



Decision and reasons for decision

Citation: C46 and Queensland Police Service [2026] QICmr 144 (13 August 2026)

Application number: 00022121

Applicant: C46

Respondent: Queensland Police Service

Decision date: 13 August 2026

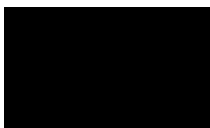
Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - CONTRARY TO PUBLIC INTEREST INFORMATION - third party personal information - personal information and privacy of other individuals - prejudice flow of information to regulatory agency - whether access to information may be refused under section 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

DECISION

I affirm¹ the reviewable decision of Queensland Police Service (**QPS**) and find that² QPS was entitled to refuse access to the Information In Issue³ on the basis that disclosure would, on balance, be contrary to the public interest.

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: 13 August 2026

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

² I have made this decision as a delegate of the Information Commissioner under section 145 of the RTI Act.

³ As defined in paragraph 9 below.

REASONS FOR DECISION

Summary

1. The applicant applied⁴ to QPS under the RTI Act for access to all documents relating to the QPS investigation into a complaint made against the applicant.
2. QPS located 21 pages and decided⁵ to release parts of eight pages and to refuse access to 13 pages on the ground that the information was exempt information or its disclosure would, on balance, be contrary to the public interest.
3. The applicant then applied to the Office of the Information Commissioner (**OIC**) for external review of QPS's decision⁶ and requested that OIC '[r]eview... the QPS decision, requiring the release of further information from the document to the maximum extent consistent with the RTI Act and Information Privacy Act, particularly where disclosure protects safety, ensure procedural fairness, and exposes possible misuse of the police complaint process'.
4. As part of this external review, OIC conveyed a preliminary view to the applicant⁷ that the redacted information comprised either contrary to public interest information or otherwise exempt information, and in either instance access may be refused under the RTI Act.
5. In response, the applicant accepted OIC's preliminary view in relation to the exempt information, however maintained their disagreement in relation to the refusal of the remaining information and submitted that:⁸

Section 73 of the RTI Act requires a decision-maker to consider whether editing a document would allow release of non-exempt information... Without an explanation of why de-identification is impossible, the statutory requirement in s73 has not been met.

OIC precedent consistently recognises that access to one's own personal information is a significant public-interest factor. The fact that the information appears in a police context does not diminish its weight.

Withheld information includes statements made about me in a police context. Understanding what was said about me is essential to:

- *assessing the accuracy of the information.*
- *understanding the basis of the complaint.*
- *responding meaningfully to allegations.*

Procedural fairness is a recognised public-interest factor favouring disclosure. The preliminary view does not explain how the withheld contents relevance to fairness was assessed, nor the conclusion that the released material already "discharged" this factor. Without this reasoning, the conclusion cannot be sustained.

⁴ Access application dated 21 July 2025. The applicant provided a seven digit QP reference number ending in 69.

⁵ Decision dated 4 September 2025. This is the *reviewable decision* for the purposes of this matter.

⁶ External review application dated 15 September 2025.

⁷ On 24 April 2026.

⁸ Submissions dated 5 May 2026.

6. Therefore, the issue for determination in this review is whether QPS was entitled to refuse access to the Information in Issue⁹ on the ground that its disclosure would, on balance, be contrary to the public interest under section 47(3)(b) of the RTI Act.

Evidence considered

7. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes).
8. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the rights to seek and receive information.¹⁰ I consider a decision-maker will be '*respecting, and acting compatibly with*' those rights, and others prescribed in the HR Act, when applying the law prescribed in the RTI Act.¹¹ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

Information in issue

9. The Information in Issue comprises the personal information¹² of individuals other than the applicant including their name, contact details, recollections of events and interactions with QPS.

Relevant law

10. Under the RTI Act, a person has a right to be given access to documents of an agency.¹³ However, this right of access is subject to certain limitations, including grounds upon which access to information may be refused.¹⁴ The RTI Act requires the grounds for refusing access to be interpreted narrowly, and decisions on access to be made with regard to the pro-disclosure bias.¹⁵
11. Relevantly, access to information may be refused where its disclosure would, on balance, be contrary to the public interest.¹⁶ 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

⁹ As defined in paragraph 9 below.

¹⁰ Sections 21(2) and 25 of the HR Act.

¹¹ *XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) (**XYZ**) at [573]; and *Horrocks v Department of Justice (General)* [2012] VCAT 241 (2 March 2012) at [111]. I also note the following observations made by Bell J in *XYZ* at [573], on the interaction between equivalent pieces of Victorian legislation (namely, the *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic)): '*... it is perfectly compatible with the scope of that positive right in the Charter for it to be observed by reference to the scheme of, and principles in, the FOI Act.* I further note that OIC's approach to the HR Act (as set out in this paragraph) was considered and endorsed by the Queensland Civil and Administrative Tribunal in *Lawrence v Queensland Police Service* [2022] QCATA 134 at [23] (where Judicial Member DJ McGill SC saw '*no reason to differ*' from OIC's position).

¹² Section 12 of the *Information Privacy Act 2009* (Qld) defines personal information as 'information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion'.

¹³ Section 23 of the RTI Act.

¹⁴ Section 47(3) of the RTI Act.

¹⁵ Section 47(2)(a) and 44 of the RTI Act.

¹⁶ Sections 47(3)(b) and 49 of the RTI Act.

personal interests. There are, however, some recognised public interest considerations that may apply for the benefit of an individual.

12. The RTI Act explains the steps that the decision-maker must take in deciding the public interest.¹⁷ It also identifies a non-exhaustive list of factors in Schedule 4 that may be relevant to deciding the balance of the public interest. I have considered all these factors, together with other relevant information in reaching my decision, and discuss relevant factors below.

Findings

Irrelevant factors

13. I have not had regard to any irrelevant factors that may apply in relation to the Information in Issue.¹⁸

Factors favouring disclosure

14. The applicant's submissions raise several factors favouring disclosure, namely that disclosure of the Information in Issue could be reasonably be expected to:
- a) Enhance the Department's transparency and accountability in how it investigated the complaint about the applicant.¹⁹
 - b) Allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official.²⁰
 - c) Reveal or substantiate that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct.²¹
 - d) Reveal the reason for a government decision and any background or contextual information that informed the decision.²²
 - e) Reveal that the information was incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant.²³
 - f) Contribute to the administration of justice generally, including procedural fairness.²⁴
 - g) Contribute to the administration of justice for a person.²⁵
15. In addition, the Information in Issue contains the applicant's personal information.²⁶
16. In relation to the factors favouring disclosure referred to at a) and d) above, I note that the Information in Issue is limited to third party information, and it does not reveal how QPS investigated the complaints or any actions taken by QPS. Information in relation

¹⁷ Section 49(3) of the RTI Act.

¹⁸ Including those set out in schedule 4, part 1 of the RTI Act.

¹⁹ Schedule 4, part 2, item 1 of the RTI Act.

²⁰ Schedule 4, part 2, item 5 of the RTI Act.

²¹ Schedule 4, part 2, item 6 of the RTI Act.

²² Schedule 4, part 2, item 11 of the RTI Act.

²³ Schedule 4, part 2, item 12 of the RTI Act.

²⁴ Schedule 4, part 2, item 16 of the RTI Act.

²⁵ Schedule 4, part 2, item 17 of the RTI Act.

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

to these aspects has already been released to the applicant. The released documents detail observations made by QPS officers, the substance of the police report, the action taken by QPS, and other supplementary information generated as a result of QPS investigation. Accordingly, I consider that this level of disclosure of information has significantly advanced these public interests and therefore disclosure of the Information in Issue would not further advance these factors to any significant degree. Consequently, I afford these factors low weight in favour of disclosure.

17. Given the nature of the Information in Issue, that is, the personal information of third parties, I cannot identify how its disclosure could reasonably be expected to advance the factors referred to at b) and c) above, and accordingly I do not consider these factors apply.
18. Regarding the applicant's submissions indicating that release of the Information in Issue is required for '[a]ssessing the accuracy of the information', and in relation to e) above, I consider that given the nature of some of the Information in Issue, it comprises, by its very nature, the opinions and versions of events expressed by relevant individuals as part of QPS investigation. This inherent subjectivity does not mean that the Information in Issue is necessarily incorrect, misleading or unfairly subjective.²⁷ I do not consider its release could reasonably be expected to reveal that the complaint was incorrect or malicious, other than for the applicant to know what the other individuals told QPS. Having reviewed the Information in Issue, there is no evidence before me to establish that such information is incorrect or misleading in nature. For these reasons, I do not consider this factor to apply.
19. In relation to f) and g) above, I consider the administration of justice factor favouring disclosure, both generally and for the applicant, have been discharged by the information that has already been released to the applicant. This is because QPS has already provided substantial information in relation to how it conducted the investigation, the substance of the complaints and the actions taken by QPS. I have also considered that the applicant does not require the Information in Issue to determine whether there is a reasonable basis to pursue or consider pursuing a legal remedy. In the case where there are legal proceedings, there are alternate avenues for compelling the disclosure of information.
20. Regarding fair treatment and procedural fairness, I acknowledge that the applicant seeks disclosure to address alleged unfair or unlawful treatment. However, given the content of the Information in Issue, it is difficult to see how it could reasonably be expected to advance the applicant's fair treatment in dealings with QPS. While I cannot include any detail about the contents of the Information in Issue in this decision,²⁸ I can confirm that it does not contain any new or more detailed information regarding the QPS's decision-making process, or actions beyond that already within the applicant's knowledge. Accordingly, I do not consider that disclosure could reasonably be expected to assist the administration of justice in terms of procedural fairness, or

²⁷ *Marshall and Department of Police* (Unreported, Queensland Information Commissioner, 25 February 2011) (**Marshall**) at [15]–[20].

²⁸ Section 108(3) of the RTI Act.

otherwise promote fairness for the applicant. I therefore afford the administration of justice factors low weight.

21. As noted above, the Information in Issue contains the applicant's personal information. Noting the public interest in individuals being able to access their own personal information held by government agencies, in the circumstances, I afford the factor favouring disclosure of this information significant weight.
22. 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

23. The RTI Act recognises that there is a public interest harm in disclosing an individual's personal information to someone else²⁹ and that disclosing information which could reasonably be expected to prejudice the protection of an individual's right to privacy³⁰ gives rise to a public interest factor favouring nondisclosure.³¹
24. The Information in Issue comprise other individuals' sensitive personal information. It comprises other individuals' recollections of events. I acknowledge that, by virtue of the circumstances, it may also contain the applicant's personal information; however, the personal information is intertwined in such a way that it is not possible to give access to *only* the applicant personal information without also disclosing personal information of others. The information appears in a sensitive context (i.e. a police investigation) which warrants a significant weight in relation to protection of the other individuals' personal information. I consider that the public interest harm relating to disclosing their personal information and the prejudice to their privacy would be considerable. On this basis, I afford significant weight to these factors favouring nondisclosure in relation to the Information in Issue about other individuals.
25. In addition, I consider individuals who have participated in QPS's investigation as witnesses and /or informants did so with an understanding that the information they provided would be treated with as much confidentiality as possible. In my view, disclosing this type of information under the RTI Act could reasonably be expected to make individuals reluctant to make complaints to QPS and participate in QPS investigative processes and therefore, prejudice the future flow of information. There are strong public interests in protecting the free flow of information to law enforcement and regulatory agencies and their ability to obtain confidential information.³²
26. Disclosing this type of information could reasonably be expected to discourage individuals and community members from fully engaging with QPS and raising

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

³⁰ The concept of privacy is not defined in the RTI Act or the IP Act. It can however, be viewed as the right of an individual to preserve their '*personal sphere*' free from the interference of others.

³¹ Schedule 4, part 3, item 3 of the RTI Act and Schedule 4, part 4, item 6 of the RTI Act.

³² Schedule 4, part 3, item 13 and 16 of the RTI Act.

concerns or complaints in the future. This, in turn, would significantly prejudice QPS's ability to effectively discharge their regulatory functions. Accordingly, I afford significant weight to these factors favouring nondisclosure.

Balancing test

27. 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 section 47(3)(b) of the RTI Act as disclosure would, on balance, be contrary to the public interest.

Conclusion

28. The applicant also submitted that QPS redactions failed to take into account the ability to delete certain information in section 73 of the RTI Act. Whilst section 73 does not apply to contrary to public interest information, section 75 is relevant. I confirm I have carefully considered whether any of the Information in Issue could, in fact, be released. However, for the reasons contained in this decision, I must conclude that the entirety of the Information in Issue may be refused under section 47(3)(b).

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