ At the time of collecting or receiving the information, the person to whom it relates has not necessarily committed an offence and the use to which the information may be put will not necessarily be fully realised. Premature release of such information could have a prejudicial effect on the usefulness of this information. Accordingly, I am satisfied that disclosure of the Information in Issue could reasonably be expected to reduce the effectiveness or usefulness of the identifiable methods or procedures used by QPS.
17. Given the applicant's submissions at paragraph 14 above, I have considered whether the exception to the Lawful Method or Procedure Exemption in schedule 3, section 10(2)(a) of the RTI Act applies.

²¹ Email dated 19 February 2026.

²² Emails dated 19 February 2026 and 12 June 2026.

²³ Section 108(3) of the RTI Act.

²⁴ See the *Police Service Administration Act 1990* (Qld).

²⁵ Directly or indirectly.

²⁶ See *Harris* at [13].

18. As set out in previous decisions of the Information Commissioner,²⁷ for the exception to apply, the requested information must consist of material that objectively and authoritatively reveals that the scope of a law enforcement investigation has exceeded the limits imposed by law. Having considered the Information in Issue, this information alone (or together with any information currently before me) 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 Information in Issue may amount to untested evidence concerning a suspected contravention of the law.
19. I acknowledge the applicant's submissions at paragraph 14 detailing their concerns about QPS gathering information regarding their health conditions. However, it is the *requested material* itself which must reveal that the scope of a law enforcement investigation has exceeded the limits imposed by law for the exception to apply. In this case, I do not consider the Information in Issue reveals evidence of an investigation having exceeded its limits. Accordingly, I am satisfied that on the evidence available to OIC, including the Information in Issue, the exception to the Lawful Method or Procedure Exemption in schedule 3, section 10(2)(a) of the RTI Act is not made out.
20. To the extent the applicant's submissions raise public interest factors favouring disclosure of the Information in Issue, I am unable to take these submissions into account when considering the Lawful Method or Procedure Exemption for the reasons set out in paragraph 12 above. Additionally, the Information Commissioner does not have the power to direct that access is to be given to exempt information.²⁸
21. For the above reasons, I find that the Information in Issue comprises exempt information under section 48 and schedule 3, section 10(1)(f) of the RTI Act and access to it may therefore be refused under section 47(3)(a) of the RTI Act.
22. The above are the reasons for my decision set out at page 1.

²⁷ See *Isles and Queensland Police Service* [2017] QICmr 1 (12 January 2017) at [21] and *Flori and Queensland Police Service* [2017] QICmr 5 (16 February 2017) at [25].

²⁸ Section 105(2) of the RTI Act.