



Decision and Reasons for Decision

Citation: Jumi Property Pty Ltd and Department of Education [2026] QICmr 150 (19 August 2026)

Application Number: 00022904

Applicant: Jumi Property Pty Ltd ACN 142 388 001

Respondent: Department of Education

Decision Date: 19 August 2026

Catchwords: ADMINISTRATIVE LAW – RIGHT TO INFORMATION – REFUSAL OF ACCESS – CONTRARY TO PUBLIC INTEREST INFORMATION – request to access documents about agency plans, proposals or decisions to acquire or develop particular land – 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)

ADMINISTRATIVE LAW – RIGHT TO INFORMATION – SCOPE OF APPLICATION – IRRELEVANT INFORMATION – whether information may be deleted on the basis it is irrelevant to the access application – section 73 of the *Right to Information Act 2009* (Qld)

DECISION

I vary¹ the reviewable decision of Department of Education (**Department**) and, in respect of the information remaining for consideration, I find that:

- disclosure of some information would, on balance, be contrary to the public interest; and
- the remaining information may be deleted as it is not relevant to the access application.²

¹ Under section 110(1)(b) 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. On 1 July 2025 key parts of the *Information Privacy and Other Legislation Amendment Act 2023* (Qld) (**IPOLA Act**) came into force, effecting changes to the RTI Act and *Information Privacy Act 2009* (Qld) (**IP Act**). As the applicant's application was made before this change, the RTI Act and IP 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.

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

My reasons for the decision follow.



A Rickard
Assistant Information Commissioner

Date: 19 August 2026

REASONS FOR DECISION

Summary

1. The applicant applied to the Department under the RTI Act to access documents held by the Department concerning '*plans, proposals or decisions*' to acquire or develop a nominated property for educational purposes.³
2. The Department located 216 pages as relevant to the access application and decided⁴ to refuse access to them on the ground their 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 the Department's decision.⁵
4. During the review, the Department provided:
 - access by inspection to 18 of the located pages⁶ (**18 Pages**), subject to the deletion of small portions of information;⁷ and
 - a copy of the remaining located pages to the applicant, subject to deletion of certain information
5. The applicant continues to seek access to the deleted information in both the pages disclosed by inspection access and those disclosed as copies.

Reviewable decision and evidence considered

6. The decision under review is the Department's decision dated 10 November 2025.
7. The evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including the footnotes). I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.⁸ 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.⁹ I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act.

³ Access application dated 16 June 2025. The application identified specific types of documents/information the access request included and excluded. The date range of the application was identified as 10 February 2024 to 10 June 2025.

⁴ Decision dated 10 November 2025.

⁵ On 10 November 2025 (**External Review Application**).

⁶ Pages 197–214.

⁷ I notified the applicant on 21 July 2026 to contact the Department directly to arrange that inspection.

⁸ Section 21 of the HR Act.

⁹ All participants in this review are corporations or an agency, such that at face value it may not appear necessary to consider the application of the HR Act, which only affords human rights to individuals in Queensland. However, *Kingham J in Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors* [2020] QLC 33 at [90] indicated that where section 58(1) of the HR Act applies, there need be no mover to raise human rights issues because that section requires the relevant public entity to properly consider engaged human rights and to not act or make a decision that is not compatible with human rights. In any event, in observing and applying the law prescribed in the RTI Act, an RTI decision maker will be '*respecting and acting compatibly with*' applicable human rights as stated in the HR Act (*XYZ v Victoria Police (General)* [2010] VCAT 255 (16 March 2010) at [573]. This approach to the Victorian analogues of the HR Act and RTI Act has been 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.

Information in issue

8. The RTI Act limits the extent I am able to describe the information which the Department deleted from both the pages disclosed by inspection access and those disclosed as copies (**Information in Issue**).¹⁰ However, having carefully reviewed the Information in Issue, I can confirm that it broadly comprises:
 - **Category A Information** – names and contact details (including email addresses and direct/mobile telephone numbers) of individuals other than the applicant who are not public sector officers
 - **Category B Information** – mobile telephone numbers of public sector officers
 - **Category C Information** – information about certain Departmental deliberations¹¹
 - **Category D Information** – the terms and conditions of a service arrangement the Department entered with a private sector entity¹²; and
 - **Category E Information** – information deleted as irrelevant to the access application.¹³
9. I can also confirm that there is a notable level of duplication within the Category A and Category C Information.

Issues for determination

10. During the review, I conveyed a preliminary view to the applicant that copyright arose in respect of the 18 Pages and that the applicant was not entitled to access the Information in Issue under the RTI Act.¹⁴ While the applicant accepted the preliminary view about copyright (and being provided with inspection access to information within the 18 pages), the applicant did not accept the preliminary view about the Information in Issue.¹⁵
11. Accordingly, the issues for determination are whether:
 - disclosure of the Categories A, B, C and D Information would, on balance, be contrary to the public interest and access to those categories of information may be refused on that ground; and
 - the Category E Information may be deleted on the basis it is not relevant to the access application.

¹⁰ Section 108(3) of the RTI Act.

¹¹ This includes portions of information redacted on pages 31, 147, 156, 165, 174, 185, 186, 192, 193 and 206.

¹² This information comprises pages 5–11.

¹³ Small portions of this information were marked as ‘47(23)(b) – Contrary to Public Interest’ in the documents disclosed to the applicant.

¹⁴ Letter dated 23 June 2026. It is the practice of OIC to convey a preliminary view, based on an assessment of the material before the Information Commissioner (or delegate) at that time, to an adversely affected participant. This is to explain the issues under consideration to the participant and affords them the opportunity to put forward any further information they consider relevant to those issues. It also forms part of the Information Commissioner’s processes for early resolution of external reviews.

¹⁵ Applicant’s email dated 13 July 2026. In respect of the 18 Pages, the applicant submits that ‘copyright does not override the public interest in the substantive information itself’.

Contrary to public interest information

12. The RTI Act creates a right of access to documents of government agencies.¹⁶ This access right is subject to some limitations, including the grounds on which access to information may be refused.¹⁷ One refusal ground is where disclosing information would, on balance, be contrary to the public interest.¹⁸
13. In deciding whether disclosure of information would, on balance, be contrary to the public interest, section 49 of the RTI Act requires a decision maker to identify any irrelevant factors and disregard them; identify relevant public interest factors favouring disclosure and nondisclosure; balance the relevant factors favouring disclosure and nondisclosure; and decide whether disclosure would, on balance, be contrary to the public interest.
14. Schedule 4 of the RTI Act contains lists of factors that may be relevant in determining where the balance of public interest lies in a particular case. I have considered these lists, together with all other relevant information, in reaching my decision. I have not taken any irrelevant factors into account.¹⁹ I have also kept in mind the RTI Act's pro-disclosure bias²⁰ and that access refusal grounds are to be interpreted narrowly.²¹

Findings – Category A and B Information

15. The applicant generally submits²² that:
 - '[t]hese details form part of the records of communications and decisions' prompted by the applicant's discussions with the Department regarding the proposed acquisition and development of the nominated property for educational purposes; and
 - they consider disclosure of the Category A and B 'would not cause any real prejudice or harm; on the contrary, it would enable the Department and [the applicant] to resolve outstanding issues constructively and advance the public interest in timely planning for educational infrastructure'.
16. Factors favouring disclosure will arise where disclosing information could reasonably be expected to:²³

¹⁶ Section 23(1)(a) of the RTI Act.

¹⁷ The grounds on which access can be refused are set out in section 47 of the RTI Act.

¹⁸ Section 47(3)(b) of the RTI Act. 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 (although there are some recognised public interest considerations that may apply for the benefit of an individual).

¹⁹ Including those set out in schedule 4, part 1 of the RTI Act.

²⁰ Section 44 of the RTI Act.

²¹ Section 47(2)(a) of the RTI Act.

²² Applicant's email dated 13 July 2026.

²³ The phrase '*could reasonably be expected to*' has been considered previously by the Information Commissioner and, in essence, requires that the expectation must be based in reason (as distinct from something that is irrational, absurd or ridiculous) and not merely a possibility. The expectation must also arise as a result of disclosure, rather than from other circumstances. See, for example, *Sheridan and South Burnett Regional Council and Others* [2009] QICmr 26 (9 April 2009) at [189]–[193], referring to *Attorney-General v Cockcroft* (1986) 64 ALR 97.

- promote open discussion of public affairs and enhance the Government's accountability²⁴
 - 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 community²⁵
 - ensure effective oversight of expenditure of public funds;²⁶ and
 - reveal the reason for a government decision and any background or contextual information that informed the decision.²⁷
17. The applicant submits that these factors are '*directly engaged*',²⁸ but has not explained how they consider these factors are enlivened to favour disclosure of the Category A and B Information (being names and contact details).
18. As noted in paragraph 4 above, the Department has disclosed most of the information within the located documents. I consider this disclosed information has substantially advanced the government accountability and transparency factors referenced in paragraph 16 above, by providing some contextual background information to the Department's considerations concerning the subject matter of the access application and enabling scrutiny of the Department's processes. Given the limited nature of the Category A and B Information, I do not consider its disclosure would further advance government accountability considerations in any meaningful way. Accordingly, to the extent these government accountability and transparency factors apply, I afford them no weight.
19. Under the RTI Act, a factor favouring disclosure will also arise where disclosing information could reasonably be expected to advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies.²⁹
20. The applicant submits this factor applies to favour disclosure because, as the landowner of the property nominated in the access application, they have '*a legitimate interest in fair treatment in accordance with law*'.³⁰ However, the applicant has not explained how they consider disclosure of names and contact details of other individuals, and the mobile telephone numbers of public sector officers, would advance their fair treatment in their dealings with the Department (or any other agency). Taking the nature of the Category A and B Information into account, I consider its disclosure would not advance the fair treatment of the applicant (or any other individual or entity). Accordingly, I find that this factor does not apply to favour disclosure of the Category A and B Information.

²⁴ Schedule 4, part 2, item 1 of the RTI Act.

²⁵ Schedule 4, part 2, item 3 of the RTI Act.

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

²⁷ Schedule 4, part 2, item 11 of the RTI Act.

²⁸ Applicant's email dated 13 July 2026.

²⁹ Schedule 4, part 2, item 10 of the RTI Act. This public interest factor is about providing information to advance fair treatment in an applicant's future dealings with agencies (*F60XCX and Department of Natural Resources and Mines* [2017] QICmr 19 (9 June 2017) at [101]).

³⁰ External Review Application.

21. Taking into account the limited nature of this Category A and B Information, I can identify no other public interest factors which would apply to favour its disclosure.³¹
22. On the other hand, the RTI Act recognises that disclosing an individual's personal information to someone else can reasonably be expected to cause a public interest harm³² and that disclosing information which could reasonably be expected to prejudice the protection of an individual's right to privacy gives rise to a public interest factor favouring nondisclosure.³³
23. In respect of the Category A and B Information, the applicant submits that:³⁴

The privacy factors (Schedule 4, part 3, item 3 and schedule 4, section 6) are overstated. The individuals are not public sector officers; the harm is purely speculative and outweighed by the public interest in transparency'.
24. The Category A Information comprises the personal information³⁵ of individuals who are not public sector officers and the Category B Information comprises the personal information of public sector officers. In *Deemal-Hall v Office of the Director of Public Prosecutions*³⁶, the Queensland Civil and Administrative Tribunal observed that:³⁷

The information was identified by the Commissioner as personal information of other people, and there has been no challenge to that finding. That is something which engages Schedule 4 Part 3 Item 3, and indeed Part 4 Item 6.
25. In determining the weight to be afforded to these factors, I have taken into account that the RTI Act does not impose any restriction on the use, dissemination or publication of information which is disclosed in response to an access application.
26. For the Category A Information, I consider its disclosure could reasonably be expected to cause a significant level of harm. I am also satisfied that its disclosure would be a significant intrusion into the privacy of these individuals. For these reasons, I afford these factors significant weight in favour of nondisclosure.
27. While I accept a high level of harm and prejudice would not be expected to arise from disclosure of routine personal work information of public sector officers, mobile

³¹ This information is not the applicant's personal information and the factor in schedule 4, part 2, item 7 of the RTI Act does not apply. I also cannot see how disclosing the Category A and B Information could, for example, contribute to a positive and informed debate on important issues or matters of serious interest (schedule 4, part 2, item 2 of the RTI Act); contribute to the administration of justice generally or for a person (schedule 4, part 2, items 16 and 17 of the RTI Act); or reveal this information to be incorrect, out of date, misleading, gratuitous, unfairly subjective or irrelevant (schedule 4, part 2, item 12 of the RTI Act). In the event that further relevant factors exist in favour of disclosure, I am satisfied that, given the particular nature of the Category A and B Information, there is no evidence before me to suggest that any would carry sufficient weight to outweigh the weight that I have afforded to the public interest factors that favour the nondisclosure of this information.

³² Schedule 4, part 4, section 6(1) of the RTI Act.

³³ Schedule 4, part 3, item 3 of the RTI Act. The concept of 'privacy' is not defined in the IP Act or the RTI Act. It can, however, essentially be viewed as the right of an individual to preserve their 'personal sphere' free from interference from others (paraphrasing the Australian Law Reform Commission's definition of the concept in *For your information: Australian Privacy Law and Practice* Australian Law Reform Commission Report No. 108 released 12 August 2008, at paragraph 1.56).

³⁴ Applicant's email dated 13 July 2026.

³⁵ 'Personal information' is defined in section 12 of the IP Act.

³⁶ [2024] QCATA 131.

³⁷ At [27].

telephone numbers are different to other contact details (such as email addresses or general office phone numbers) in that they allow an individual to be contacted directly and potentially outside of office hours. This gives rise to a reasonable expectation of substantial harm and a substantial intrusion into the personal sphere of these public sector officers. Accordingly, for the Category B Information, I also afford significant weight to these nondisclosure factors.

28. In summary, for the reasons explained above, I have afforded no weight to the public interest factors relating to government accountability and transparency. On the other hand, for the nondisclosure factors relating to personal information and privacy, I have afforded significant weight.
29. On balance, I am satisfied that the public interest factors favouring nondisclosure of the Category A and B Information outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Category A and B Information would, on balance, be contrary to the public interest and access may be refused on that ground.³⁸

Findings – Category C Information

30. In respect of the Category C Information, the applicant submits³⁹ that:

This material directly relates to the Department's internal thinking processes about options for the specified property and the neighbouring [nominated school and nominated address]. Disclosure would not reveal "deliberative process" in the protected sense (thinking processes of government).

The public interest factors favouring disclosure are compelling and have been substantially advanced only by the information already released. Refusal would leave [the applicant] without the full picture of how the Department weighs feasibility studies, infrastructure plans, needs assessments and alternative development options (including vertical construction on existing government land).

The nondisclosure factors are low-weight and do not override the transparency interests.

31. The information which has been disclosed by the Department includes substantial details about the objective, budget, cost estimates and approval requirements of a proposed Departmental infrastructure project in the vicinity of the property nominated in the access application. It also outlines specific project steps that were taken by the Department. I consider this disclosed information has substantially advanced the public interest factors concerning government accountability and transparency,⁴⁰ as acknowledged in the applicant's submission referenced in the preceding paragraph. Given the nature of the Category C Information, I consider disclosure of the Category C Information could only be expected further advance these factors in a limited way. For that reason, I afford low weight to these disclosure factors.⁴¹

³⁸ Sections 47(3)(b) and 49 of the RTI Act.

³⁹ Applicant's email dated 13 July 2026.

⁴⁰ As mentioned at paragraph 16 above.

⁴¹ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

32. As mentioned at paragraph 20 above, the applicant submits that, as the landowner of the property nominated in the access application, the fair treatment factor applies to favour disclosure. The applicant submits (as noted in paragraph 30) that without disclosure of this information they would not have a '*full picture*' of how the Department weighs its considerations, and makes its decisions, about particular acquisition or development proposals.⁴² However, the applicant has not otherwise enunciated how disclosure of the Category C Information would advance their fair treatment in their dealings with the Department (or any other agency). I have noted above that the information disclosed by the Department has provided the applicant with substantial details about the proposed infrastructure project in the vicinity of the property nominated in the access application. In the circumstances of this matter and taking into account the nature of the Category C Information, I do not consider this fair treatment factor applies to favour disclosure. If I am wrong in this regard, I consider it warrants no more than low weight.
33. I cannot identify any other factors which apply to favour disclosure of the Category C Information.⁴³
34. A public interest factor favouring nondisclosure will arise where disclosing information could reasonably be expected to prejudice a deliberative processes of government.⁴⁴ The RTI Act also recognises that there is a public interest harm in disclosing an opinion, advice or recommendation that has been obtained, prepared or recorded in the course of or for the deliberative processes involved in the functions of government.⁴⁵ However, there are a number of exceptions to the harm factor.⁴⁶
35. The Information Commissioner has previously characterised a deliberative process involved in the functions of an agency to be the agency's '*thinking processes*'.⁴⁷ Deliberative process has also been considered as '*careful consideration with a view to decision*'.⁴⁸
36. Having carefully reviewed the Category C Information, I am satisfied that it comprises deliberative process information, as it forms part of the information evaluated by the Department when considering a proposed infrastructure project (including any associated acquisition). This enlivens the harm factor referenced in paragraph 34 above. As to the weight to be afforded to this factor, there is no evidence before me which indicates that the proposed project (including any land acquisition of the type considered in the located documents), has been finalised. As is evident from the information which the Department has disclosed, the Category C Information includes indicative internal project funding requirements (including for the associated land acquisition). In these circumstances and noting the nature of the Category C Information, I consider the harm that could be

⁴² Applicant's email dated 13 July 2026.

⁴³ In this regard I repeat and rely on my comments at footnote 31 above.

⁴⁴ Schedule 4, part 3, item 20 of the RTI Act.

⁴⁵ Schedule 4, part 4, section 4(1) of the RTI Act.

⁴⁶ These exceptions appear in schedule 4, part 4, section 4(2), 4(3) and 4(4) of the RRTI Act.

⁴⁷ For example, *Hodgetts and Department of State Development, Infrastructure, Local Government and Planning* [2022] QICmr 34 (30 June 2022).

⁴⁸ *Eccleston and Department of Family Services and Aboriginal and Islander Affairs* (1993) 1 QAR 60.

expected to arise from its disclosure at this time would be substantial. On the information before me, none of the exceptions to the harm factor arise. For these reasons, I afford the harm factor high weight.

37. In the circumstances outlined in the preceding paragraph, I also consider that disclosure of this deliberative process information would cause a substantial level of prejudice to the Department's deliberative processes. On that basis, I also afford high weight to the prejudice factor referenced in paragraph 34 above.
38. While I am constrained in the level of detail I can provide about the Category C Information,⁴⁹ I can confirm that some of it comprises the business, commercial and financial affairs information of entities other than the applicant. This gives rise to the factors in schedule 4, part 3, items 2 and 15 of the RTI Act. Noting the nature of this component of the Category C Information, I afford these factors low weight in favour of nondisclosure.
39. In summary, as explained above, I have afforded low weight to the public interest factors relating to government accountability and transparency, and no to low weight to the factor regarding fair treatment. On the other hand, for both nondisclosure factors relating to deliberative process, I have afforded high weight. I have also afforded low weight to the factors concerning the business, commercial and financial affairs information of entities for some of the Category C Information.
40. On balance, I am satisfied that the public interest factors favouring nondisclosure of the Category C Information outweigh the factors favouring disclosure. Accordingly, I find that disclosure of the Category C Information would, on balance, be contrary to the public interest and access may be refused on that ground.⁵⁰

Findings – Category D Information

41. The applicant submits⁵¹ that:

These arrangements concern the Department's decision-making on the specified property and are directly relevant to the cost analyses and budgets [the applicant] requested in [the access application]. They cannot be described as purely private or commercial in a way that triggers significant weight under the business affairs provisions (Schedule 4, part 3, items 2 and 15 and schedule 4, part 4, section 7(1)(b)). The public interest in knowing the financial and contractual framework used by the Department in this acquisition process is high.

42. The Category D Information comprises only 7 pages and concerns a commercial arrangement the Department entered with an external service provider. As I have mentioned, the Department has disclosed most of the information within the located documents which has, in my view, substantially advanced government accountability and transparency. I consider that disclosure of this information may, to some degree, further advance these accountability and transparency considerations, by enabling scrutiny of the terms on which the Department obtains

⁴⁹ Section 108(3) of the RTI Act.

⁵⁰ Sections 47(3)(b) and 49 of the RTI Act.

⁵¹ Applicant's email dated 13 July 2026.

external services, including their cost. Taking the nature of this information into account, I afford the factors in schedule 4, part 2, items 1, 3 and 4 of the RTI Act low weight in favour of disclosure.⁵²

43. As mentioned at paragraph 20 above, although the information disclosed by the Department has provided the applicant with substantial details about the proposed infrastructure project in the vicinity of the nominated property, the applicant submits that the fair treatment factor applies to favour disclosure. However, the applicant has not explained how they consider disclosing the Category D Information would advance their fair treatment in their dealings with the Department (or any other agency). Taking into account the nature of the Category D Information, I do not consider this fair treatment factor applies to favour disclosure. If I am wrong in this regard, I consider it should be afforded no more than low weight.
44. I cannot identify any other factors which apply to favour disclosure of the Category D Information.⁵³
45. While I am unable to describe the Category D Information in any detail,⁵⁴ I can confirm that it identifies the services being provided to the Department and the external service provider's commercial terms and conditions for provision of those services. There is no information before me which indicates these terms and conditions are readily available in the public domain and I note that the service provider operates in a competitive market. In these circumstances, I consider disclosure of the Category D Information under the RTI Act (where there is no restriction placed on its use, dissemination or publication) could reasonably be expected to cause prejudice the service provider's business, commercial and financial affairs of the service provider.⁵⁵ I afford significant weight to the public interest factors relating to business, commercial and financial affairs information.
46. I also consider the public interest factor in schedule 4, part 4, section 7(1)(b) of the RTI Act applies in these circumstances of this matter.⁵⁶ The service terms and conditions (which includes the provider's pricing structure) would have commercial value to the service provider. In a competitive market, I consider disclosing this type of information under the RTI Act may give a competitive edge to the service providers competitors (whether in tendering for future work or competing generally in the market). On this basis, I also afford significant weight to this nondisclosure factor.
47. In summary, I have identified and considered the public interest factors which are relevant to the Category D Information. I have afforded low weight to three public interest factors relating to government accountability and transparency. On the

⁵² Given the nature of the Category D Information (being a service arrangement with an external provider), I do not consider its disclosure would reveal the reason for a government decision or any background or contextual information that informed the decision.

⁵³ In this regard I repeat and rely on my comments at footnote 31 above.

⁵⁴ Section 108(3) of the RTI Act.

⁵⁵ Giving rise to the public interest factors in schedule 4, part 3, items 2 and 15 of the RTI Act.

⁵⁶ This provision recognises that a public interest harm could reasonably be expected to arise where information has a commercial value to an agency or another person, and its disclosure could reasonably be expected to destroy or diminish that commercial value.

other hand, I have afforded significant weight to the nondisclosure factors relating to business, commercial and financial affairs information.

48. On balance, I am satisfied that the factors which favour nondisclosure of the Category D Information outweigh the factors which favour disclosure. I therefore find that disclosure of the Category D Information would, on balance, be contrary to the public interest and access may be refused on that ground.⁵⁷

Irrelevant Information

49. Section 73 of the RTI Act permits information that is not relevant to the access application to be deleted from a document before giving access to a copy of the document. This is not a ground for refusal of access, but a mechanism to allow irrelevant information to be deleted from documents which are identified for release to an applicant.⁵⁸
50. In deciding whether information is irrelevant, it is necessary to consider whether the information has any bearing upon, or is pertinent to, the terms of the relevant access application.⁵⁹

Findings – Category E Information

51. The applicant submits:⁶⁰

I accept the Department's deletion of information that has no bearing on the specified property. However, any information that remains on the list should be re-evaluated against the precise wording of my application.

52. As noted in paragraph 1, the access application seeks documents about '*plans, proposals or decisions*' to acquire or develop a nominated property. Having carefully considered the terms of the access application and the Category E Information, I am satisfied that this information does not relate in any way to '*plans, proposals or decisions*' to acquire/develop the nominated property and it is therefore not relevant to the terms of the access application. For that reason, I find that the Category E Information has been validly deleted⁶¹ from the documents that the Department has disclosed.
53. The above are the reasons for my decision set out at pages 1-2.

⁵⁷ Sections 47(3)(b) and 49 of the RTI Act.

⁵⁸ *Wyeth and Queensland Police Service* [2015] QICmr 26 at [12].

⁵⁹ *Van Veenendaal and Queensland Police Service* [2017] QICmr 36 (28 August 2017) at [12], citing with approval *O80PCE and Department of Education and Training* (Unreported, Queensland Information Commissioner, 15 February 2010) at [52].

⁶⁰ Applicant's email dated 13 July 2026.

⁶¹ Under section 73 of the RTI Act.