



OFFICE OF THE
Information Commissioner
QUEENSLAND

Decision and reasons for decision

Citation: *L40 and Queensland Police Service [2026] QICmr 143 (10 August 2026)*

Application number: 00022203

Applicant: L40

Respondent: Queensland Police Service

Decision date: 10 August 2026

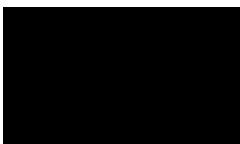
Catchwords: ADMINISTRATIVE LAW – RIGHT TO INFORMATION – REFUSAL OF ACCESS – CONTRARY TO PUBLIC INTEREST INFORMATION – video recording of a rideshare – personal information and privacy – contribute to the administration of justice – prejudice flow of information to agency – whether disclosure would on balance be contrary to the public interest – sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

DECISION

I affirm¹ the reviewable decision of the Queensland Police Service (**QPS**) and find that access to the Information in Issue² may be refused on the ground that its disclosure would, on balance, be contrary to the public interest.³

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

My reasons for the decision follow.



K Zaidiza
Manager, Right to Information

Date: 10 August 2026

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

² As defined in paragraph 11.

³ I have made this decision as a delegate of the Information Commissioner under section 145 of the RTI Act.

REASONS FOR DECISION

Summary

1. The applicant applied⁴ to QPS under the RTI Act to access '[f]ootage from [a rideshare] capturing the incident involving an assault on [the applicant].'
2. QPS located four video recordings and decided⁵ to refuse access to all recordings on the basis that disclosure would, on balance, be contrary to the public interest.
3. The applicant applied⁶ to the Office of the Information Commissioner (**OIC**) for external review. When applying for external review, the applicant stated they did not consent to supervised viewing as the sole form of access (known as inspection access⁷) and confirmed that this was '[i]mpractical, re-traumatizing and would prevent [the applicant] from using the footage for legitimate legal and safety purposes.' Therefore, this option was not further explored in this review.
4. On external review, the applicant agreed⁸ to narrow the scope of their application to one recording which depicted the incident in question at two specific time intervals with:
 - the images of third parties blurred
 - the audio of third parties removed; and
 - the image and voice recording of the applicant being released.
5. QPS agreed to release a redacted copy of the recording.⁹ The applicant was dissatisfied with the level of redaction applied to the recording and contented that further information should be released.¹⁰ In their submissions, the applicant argued that '[t]he footage is excessively blurred to the point where no discernible actions or meaningful detail can be identified.'¹¹
6. OIC conveyed a preliminary view¹² to the applicant that access to the remaining information depicted in the recording may be refused under the RTI Act on the basis that disclosure would, on balance, be contrary to the public interest. The applicant disagreed with the preliminary view and provided submissions in support of their position.¹³
7. Therefore, the issue for determination is whether disclosure of the Information in Issue¹⁴ would, on balance, be contrary to the public interest.

⁴ Access application dated 24 November 2025 and accepted as compliant on the 11 December 2025.

⁵ Decision dated 9 January 2026. This is the 'reviewable decision' in this matter.

⁶ External review application dated 29 January 2026.

⁷ Section 68(1)(a) of the RTI Act.

⁸ By phone call made on 9 February 2026 and confirmed by letter dated 30 March 2026.

⁹ QPS released a copy of the redacted recording to the applicant on 30 March 2026.

¹⁰ Through the reduction of blurring and removal of any blurring in relation to the applicant, inclusive of shared personal information.

¹¹ By email dated 15 April 2026.

¹² Correspondence dated 18 June 2026.

¹³ By email dated 3 July 2026.

¹⁴ As defined in paragraph 11.

Evidence considered

8. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes). I have taken account of the applicant's submissions¹⁵ to the extent that they are relevant to the issue for determination in this review.
9. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.¹⁶ I consider a decision-maker will be 'respecting and acting compatibly with' that right and others prescribed in the HR Act, when applying the law prescribed in the RTI Act.¹⁷ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.¹⁸

Information in issue

10. As indicated in paragraph 4, the applicant narrowed the scope of the application to one recording which can be described as a recording taken late at night from within a five-seater vehicle depicting the images of a driver and four passengers. The applicant is a passenger sitting in the back seat, behind the front passenger and is depicted in the recording at brief intervals due to this positioning. The vehicle is traveling and contains periods of temporary loss of visual clarity from environmental lighting changes.
11. The remaining redacted information from the recording (**Information in Issue**) can broadly be described as identifying information of other persons, including their images and actions.¹⁹

Relevant law

12. The RTI Act gives a right of access to documents of government agencies.²⁰ However, this access right is subject to other provisions of the RTI Act, including grounds on which access to information may be refused including where the disclosure of information would, on balance, be contrary to the public interest.²¹
13. 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

¹⁵ Being those in the external review application and the applicant's emails dated 15 April 2026 and 3 July 2026.

¹⁶ Section 21 of the HR Act.

¹⁷ *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].

¹⁸ 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 (*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], and *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23]).

¹⁹ The applicant agreed to exclude any third-party audio and therefore this will not be considered as part of this review.

²⁰ Section 3 of the RTI Act.

²¹ Sections 47(3)(b) and 49 of the RTI Act.

all members of, or a substantial segment of, the community, as distinct from matters that concern purely private or personal interests.²²

14. The RTI Act explains the steps that the decision-maker must take in deciding the public interest²³ and identifies 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.

Findings

15. I have considered the factors set out in schedule 4 of the RTI Act and not taken any irrelevant factors into account. I have also applied the RTI Act's pro-disclosure bias²⁴ and had regard to Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.²⁵

Factors favouring disclosure

16. There is a public interest in an individual being provided access to their personal information held by a government agency.²⁶ To the extent that the Information in Issue depicts the applicant, I consider this factor applies and should be afforded significant weight. However, the Information in Issue also depicts the personal information of other individuals intertwined with the personal information of the applicant and it is not possible to disclose the applicant's personal information without also disclosing the personal information of other individuals. This gives rise to factors favouring nondisclosure relating to the protection of personal information and privacy of others which are discussed at paragraphs 21–24 below.
17. I recognise the public interest in QPS conducting investigations in an accountable and transparent way. I accept that the release of the Information in Issue would supply contextual background for any of the decisions made by QPS²⁷ by providing a complete picture of the recording relied upon in the investigation and provide the applicant with the complete details of the incident in question. However, given the nature of the Information in Issue is limited to third party information, it does not reflect any actions taken by QPS and therefore, I afford the transparency and accountability factors favouring disclosure only low weight.
18. The applicant submits they are seeking access to the recording for '[l]egal and safety purposes.'²⁸ I have therefore considered whether disclosure could contribute to the administration of justice for the applicant.²⁹ The Information Commissioner previously

²² However, there are some recognised public interest considerations that may apply for the benefit of an individual.

²³ Section 49(3) of the RTI Act.

²⁴ Section 44 of the RTI Act.

²⁵ Section 47(2)(a) of the RTI Act.

²⁶ Schedule 4, part 2, item 7 of the RTI Act.

²⁷ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

²⁸ By email 3 July 2026.

²⁹ Schedule 4, part 3, item 16 of the RTI Act.

considered this factor³⁰ and discussed the public interest in a person who has suffered, or may have suffered, an actionable wrong, being able to obtain access to information which would assist the person to pursue any remedy which the law affords. The Information Commissioner indicated that a public interest consideration favouring disclosure would arise if it could be established that:

- loss or damage or some kind of wrong had been suffered, in respect of which a remedy is, or may be, available under the law
- the applicant has a reasonable basis for seeking to pursue the remedy; and
- disclosure of the information held by the agency would assist the applicant to pursue the remedy, or to evaluate whether a remedy is available, or worth pursuing.

19. I recognise that the applicant has been adversely affected and that the applicant was a victim of a crime and the evaluation or pursuit of a remedy might be facilitated by the disclosure of the Information in Issue to some extent. However, noting the nature of the Information in Issue is limited to personal information of third parties, I do not consider that the Information in Issue is required for the applicant to pursue a legal remedy or evaluate whether a remedy (legal or otherwise) is available or worth pursuing, particularly given the applicant's knowledge of the facts. The applicant is not precluded from pursuing other avenues of legal redress by not having access to the Information in Issue. Consequently, I afford this factor low weight.

20. I have carefully considered the remaining factors favouring disclosure listed in schedule 4, part 2, of the RTI Act, and factors favouring disclosure more generally, given the factors listed in schedule 4 are not exhaustive. I can identify no other public interest considerations in favour of disclosure of the Information in Issue.

Factors favouring nondisclosure

21. The Information in Issue contains the applicant's personal information and the personal information of multiple individuals in the form of recorded images, facial expressions and other non-lexical information, much of it relatively sensitive given the context in which it appears.³¹ This enlivens two factors favouring nondisclosure, in terms of safeguarding another individual's right to privacy and causing a public interest harm by disclosing personal information of another individual.³²

22. The recording included the personal information of a range of people who were present at the time of the altercation and captured in the recording. The applicant has submitted '*[M]y personal information is not limited to my face or my voice. It also includes the events that occurred to me, including my movements, my physical interactions with others, the force used against me, my reactions, and the sequence*

³⁰ *Willsford and Brisbane City Council* (1996) 3 QAR 368 at [17] and confirmed in *IOS3KF and Department of Community Safety* (Unreported, Queensland Information Commissioner, 16 December 2011) at [16]. The decision was made in the context of the now repealed *Freedom of Information Act 1992* (Qld), but the discussion is relevant to this factor under the RTI Act.

³¹ As defined in section 12 of the *Information Privacy Act 2009* (Qld) (**IP Act**) for both the IP Act and the RTI Act.

³² Schedule 4, part 3, item 3 and schedule 4, part 4, section 6 of the RTI Act.

of events that comprise the assault.³³ To the extent that the applicant's personal information could be separated from the other individuals, it has been released to the applicant. However, in relation to the Information in Issue, it is not possible to give access to any additional information³⁴ without also disclosing the personal information of other individuals.

23. In this regard, whilst I acknowledge the applicant's submissions that *'[t]he preliminary view does not explain what editing methods were considered, why more proportionate editing was not technically achievable, or why the extensive blurring applied was necessary'*,³⁵ I note that the RTI Act requires an agency to provide access to a document, subject to the deletion of contrary to the public interest information where it is 'reasonably practicable' to do so.³⁶ In considering whether partial access may be provided to the recording, regard must also be had to the technical limitations and the operational constraints of an agency's video redaction software³⁷ which dictate the practical limits of how the recording can be processed and released. In the circumstances of this case, a blurred version of the recording was released during external review, in accordance with section 75 of the RTI Act in circumstances where access to the recording may otherwise have been refused.

24. I have considered the applicant's remaining submissions carefully, including their consistent acknowledgement of the privacy interests of other parties.³⁸ Given the nature of the Information in Issue and the sensitive context in which it appears, (i.e., video recording of people involved in, or witnesses of, a physical altercation which resulted in a subsequent law enforcement process) and the weight of the public interest harm considerations, 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.

25. The RTI Act also recognises that the public interest factors favour nondisclosure of information where it could reasonably be expected to prejudice the flow of information to a law enforcement agency.³⁹ In this regard the applicant has submitted:⁴⁰

The recording was obtained by the Queensland Police Service during the investigation of an assault committed against me... I am not aware of any evidence demonstrating that providing an appropriately redacted copy of evidentiary material to the victim in these circumstances would reasonably discourage members of the public from assisting police in future investigations.

26. I acknowledge the applicants' submissions in this regard and note that a redacted version of the recording has already been released to the applicant. However, I find

³³ By email dated 3 July 2026.

³⁴ Through the reduction of blurring or the expansion of the geometric shapes utilised.

³⁵ By email dated 3 July 2026.

³⁶ Section 75(1)(b) of the RTI Act.

³⁷ Including that of OIC and the QPS. The video redaction software does not possess the capability to dynamically outline or 'cut around' a specific person's body to isolate their image for exclusive viewing. Rather, the system is technically restricted by applying basic static square or round shapes for the purposes of redaction or release.

³⁸ External review application dated 29 January 2026, and email sent on 3 July 2026 by the applicant.

³⁹ Schedule 4, part 3, item 13 of the RTI Act.

⁴⁰ By email dated 3 July 2026.

that disclosure of Information in Issue, which has been provided by a rideshare company to QPS during their investigation of this matter, would discourage individuals from cooperating with QPS, as they may consider that their identity and other personal information could be released to other individuals.

27. The effective enforcement of the law relies heavily upon the voluntary flow of information from the public with as much cooperation as possible. If QPS routinely released information provided by third parties, this would negatively impact their ability to obtain this type of information and effectively carry out their duties. I therefore afford this factor favouring nondisclosure significant weight in favour of nondisclosure.

28. In affording weight to the applicable nondisclosure factors outlined above, I have also had taken into account that there can be no control over further dissemination of information disclosed under the RTI Act, regardless of the applicant's submission that '[I] have never indicated any intention to publish, distribute or otherwise misuse the recording'.⁴¹ This is particularly relevant in protecting the personal information of other individuals and safeguarding information that is provided to QPS on the presumption of confidentiality.

Balancing Test

29. On balance, I am satisfied that the weight of the public interest factors favouring nondisclosure exceeds that of the factors favouring disclosure of the Information in Issue. Accordingly, I find that access to the Information in Issue may be refused under sections 47(3)(b) and 49 of the RTI Act as disclosure would, on balance, be contrary to the public interest.

Conclusion

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

⁴¹ By email dated 3 July 2026.