



Decision and Reasons for Decision

Citation:	<i>M59 and WorkCover Queensland</i> [2026] QICmr 140 (7 August 2026)
Application Number:	00022105
Applicant:	M59
Respondent:	WorkCover Queensland
Decision Date:	7 August 2026
Catchwords:	ADMINISTRATIVE LAW – RIGHT TO INFORMATION – whether disclosure would, on balance, be contrary to the public interest – section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld) ADMINISTRATIVE LAW – RIGHT TO INFORMATION – whether agency has conducted all reasonable searches – whether access may be refused on the basis further documents are non-existent – section 67(1) of the <i>Information Privacy Act 2009</i> (Qld) and sections 47(3)(e) and 52(1)(a) of the <i>Right to Information Act 2009</i> (Qld)

DECISION

1. I vary the reviewable decision¹ of WorkCover Queensland (**WorkCover**) and find that access to the Remaining Information² may be refused under section 67(1) of the *Information Privacy Act 2009* (Qld) (**IP Act**) and section 47(3)(b) of the *Right to Information Act 2009* (Qld) (**RTI Act**).³ I also find that access to further documents may be refused under section 67(1) of the IP Act and section 47(3)(e) of the RTI Act.
2. This means that no further information is to be released to the applicant.
3. My reasons for the decision follow.



Joanne Kummrow
Information Commissioner
Date: 7 August 2026

¹ As defined in footnote 7 below.

² As defined in paragraph 6 below.

³ Under section 123(1)(b) of the IP Act.

REASONS FOR DECISION

Summary

4. The applicant applied to WorkCover under the IP Act⁴ for access to various documents about himself not held on his worker's compensation claim files.⁵
5. WorkCover did not make a decision within the statutory processing period⁶ and was therefore deemed to have refused access to the requested documents.⁷
6. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of WorkCover's deemed decision.⁸ During the review:
 - WorkCover located 787 pages and agreed⁹ to disclose them to the applicant,¹⁰ subject to the redaction (deletion) of certain information contained within parts of 626 pages (**Remaining Information**)
 - following a request from OIC,¹¹ WorkCover provided¹² records of the searches conducted and a submission addressing concerns raised by the applicant about missing documents¹³
 - OIC conveyed¹⁴ a preliminary view to the applicant that:
 - access to the Remaining Information may be refused on the basis that disclosure is, on balance, contrary to the public interest; and
 - all reasonable steps had been taken to locate documents responding to the application and access to further documents may be refused on the basis they are nonexistent; and
 - the applicant submitted that access to the Remaining Information should be granted and maintained that further responsive documents should exist.¹⁵
7. The Remaining Information can generally be described as:
 - personal information of employees of WorkCover and the Queensland Ombudsman, including names, signatures, direct contact details and opinions (**Third-party Information**); and

⁴ On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) (**IPOLA Act**) came into force, affecting changes to the IP and RTI Acts. As the applicant's application was made before this change, the IP Act and RTI Act **as in force prior to 1 July 2025** remain applicable to it. This is in accordance with transitional provisions in chapter 7, part 9 of the RTI Act and chapter 8, part 3 of the IP Act, which require that applications on foot before 1 July 2025 are to be dealt with as if the IPOLA Act had not been enacted. Accordingly, references to the RTI Act and IP Act in this decision are to those Acts, which may be accessed at <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013>> and <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-014>> respectively.

⁵ Access application dated 13 January 2026.

⁶ Section 22 of the IP Act.

⁷ Conveyed to the applicant by Notice of Deemed Decision dated 14 July 2025. The deemed decision is the *reviewable decision* for the purpose of this review.

⁸ External review application dated 15 July 2025.

⁹ Email dated 8 September 2025.

¹⁰ WorkCover disclosed this information to the applicant on 13 February 2026, copying OIC in on its email to the applicant.

¹¹ Email dated 25 March 2026.

¹² On 26 April 2026.

¹³ Raised in submissions dated 26 and 27 February 2026.

¹⁴ Letter dated 4 June 2026.

¹⁵ Submissions dated 26 and 27 February 2026 and 29 June 2026.

- a Queensland Ombudsman policy number and the name of an external consultant business (**Business information**).
8. The issues for determination are whether:
- access to the Remaining Information may be refused under section 47(3)(b) of the RTI Act on the basis that disclosure would, on balance, be contrary to the public interest; and
 - all reasonable searches have been undertaken by WorkCover and access to further documents may be refused under sections 47(3)(e) and 52(1)(a) of the RTI Act on the basis they are nonexistent.
9. In making my decision, I have considered evidence, submissions, legislation and other material as set out in these reasons (including footnotes). I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to freedom of expression,¹⁶ which includes the right to seek and receive information. I consider a decision-maker will be acting compatibly with this right when applying the law prescribed in the RTI Act and, therefore, I have acted in accordance with section 58(1) of the HR Act.

Issue – Remaining Information

Relevant Law

10. An individual has a right, under the IP Act, to be given access to documents to the extent they contain the individual's personal information.¹⁷ However, this right is subject to the provisions of the IP Act and RTI Act, including grounds for refusing access to information.¹⁸
11. Access to information may be refused where its disclosure would, on balance, be contrary to the public interest.¹⁹ 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.
12. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must take certain steps as set out in section 49(3) of the RTI Act, including, identifying and disregarding irrelevant factors, identifying factors for and against disclosure, and deciding whether, on balance, disclosure of the information would be contrary to the public interest.

¹⁶ Section 21 of the HR Act.

¹⁷ Section 40 of the IP Act.

¹⁸ Section 67(1) of the IP Act provides that an agency may refuse access to a document in the same way and to the same extent it could refuse access to the document under section 47 of the RTI Act were the document to be the subject of an access application under that Act.

¹⁹ Sections 47(3)(b) and 49 of the RTI Act.

13. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of public interest lies in a particular case I have considered these,²⁰ together with all other relevant information, in reaching my decision. I have also applied the IP Act's pro-disclosure bias²¹ and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.²²

Submissions

14. In summary, the applicant submits:²³

- WorkCover's redactions include *'the names and email addresses within emails sent by me, or directly to me from WorkCover, my employer and the Worker's Compensation Regulator'*
- some of these details have previously been released to him with *'WorkCover's decision notice on one of [his] claims'* or within emails that had been exchanged between him and WorkCover employees
- the RTI Act *'requires that the decision-maker identify relevant factors favouring and not favouring disclosure and to then balance those factors to determine whether on-balance the release is contrary to the public interest'*
- it has not been explained *'how the release of the policy number could prejudice the professional, commercial or financial affairs of WorkCover or the Queensland Ombudsman'*
- *'it is an important principle of good decision making and administration that the name and position [of] officers deciding or dealing with matters is known to the affected party'* and that *'[b]y withholding the name and position of an officer responsible for a matter the affected party is effectively prevented from inquiring or challenging the lawfulness or reasonableness of that officer being involved in the matter'*
- the redaction of *'names of officers who managed [his] complex claims and complaints prevents [him] from verifying whether the appropriate level of seniority or specific expertise was applied to [his] case'*
- significant weight should be afforded to the transparency and accountability factors
- the names and positions of WorkCover and Queensland Ombudsman employees *'are likely already known to [him] through direct contact with the officers handling [his] matters', [t]here can be no reasonable expectation of privacy regarding public officer's names and positions where they are carrying out important statutory or administrative roles affecting the rights of individuals'* and *'the names and titles of public sector employees performing their routine duties are generally not considered "personal information" of such a sensitive nature that disclosure would be contrary to the public interest';* and
- minimal weight should be afforded to the privacy and personal information harm factors.

²⁰ I have considered the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed below. Some factors have no relevance, for example, the factor concerning innovation and the facilitation of research.

²¹ Section 64 of the IP Act and section 44 of the RTI Act.

²² Section 67(2)(a) of the IP Act.

²³ Submissions dated 26 and 27 February 2026 and 29 June 2026.

Findings

15. I have not taken into account any irrelevant factors in deciding where the balance of the public interest lies.

Factors favouring disclosure

16. A public interest factor favouring disclosure is raised where information is the applicant's personal information.²⁴ Some of the Third-party Information relates to complaints made by the applicant about the actions of WorkCover employees regarding his worker's compensation claims. Therefore, the applicant's personal information inevitably appears within this information. To the extent the Third-party Information also comprises the applicant's personal information, I afford significant weight in favour of disclosure.
17. Factors favouring disclosure arise where disclosure could reasonably be expected to:
- promote open discussion of public affairs and enhance the Government's accountability²⁵
 - contribute to positive and informed debate on important issues or matters of serious interest²⁶
 - inform the community of the Government's operations, including, in particular, the policies, guidelines and codes of conduct followed by the Government in its dealings with members of the community;²⁷ and
 - reveal the reason for a government decision and any background or contextual information that informed the decision.²⁸
18. I accept that WorkCover must be transparent and accountable in relation to how it deals with workers' compensation claims and complaints and that parties affected by government decisions are informed of the public sector employee making those decisions. However, in the circumstances of this matter, while the Third-party Information relates to employees of WorkCover and the Queensland Ombudsman, it comprises signatures, direct contact details or their names and opinions appearing in the context of complaints made by the applicant about employees of WorkCover and employees of the Queensland Ombudsman, as the applicant's employer, providing responses and/or information to WorkCover regarding the applicant's workers compensation claims. It does not appear in the context of employees of WorkCover making decisions regarding the applicant's workers' compensation claims. Accordingly, I afford the four factors favouring disclosure at paragraph 17 low weight in relation to the Third-party Information.
19. In relation to the Business information, it solely comprises the Queensland Ombudsman's policy number and the name of an external consultant business. I am

²⁴ Schedule 4, part 2, item 7 of the RTI Act.

²⁵ Schedule 4, part 2, item 1 of the RTI Act.

²⁶ Schedule 4, part 2, item 2 of the RTI Act.

²⁷ Schedule 4, part 2, item 3 of the RTI Act.

²⁸ Schedule 4, part 2, item 11 of the RTI Act.

satisfied that disclosure of the Business Information is unlikely to advance WorkCover’s transparency and accountability in any meaningful way. Accordingly, I afford the four factors favouring disclosure at paragraph 17 minimal weight.

Factors favouring nondisclosure

20. The RTI Act seeks to safeguard other individuals’ right to privacy and recognises a public interest harm in disclosing the personal information of other individuals.²⁹ Whilst the Third-party Information contains the applicant’s personal information, it also contains the personal information of other individuals. As set out at paragraph 14, the applicant submits that an affected party should know the individual/s dealing with or making decisions on their matters and withholding the names and position details of those individuals prevents him from being able to *‘verifying whether the appropriate level of seniority or specific expertise was applied’*. However, here the Third-party Information comprises details of other individual’s related to complaints made by the applicant about employees of WorkCover and employees of the Queensland Ombudsman, as the applicant’s employer, providing responses and/or information to WorkCover regarding the applicant’s workers compensation claims. It does not comprise details of individuals in the context of them dealing with or making decisions in relation to the applicant’s matters. Given the nature of the Third-party Information, and the context in which it appears, I am satisfied that the two factors favouring nondisclosure relating to safeguarding personal information and the protection of privacy of other individuals should be afforded significant weight.
21. The RTI Act also seeks to safeguard the business and/or financial affairs of an entity.³⁰ As noted at paragraph 7, Business Information comprises the Queensland Ombudsman’s policy number and the name of an external consultant business. I accept that disclosure of this information is likely to cause some prejudice to the commercial operations of the Queensland Ombudsman and the external consultant business. Accordingly, I afford moderate weight to this factor favouring nondisclosure in relation to the Business Information.
22. In affording weight to the factors favouring nondisclosure discussed above, I have taken into account that under the RTI Act, where information is disclosed, there can be no limitation or control over further dissemination.³¹

Balancing the public interest

23. For the reasons set out above, I am satisfied that the public interest considerations relating to privacy and the protection of other individuals’ personal information warrant significant weight and the protection of the business and/or financial affairs of the Queensland Ombudsman warrants moderate weight. On the other hand, I have afforded significant weight to the applicant gaining access to their own personal information and low or minimal weight to WorkCover being transparent and

²⁹ Schedule 4, part 3, item 3 and part 4, section 6 of the RTI Act.

³⁰ Schedule 4, part 3, item 2 of the RTI Act.

³¹ *FLK and Information Commissioner* [2021] QCATA 46 at [17].

accountable in their operations and decision making regarding the Third-party Information and Business Information respectively.

24. On balance, I am satisfied that the factors favouring nondisclosure of the Third-party Information and Business Information outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Third-party Information and Business Information would, on balance, be contrary to the public interest and access may therefore be refused under section 47(3)(b) of the RTI Act.
25. I acknowledge the applicant's submissions that some of the Third-party Information has already been released to him and that he is likely already aware of the Third-party Information relating to staff of the Queensland Ombudsman. External review by the Information Commissioner is a merits review.³² This process involves an administrative reconsideration of a case which can be described as '*stepping into the shoes*' of the primary decision maker to determine the correct and preferable decision³³ based on the information that is available, at the time of making a decision on review.³⁴ For the reasons set out at paragraphs 15 to 24, I consider the correct and preferable decision in the circumstances of this matter is that disclosure of the Third-party Information and Business Information would, on balance, be contrary to the public interest and access may be refused on that basis.

Issue – Nonexistent documents

Relevant law

26. Access to a document may be refused if it is nonexistent or unlocatable.³⁵ A document will be nonexistent if there are reasonable grounds to be satisfied it does not exist.³⁶ 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.³⁷
27. 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.³⁸ By considering relevant key 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 a case, it is not necessary for the agency to search for the document, but sufficient that the circumstances to account for the nonexistence are explained. Where searches are relied on to justify a decision that the documents do not exist, all reasonable steps must be taken to locate the documents. What constitutes

³² *O'Connor v Department of Child Safety, Seniors and Disability Services* [2024] QCATA 34 at [2].

³³ *M39 and Queensland Police Service* [2023] QICmr 66 at [12].

³⁴ *Palmer and Townsville City Council* [2019] QICmr 43 at [21].

³⁵ Sections 47(3)(e) and 52 of the RTI Act.

³⁶ Section 52(1)(a) of the RTI Act.

³⁷ Section 52(1)(b) of the RTI Act.

³⁸ These factors are identified in *Pryor and Logan City Council* (Unreported, Queensland Information Commissioner, 8 July 2010) 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].

reasonable steps will vary from case to case, depending on which of the key factors are most relevant in the circumstances.

28. The Information Commissioner's external review functions include investigating and reviewing whether agencies have taken reasonable steps to identify and locate documents applied for by applicants.³⁹ The Information Commissioner also has the power to require additional searches be conducted on an external review.⁴⁰ However, the RTI Act '*does not contemplate that [the Information Commissioner] will in some way check an agency's records for relevant documents*', rather, the Information Commissioner relies on the agency's officers to search for relevant documents.⁴¹
29. On 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.⁴² 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.⁴³ Suspicion and mere assertion will not satisfy this onus.⁴⁴

Searches and submissions

30. The access application sought access to various documents about the applicant, not held on his worker's compensation claim files, relating to five claim numbers and one complaint lodgement receipt number as follows:⁴⁵
 1. *All documents (not already available to me on my claim files) created, sent and received by [named individuals] and other WorkCover officers, consultants, and agents, relating to claims and customer complaints by [the applicant] during 2024 and January 2025, including but not limited to notes (handwritten or digital), emails, telephone messages, SMS Text messages, internal messages in TEAMS or other applications, briefings.*
 2. *All documents created and sent by WorkCover officers to the Queensland Ombudsman (employer), and medical practitioners relating to claims by [the applicant] during 2024 and 2025, including but not limited to notes (handwritten or digital), emails, telephone messages, SMS Text messages, internal messaging (such as in TEAMS or other applications), briefings and reports.*
 3. *All documents received by WorkCover from the Queensland Ombudsman (employer), and medical practitioners relating to claims by [the applicant] during 2024, including but not limited to notes (handwritten or digital), emails, telephone messages, SMS Text messages, internal messaging (such as in TEAMS and other applications), briefings and reports.*

³⁹ Section 137(2) of the IP Act.

⁴⁰ Under section 115 of the IP Act.

⁴¹ *Webb v Information Commissioner* [2021] QCATA 116 at [6].

⁴² Section 100(1) of the IP Act.

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

⁴⁴ *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]; *Y44 and T99 and Office of the Public Guardian* [2019] QICmr 62 (20 December 2019) at [38].

⁴⁵ As confirmed by the applicant in an email to WorkCover dated 28 January 2025.

31. As set out at paragraph 6, WorkCover located 787 pages responding to the above scope and disclosed these to the applicant, subject to the redaction of the Remaining Information. After considering the disclosed information, the applicant submitted:⁴⁶

... the documents released by WorkCover do not include:

- 1. WorkCover Officer's records about the substance of telephone discussions they had with me or my medical practitioner concerning the claims (with the exception of documents already on Worker's Assist) and my complaints.*
- 2. WorkCover's voice recordings of telephone calls concerning the claims and complaints.*
- 3. WorkCover Officer's records about internal referrals or communications or advice concerning the management of these "complex claims" (WorkCover's own term) and my complaints. My contemporaneous records confirm I was advised on multiple occasions that Officers would seek advice or refer to others or reviews had been conducted.*

For example, [name]'s 16 August 2024 email to me indicated he was considering final details in relation to my complaint including what actions would be taken to avoid the matter recurring. However, no documents have been released about consideration, consultations or actions.

Another example is [name]'s 20 August 2024 email to me which states WorkCover's processes have been reviewed. No documents have been released regarding a review of processes in relation to my complaint.

Another example is [name]'s 12 November 2024 email to me advising 'I have engaged internal review of the pending claim.' However, no documents were released regarding the internal review of the claim.

Another example is [name]'s 15 November 2024 email to me in which he states, 'I have liaised with [name]... to discuss the concerns you raised in this email.' However, no documents were released concerning this liaison.

Another example is [name] (redacted) 23 July 2024 email to SPO Spaces Owner and (redacted) in which she advises 'Please find attached response to this complaint.' However, I am unable to determine if the attachment was provided.

32. Given the above concerns raised by the applicant, OIC requested WorkCover provide information about the searches undertaken in response to the application and a submission addressing the applicant's concerns.⁴⁷ WorkCover provided OIC with a submission addressing the applicant's concerns about missing documents and records of the searches conducted.⁴⁸ In summary, the submissions and search records provided by WorkCover reveal:

- searches were conducted by relevant staff who had contact with the applicant or were involved in his workers' compensation claims and/or complaints for

⁴⁶ Submission dated 26 February 2026.

⁴⁷ Email dated 25 March 2026.

⁴⁸ Submission dated 26 April 2026, attaching records of searches.

documents not comprising part of the applicant's workers' compensation claim files

- locations searched include Outlook, OneDrive and the Corporate Affairs Database
- a number of staff who were asked to conduct searches advised that all relevant documents were contained within the workers' compensation claims database ('CPIS') or the Corporate Affairs Database and they did not hold any further documents
- regarding the applicant's specific concerns:
 - the substance of calls with the applicant and/or his medical practitioners concerning the workers' compensation claims are contained within the "communications report" on each workers' compensation claim file
 - given the applicant had expressly excluded documents available on his workers' compensation claim files, the communication reports were not included in the searches and can be access via WorkCover's administrative release scheme
 - file notes regarding the substance of calls with the applicant and/or his medical practitioners concerning complaints *'are not routinely created'*
 - searches were conducted with individuals involved in managing the applicant's claims and complaints which resulted in the location of documents which have been considered and released to the applicant
 - regarding recordings of telephone calls:
 - the applicant did not request recordings of telephone calls in the application and, in any event, *'audio recordings of phone calls are searched by phone numbers and can be narrowed by date parameters'* so a fresh application providing those details would be required before searches for audio recordings of telephone calls can be conducted
 - not all phone calls are recorded, *'only phone calls taken or made by staff in customerfacing roles are recorded'* and *'internal phone calls made between staff who are not in customer facing roles are not recorded'*; and
 - while WorkCover does not contest that the applicant may have been *'advised on multiple occasions that Officers would seek advice or refer to others or reviews had been conducted'*, it is not necessarily the case that documents are created *'every time a discussion, consultation, or claim review takes place.'*

33. WorkCover's above submissions were conveyed to the applicant along with OIC's view that all reasonable searches had been conducted and access to further documents responding to the application could be refused on the basis they were nonexistent.⁴⁹

34. In response, the applicant submitted, in summary:⁵⁰

- his application *'explicitly requested 'all documents... including but not limited to... telephone messages''* and the Acts Interpretation Act 1954 (Qld) and the RTI and IP Acts state *'a 'document' includes any disc, tape, or other article from which sounds are capable of being reproduced'*
- audio recordings of his calls made to WorkCover comprise *'records of 'telephone discussions' within the plain meaning of'* his request and by excluding audio

⁴⁹ Letter dated 4 June 2026.

⁵⁰ Submission dated 29 June 2026.

recording of phone calls, *'WorkCover has failed to interpret the application in a way that provides maximum access to information'*

- the audio recordings of the phone calls can be searched via phone number and date so are not *'non-existent'*, rather *'they are 'locatable' once the agency applies the parameters already present in the communications they did find'*
- the *Public Records Act 2023 (Qld)* *'requires records to accurately show the matters that 'inform or contextualise' decisions'*, therefore if *'multiple people 'liaised,' there should be a record'* and if *'there isn't, they are failing their statutory duty'*
- the exclusion of the *'communication reports'* on the basis they are contained within his workers' compensation claim files *'creates a 'catch-22' where WorkCover uses [his] exclusion of the administrative claim file to justify not searching the only database they claim holds the relevant records'*
- OIC's preliminary view did not *'adequately address why no TEAMS messages, SMS, or OneNote entries were located, despite these being part of the modern work environment and explicitly included in my scope'*
- WorkCover's *'statement that notes are 'not routinely created' is an insufficient explanation for the total absence of any informal digital communication regarding four different claims and multiple complaints';* and
- *'WorkCover has not taken all reasonable steps to locate responsive documents and that the OIC should require WorkCover to conduct further relevant searches or responsive documents.'*

Findings

35. In relation to the Remaining Information and submissions made by WorkCover during the review regarding the document searches undertaken, I am satisfied that WorkCover contacted the relevant areas and individuals responsible for managing the applicant's workers' compensation claims and complaint matters. I am also satisfied the searches were undertaken in relevant record keeping systems that WorkCover maintains in relation to the management of workers' compensation claims and complaints.
36. Having considered the content of the Remaining Information and WorkCover's submissions, I consider it was reasonable for WorkCover to undertake document searches of the locations identified at paragraph 32 based on the scope of the application. This is further confirmed by the fact that relevant documents were located through those searches.
37. Regarding the applicant's concerns about audio recordings of telephone calls, under the IP Act an applicant is required to give sufficient information concerning the document sought to enable the responsible agency officer to identify the documents.⁵¹ There are sound practical reasons for requiring the documents sought in an access application to be clearly and unambiguously identified, including that the terms of an access application set the parameters for an agency's response and

⁵¹ Section 43(2)(b) of the IP Act.

the direction of its document searches.⁵² Accordingly, an applicant cannot unilaterally expand the terms of their access application.⁵³

38. While I acknowledge that the scope of the applicant's application was for '*all documents... including but not limited to... telephone messages*', he did not specify that he was seeking access to audio recordings of telephone calls, nor did he provide any details of the calls to which he now seeks access, such as, the phone number from which he made or received the call or the date of the contact. I consider that WorkCover could not have reasonably been expected to identify these audio recordings of telephone calls without the applicant's assistance. Accordingly, I consider that the audio recordings to which the applicant refers on external review fall outside the scope of the application and it is not necessary for WorkCover to search for these documents.
39. I am also satisfied it was reasonable for WorkCover to exclude searches of the 'communications report' for responsive documents, as the applicant specifically excluded documents held on his workers' compensation claim files from the scope of his application, and that WorkCover has provided reasonable explanations, including by referring to its recordkeeping practices, as to why further documents do not exist, including documents comprising '*TEAMS messages, SMS, or OneNote entries*'. There is also no material before me to suggest that any further documents exist that would provide a reasonable basis for requesting WorkCover undertake the further searches requested by the applicant.⁵⁴
40. I acknowledge that the documents located by WorkCover have not met the applicant's expectations regarding the records he considers the agency should hold about its decision making processes regarding his workers' compensation claim matters and complaints. However, OIC does not have jurisdiction to probe WorkCover's record keeping practices, nor the actions taken by WorkCover regarding the applicant's workers' compensation claims or complaint matters. The relevant issue under consideration is whether WorkCover took reasonable steps to locate all relevant documents responding to the application.
41. Taking into account the scope of the application, the 787 pages located by WorkCover and WorkCover's searches and record keeping practices, I am satisfied that WorkCover undertook reasonable searches and that access to further documents, including to audio recordings of telephone calls, can be refused on the basis they do not exist in accordance with sections 47(3)(e) and 52(1)(a) of the RTI Act.

Conclusion

42. The above are the reasons for my decision set out at paragraph 1.

⁵² *Cannon and Australian Quality Egg Farms Ltd* (1994) 1 QAR 491 at [8]; *O8OPCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [33].

⁵³ *Fennelly and Redland City Council* (Unreported, Queensland Information Commissioner, 21 August 2012) at [15].

⁵⁴ I am also satisfied that in the circumstances of this case, searches of WorkCover's backup systems were not required under section 52(2) of the RTI Act.