



Decision and reasons for decision

Citation: *O73 and Queensland Police Service [2026] QICmr 145 (13 August 2026)*

Application number: 00022223

Applicant: O73

Respondent: Queensland Police Service

Decision date: 13 August 2026

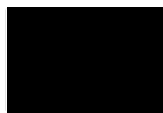
Catchwords: ADMINISTRATIVE LAW – RIGHT TO INFORMATION – compliance with application requirements – whether agency was entitled to refuse to deal with an access application on the basis that it does not comply with all relevant requirements – requirement to give sufficient information concerning the requested documents to enable a responsible officer of the agency to identify them – section 24(2)(b) of the *Right to Information Act 2009* (Qld)

DECISION

I affirm¹ the reviewable decision of the Queensland Police Service (**QPS**) and find:²

- The purported access application did not provide sufficient information concerning the documents being sought to enable QPS to identify the documents; and
- QPS correctly refused to deal with the application.

My reasons for the decision follow.



V Corby
Assistant Information Commissioner

Date: 13 August 2026

¹ Under section 110(1)(a) of the *Right to Information Act 2009* (Qld).

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 states they were wrongfully arrested by QPS. They requested access to documents to understand what administrative processes took place surrounding their arrest, and to ensure appropriate procedures were followed.
2. In the purported access application,³ the applicant sought access to five categories of documents, 'concerning [themselves]' for a period '... between [Insert date 6 months before stalking charge] and [Insert date of QCAT hearing completion]'. Those five categories were identified as:

1. Communications with External Agencies

All correspondence (including emails, letters, file notes, memoranda, phone records, text messages, and meeting minutes) between any officer of the Queensland Police Service and:

- *Blue Card Services or any officer of the Department of Justice concerning blue card matters*
- *The Queensland Civil and Administrative Tribunal (QCAT) or its members*
- *The Office of the Attorney-General or Minister for Justice*
- *The Department of Justice (excluding routine court briefs prepared in the ordinary course of prosecutions)*

2. Internal Communications – Command Level

All correspondence between officers at Holland Park Police Station, Mount Gravatt command area, South Brisbane District headquarters, South Eastern Region headquarters, or Brisbane Region headquarters concerning:

- *Blue Card applications, reviews, or appeals involving [the applicant]*
- *Coordination with other government agencies regarding matters involving [the applicant]*
- *Briefings to senior officers or external agencies about charges or investigations involving [the applicant]*

3. Briefing Documents

All briefing notes, situation reports, intelligence reports, or advisory documents prepared for or provided to senior officers (Inspector rank and above), District Officers, Regional Commanders, or external agencies that reference [the applicant] or matters involving [the applicant]

³ On 10 November 2025.

4. Records of Information Sharing

All records, logs, or registers documenting the provision of information about [the applicant] or matters involving [the applicant] to external Queensland Government agencies, including but not limited to Blue Card Services, QCAT, or the Department of Justice

5. File Notes and Running Sheets

All file notes, running sheets, or investigation diaries from [insert OPN/case number if known, otherwise state “stalking-related matters”] that reference communications with or about Blue Card Services, QCAT, the Department of Justice, or the Attorney-General’s office.

3. On 8 December 2025, QPS issued a consultation notice asking the applicant to provide sufficient detail to make the application compliant with all relevant application requirements⁴ by 19 December 2025.
4. The applicant did not respond to the consultation notice.⁵
5. QPS decided to refuse to deal with the application⁶ on the basis it did not comply with all relevant application requirements⁷ and issued a decision to that effect to the applicant on 12 February 2026. In the reasons for its decision, QPS stated:

With respect to the sufficient information to identify documents you seek, I reiterate as was stated in the notice, it is important that an application clearly and unambiguously identify the documents sought. The terms of an access application set the parameters for the QPS’ response, including where searches will be directed.

I also note the onus is on an applicant to identify the documents they want to access, not the decision maker. An application must be made in a way that allows me to identify the documents you are seeking.

6. The applicant applied for an external review of QPS’s decision,⁸ stating:

By way of brief context: this RTI matter arises from a situation in which I was falsely arrested by QPS and the charge was dismissed within minutes in court as having no merit. That experience, and the subsequent issues I have had getting straightforward information from QPS about the arrest and my DNA sample, has left me understandably wary. I am now experiencing avoidable difficulties with the RTI unit over matters such as “format” and “channels” that, on my reading of the legislation, should not be preventing proper processing of my applications. I am not accusing anyone of bad faith, but I am, I think reasonably, suspicious about why access is being made so hard.

⁴ Pursuant to section 24(2)(b) of the RTI Act.

⁵ The due date for a response was 19 December 2025.

⁶ A letter was sent to the applicant on 12 February 2026.

⁷ Under section 33(6) of the RTI Act.

⁸ On 18 February 2026.

I would be grateful if your office could review QPS's refusal to deal with RTI/58182, and in particular its failure to provide me with a copy of my own original application so I can correct any alleged defects.

7. The applicant attached 16 pages with their application for external review, providing contextual information and outlining multiple grounds for review.
8. On external review, I explained my preliminary view⁹ that QPS was justified in deciding to refuse to deal with the application on the basis the application did not comply with the relevant application requirements.¹⁰

Reviewable decision

9. The reviewable decision is QPS's decision dated 12 February 2026 to refuse to deal with the applicant's purported access application on the grounds that it did not comply with the application requirements set out in section 24(2)(b) of the RTI Act.

Evidence considered

10. The evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including the footnotes). I have taken into account the applicant's submissions to the extent they are relevant to the issues for determination in this review.
11. I have also had regard to the *Human Rights Act 2019 (HR Act)*, particularly the right to seek and receive information.¹¹ 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.¹² I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Issues for determination

12. The issues for determination are whether:
 - The applicant provided sufficient information concerning the requested documents to enable a responsible officer of QPS to identify them and, therefore, complied with all relevant application requirements (**Issue 1**);¹³ and
 - QPS provided the applicant with reasonable opportunity to consult with a view to making the application compliant (**Issue 2**).¹⁴

⁹ Sent to the applicant on 24 April 20206.

¹⁰ The applicant did not respond and on 13 May 2026, I issued a direction to the applicant to respond. The applicant responded on 15 May 2026 and disagreed with my preliminary view.

¹¹ Section 21(2) of the HR Act.

¹² *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) at [573]; *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. The Information Commissioner's approach to the HR Act set out in this paragraph has been considered and endorsed by QCAT Judicial Member McGill in *Lawrence v Queensland Police Service* [2022] QCATA 134, noting that he saw '*no reason to differ*' from our position: at [23].

¹³ Pursuant to section 24(2)(b) of the RTI Act.

¹⁴ Pursuant to section 33(3) of the RTI Act.

Relevant law

13. Under the RTI Act¹⁵ an individual has the right to access documents of an agency, and the legislation is to be administered with a pro-disclosure bias.¹⁶
14. The RTI Act also requires that an access application must 'give sufficient information concerning the document to enable a responsible officer of the agency or Minister to identify the document'.¹⁷ If the terms of an application require the decision maker to undertake detailed investigation or analysis to identify the documents the applicant wants to access, it is unlikely to meet the requirements of the RTI Act.
15. While an applicant is not expected to know how agency documents are stored, created, or named, or what kinds of documents agencies produce, the RTI Act requires an applicant to give sufficient information about the documents they are seeking to enable an officer of the agency to identify them. However, where the wording of the application requires the intervention of the RTI decision-maker or some preliminary investigation before the documents can be identified, it will most likely be noncompliant.
16. The Information Commissioner has previously recognised that where there is ambiguity in the terms of an application, it is rarely appropriate to apply legal construction techniques in preference to consulting with the applicant for clarification.¹⁸ The scope of an access application should not be interpreted legalistically or narrowly¹⁹ – however, there are sound practical reasons for the documents sought being clearly and unambiguously identified, given the terms of an application set the direction and parameters of an agency's search efforts.²⁰
17. Where a person purports to make an access application that does not comply with all relevant application requirements,²¹ the agency must:²²
 - make reasonable efforts to contact the person within 15 business days after the purported application is received;

¹⁵ Section 23 of the RTI Act.

¹⁶ Section 39 of the RTI Act.

¹⁷ Section 24(2)(b) of the RTI Act.

¹⁸ *Robbins and Brisbane North Regional Health Authority* (1994) QAR 30 at [17].

¹⁹ *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) at [21].

²⁰ In this regard, I note the following observations of the Information Commissioner in *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 at [8], when addressing similar considerations under the predecessor to the RTI Act, the repealed Freedom of Information Act 1992 (Qld) (**FOI Act**), while these observations were focused on the scope or parameters of the application, they nonetheless have some bearing on the considerations pertinent to considering whether an access application is compliant: 'The terms in which an FOI access application is framed set the parameters for an agency's response under Part 3 of the FOI Act, and in particular set the direction of the agency's search efforts to locate all documents of the agency which fall within the terms of the FOI access request. The search for relevant documents is frequently difficult and has to be conducted under tight time constraints. Applicants should assist the process by describing with precision the document or documents to which they seek access.' These observations were cited with approval in *Rolfe and Banana Shire Council* (Unreported, Queensland Information Commissioner, 9 October 2009) at [109], *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [33] and *Ciric and Queensland Police Service* [2018] QICmr 30 (29 June 2018) at [20].

²¹ Section 33(7) of the RTI Act.

²² Sections 33(2) and (3) of the RTI Act.

- inform the person how the application does not comply with the relevant application requirement; and
 - give the applicant a reasonable opportunity to consult with a view to making the application in a form complying with all relevant application requirements.
18. If, after giving the applicant a reasonable opportunity to consult with a view to making the application in a form complying with all relevant application requirements, the agency then decides that the application does not comply with all such requirements, the agency must give the applicant prescribed written notice of the decision.²³
19. Upon receipt of an application for external review, the Information Commissioner must identify opportunities for early resolution of the external review application and promote settlement of the external review application.²⁴ Alternatively, where an application for external review cannot be resolved or settled, the information commissioner, after conducting an external review of a decision, must make a written decision that either affirms, varies, sets aside or remits the decision.²⁵
20. The procedure to be followed on external review is, subject to the RTI Act, at the discretion of the Information Commissioner.²⁶

Applicant's submissions

21. In their application for external review,²⁷ the applicant submitted a considerable volume of supporting information, largely detailing their concerns about QPS's actions in relation to their arrest and subsequent DNA sample taken by officers. Whilst I have considered the applicant's submissions, they are mostly irrelevant to the key issues to be determined in this review. The relevant submissions made by the applicant are:
- that QPS failed to give a genuine opportunity to consult, pursuant to section 33(3) of the RTI Act; and
 - that QPS failed to provide adequate assistance, pursuant to section 33(7) of the RTI Act.
22. In response to OIC's preliminary view,²⁸ the applicant made a further submission,²⁹ maintaining that their request for access was valid, and reiterating their concerns about police procedure in relation to their arrest. The submissions of most relevance to the issues on external review, were:
- that the consultation notice from QPS went to their junk/spam folder;
 - QPS afforded them a duration of only nine business days to respond to the consultation notice and, given it was the Christmas period, this was unreasonable;
 - they managed '*an exceptionally high volume of concurrent RTI applications*;'

²³ Pursuant to section 33(6) of the RTI Act.

²⁴ Section 90 of the RTI Act.

²⁵ Section 110 of the RTI Act.

²⁶ Sections 90(1), 95(1)(a) and 105(1) of the RTI Act.

²⁷ Comprising 16 pages.

²⁸ And direction issued to the applicant on 13 May 2026.

²⁹ On 15 May 2026 comprising 12 pages.

- they believed QPS failed their duty under section 33(7) of the RTI Act;
- the consultation notice from QPS failed to identify which RTI application it referred to;
- the OIC presented a view that deemed their application '*substantively compliant*;'
- the RTI Act demanded an access-facilitating, not access-defeating approach;
- the contextual information provided in the external review should be treated as curative;
- there is strong public interest relating to:
 - o their false arrest;
 - o the destruction of three years of QCAT preparation;
 - o the suspicious timing and conduct of QPS;
 - o the type of documents sought; and
- they have a right to know what happened to their DNA sample.

Issue 1 – Did the applicant provide sufficient information concerning the requested documents to enable a responsible officer of QPS to identify the documents?

23. In reviewing the access application, the scope begins with a time period of '... 6 months before stalking charge' and ending upon the '... QCAT hearing completion.' On its face, this information appears to provide the clarity required. However, it does not provide enough information to enable QPS to identify the particular events, reports, or documents requested with a reasonable degree of certainty. For example, it is unclear from these terms whether the applicant was a concerned victim of stalking or the alleged perpetrator, nor is it clear why a QCAT hearing would be held in regard to a stalking charge, thus leaving QPS in some doubt as to where and for what to search. It also appears to be AI-generated, whereby the applicant was prompted to enter the relevant information.

24. As to the five categories of information sought, again there appears to be a tantalising amount of specificity on the face of each item. However, there is a lack of clarity about particular records, officers involved, relevant incidents, file/reference numbers, or investigations. In particular, categories 1 and 2 seek '*all correspondence*' '*between any officer*' or '*between officers*' and numerous agencies about the applicant, while categories 3 and 4 seek briefing and information-sharing reports and documents, involving senior officers, and across multiple systems and agencies, about '*matters involving* [the applicant]'. Category 5 concerns '*[a]ll file notes, running sheets, or investigation diaries from [insert OPN/case number if known, otherwise state "stalking-related matters"]*', which lacks clarity and also appears to contain prompts generated by AI that have not been completed. Although the application provides *some* contextual information (that the information sought should be about the applicant and may involve a stalking matter), the categories remain wide-ranging, with the ability to capture an indefinite scope of documents. Importantly, they do not provide sufficient detail to enable a responsible officer to identify the particular documents sought with reasonable certainty or to conduct reasonable searches. Greater specificity and context would have assisted QPS to identify the relevant systems to direct searches, the likely locations of documents, and the appropriate search terms to use.

25. In this regard, I note that the information the applicant provided in the application for external review about matters such as their arrest, the charge/s being dismissed in court, the taking of a DNA sample, and uncertainty as to whether that sample had since been destroyed, provided the detail and context that was absent from the access application. I consider that had this important contextual information been included with the access application, or by 19 December 2025 in response to the consultation notice, QPS would have been able to identify the requested documents. However, in the absence of that information, I consider QPS's decision to refuse to deal with the application was appropriate.

26. The applicant has argued that *'the contextual information provided in the external review submission should be treated as curative.'*³⁰ In other words, that information, had it been provided to QPS, would have deemed the application compliant, and in that regard, the applicant stated that OIC should consider issuing directions to QPS, to either:

- deal with the original application, on the basis that the contextual information is curative; or
- process a new application based on the application for external review made to OIC, without imposing any grounds refusing to deal with the application.

27. Such powers are not open to the Information Commissioner or her delegate on external review. As noted at paragraph 19, if a matter does not resolve or settle, the only power open to the Information Commissioner is to issue a decision that either affirms, varies, sets aside or remits a decision to the original decision-making agency. In this matter therefore, I must decide whether the decision to refuse to deal with the applicant's access application was correctly made, based on the material before the decision maker at the time. While the additional contextual information provided during external review assisted in understanding the applicant's objectives, it cannot retrospectively transform an application that lacked sufficient information into one that complied with the requirements of the RTI Act at the time it was made.³¹ Therefore, I affirm QPS's decision to refuse to deal with the access application on the basis it was non-compliant with the requirements of section 24(2)(b) of the RTI Act.

Issue 2 – Did QPS provide the applicant with reasonable opportunity to consult with a view to making the application compliant?

28. In their external review application, the applicant raised two issues about QPS's consultation: firstly, that they were unable to respond to QPS as they did not know which access application the QPS consultation notice referred, thus not fulfilling requirements under section 33(3) of the RTI Act; and secondly, that the consultation notice did not provide sufficient assistance, as required under section 33(7) of the RTI Act, noting that this section requires an agency to *'... provide advice and help ...'* to an applicant to make an access application compliant.

³⁰ Insert date of submission here

³¹ See for example: *Dubois and Rockhampton Regional Council* [2017] QICmr 49 (6 October 2017) at paragraph 42.

29. As to the first issue, on 12 February 2026, *after* receiving the decision letter from QPS, the applicant responded by requesting a copy of their original access application.³² The applicant explained that they had lodged requests with a number of government agencies and was uncertain which application corresponded with the reference number used in QPS's correspondence. QPS did not respond, and the applicant emailed a second time,³³ again requesting a copy of their original access application and accusing QPS of placing "roadblocks" as hindrances to the information. The applicant attached a five page submission³⁴ in this regard. QPS did not respond to that email.
30. I acknowledge that these responses to QPS were sent after its decision notice was issued and therefore did not have to be considered by QPS. If the applicant's responses had been provided by 19 December 2025 (or before QPS issued its decision on 12 February 2026), further consultation could have been facilitated. In that circumstance, I do not consider that fault lies with QPS, as this information was only brought to its attention after the decision had been made. Additionally, I note that the consultation notice, while not setting out the full terms of the purported access application (which were set out in an access application form and a five page annexure), it did refer to the date of the applicant's purported access application so that the applicant could have identified the relevant matter.
31. In the applicant's submission on external review³⁵, they explained that the consultation notice from QPS had gone to their junk/spam folder. While it is regrettable that the applicant did not see the notice had arrived, QPS nonetheless discharged its responsibility to notify the applicant of the noncompliant application by sending the consultation notice to the address stated by the applicant as the address to which notices under the RTI Act may be sent.³⁶ That the applicant did not monitor the address provided, does not nullify the giving of the notice by QPS. I note that approximately two months elapsed between the issuing of the consultation notice by QPS and the issuing of its decision, thus providing the applicant with far more than nine days to respond to the consultation notice. In such circumstances, I consider it was reasonable for QPS to proceed to make its decision refusing to deal with the access application.
32. As to the second issue, I have carefully reviewed QPS' consultation notice and note the following passages, under the section titled 'Providing sufficient information to identify documents:'

QPS ... does not have a system ... that allows [them] ... to readily identify ... "all information" relating to a person without further information to identify the specific incident/s, investigation or court matter ... and the specific type of documents you are requesting (e.g. statement, notebook entries, etc.)

³² Email dated 12 February 2026.

³³ On 18 February 2026.

³⁴ The submission was dated 14 February 2026.

³⁵ Dated 15 May 2026.

³⁶ See sections 24(2)(c) and 33 of the RTI Act.

... you must respond by 19 December 2025 and clearly identify what specific documents you are seeking access to ... (such as date, time, place, officer's name, type of incident – court case, crime report / traffic accident / arrest / traffic ticket etc.) for each requested document/s to enable this unit to identify the relevant incident/s to locate the documents.

33. In its consultation notice, QPS provided examples of the types of information that would assist them to identify and locate the documents the applicant was seeking. In particular, QPS requested the applicant clarify the nature of their involvement in the matter (for example, complainant, suspect/offender, or witness), specify when and where any incident occurred, identify any investigating officers, and list the particular document types sought, such as occurrence reports, witness statements, or notebook entries.
34. I am satisfied that, in the circumstances of this matter, these parts of the consultation notice provided the applicant with help and advice to the extent it would be reasonable to expect from an agency and that QPS met its obligations to inform the applicant that the application was not compliant with the RTI Act and provided a reasonable opportunity for the applicant to consult by:
- contacting them in writing at the address provided after receiving their application;
 - outlining how their application did not meet relevant requirements;
 - providing examples to assist in amending the application; and
 - providing 9 business days to respond to the consultation notice.
35. In conclusion, I find that the purported access application did not comply with the requirement to give sufficient information concerning the requested information to enable a responsible officer of QPS to identify the information; QPS met its obligation to consult with the applicant to allow an opportunity to remedy the noncompliance; in the absence of a response from the applicant, QPS was entitled to refuse to deal with the purported application on the grounds that it was noncompliant.³⁷ This decision does not preclude the applicant from making a fresh access application to QPS with the pertinent information that was provided to OIC during the external review process.
36. Before concluding, I note in the applicant's external review application that public interest considerations were raised, such as the administration of justice, and a submission made that such considerations should apply in determining whether QPS could refuse to deal with the purported access application. In this regard, public interest factors are not part of the criteria to be considered in determining whether an agency correctly refused to deal with a purported access application on the grounds that it did not comply with the application requirements of the RTI Act. In this particular case, the relevant criteria is whether the purported access application provides sufficient detail to enable an agency to identify and locate documents under the RTI Act.

³⁷ Section 24(2)(b) of the RTI Act.

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

--End--