



Decision and Reasons for Decision

Citation:	<i>X36 and Department of Justice</i> [2026] QICmr 147 (17 August 2026)
Application Number:	00022861
Applicant:	X36
Respondent:	Department of Justice
Decision Date:	17 August 2026
Catchwords:	ADMINISTRATIVE LAW - RIGHT TO INFORMATION - DOCUMENTS NONEXISTENT OR UNLOCATABLE - SUFFICIENCY OF SEARCH - whether agency has taken all reasonable steps to locate requested documents - whether access to further documents may be refused on the basis that they are nonexistent or unlocatable - sections 47(3)(e) and 52 of the <i>Right to Information Act 2009</i> (Qld) ADMINISTRATIVE LAW - RIGHT TO INFORMATION - CONTRARY TO THE PUBLIC INTEREST - third party information and complaint information - whether disclosure would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the <i>Right to Information Act 2009</i> (Qld) ADMINISTRATIVE LAW - RIGHT TO INFORMATION - IRRELEVANT INFORMATION - deletion under section 73(2) of the <i>Right to Information Act 2009</i> (Qld)

DECISION

I vary¹ the reviewable decision of the Department of Justice (the **Department**) and find:²

- access to any further documents not already located can be refused because they do not exist or are unlocatable³
- access to certain information can be refused because its disclosure would, on balance, be contrary to the public interest;⁴ and
- certain information may be deleted on the basis that it is irrelevant to the terms of the application.⁵

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

My reasons for the decision follow.



S Davis
Assistant Information Commissioner

Date: 17 August 2026

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. As the applicant's application was made before this change, the RTI Act **as in force prior to 1 July 2025** remains applicable to it. This is in accordance with transitional provisions in chapter 7, part 9 of the RTI 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 in this decision are to this Act, which may be accessed at <<https://www.legislation.qld.gov.au/view/html/inforce/2024-12-31/act-2009-013>>.

³ Under section 47(3)(e) and 52 of the RTI Act.

⁴ Under section 47(3)(b) and 49 of the RTI Act.

⁵ Under section 73(2) of the RTI Act.

REASONS FOR DECISION

Background

1. The applicant applied to the Department under the RTI Act for access to documents containing information about a named restaurant, from January 2023 to 16 October 2024.⁶ The applicant held an interest in the restaurant, which had dealings with the Office of Liquor and Gaming Regulation (**OLGR**).
2. OLGR is currently, and was at the relevant time, part of the portfolio of the Attorney-General and Minister for Justice. The access request was made to, and handled by, the Department.
3. The Department located 652 pages⁷ and two video files responsive to the application. The Department decided⁸ to grant access to this information, subject to the refusal of:
 - 238 pages on the basis that they were duplicates or pages containing duplicate information
 - 67 pages on the basis that they related to other business entities and were irrelevant to the scope of the request
 - 47 pages on the basis that they were exempt under schedule 3, section 7 of the RTI Act; and
 - 10 full pages, parts of 125 pages⁹ and two videos of field interviews on the basis that their disclosure would, on balance, be contrary to the public interest.
4. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of the Department's decision.¹⁰
5. The applicant was represented by a lawyer at the time of lodging the external review application and for part of the review. The applicant also provided authority for OIC to communicate with another individual on his behalf during the review.¹¹
6. During the review, the applicant's lawyer conveyed the applicant's agreement to exclude duplicate pages, so long as OIC reviewed them and confirmed that they were duplicates.¹² OIC reviewed this information and identified 41 pages which were not duplicates – with the result that the Department processed these pages and released them to the applicant, subject to redactions.¹³ The applicant subsequently conveyed to OIC that he was no longer represented by lawyers for this matter, and his representative claimed he did not recall providing the lawyers with instructions relating to other issues in the review.¹⁴ Given this, OIC wrote to the applicant to

⁶ Application dated 16 October 2024.

⁷ While the Department's decision document refers to '657 pages', this appears to have been a miscalculation or typographical error.

⁸ Decision dated 27 March 2025. The information was released in bundles titled 'File 1' and 'File 2'.

⁹ While the Department's decision refers to redactions on 124 pages, OIC counted 125 pages with redactions.

¹⁰ External review application dated 23 April 2025 (**ER Application**).

¹¹ Email dated 10 December 2025.

¹² On 29 August 2025.

¹³ On 16 December 2025.

¹⁴ Telephone call with applicant's representative and email dated 10 December 2025.

confirm how the duplicates issue had been dealt with and that OIC would treat the duplicates issue as resolved unless the applicant told OIC otherwise.¹⁵ The applicant did not respond on this issue.

7. OIC consulted with a third party, whose personal information appeared in some of the refused information.¹⁶ This third party confirmed that they did not object to the disclosure of that information to the applicant.¹⁷
8. During the review, OIC conveyed several preliminary views to the Department.¹⁸ As a result:
 - the Department conducted further searches and located additional information,¹⁹ which it released to the applicant subject to the refusal of some information on the basis that it was either irrelevant, or its disclosure would, on balance, be contrary to the public interest²⁰
 - the Department revised its disclosure position on certain issues and released further information to the applicant;²¹ and
 - the Department also released the audio from the two located video files to the applicant.²²
9. OIC also conveyed a preliminary view to the applicant on 24 June 2026 that:
 - the Department had, after taking the further steps requested by OIC, taken all reasonable steps to locate the requested documents; and
 - the Department could refuse access to the remaining refused information.
10. The applicant confirmed he did not accept OIC's view with respect to either the Department's searches or the refused information.²³

Reviewable decision

11. The decision under review is the Department's decision dated 27 March 2025.

Evidence considered

12. The evidence, submissions, legislation and other material I have considered in reaching my decision are set out in these reasons (including footnotes).
13. I have also had regard to the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information.²⁴ I consider a decision maker will be '*respecting and acting compatibly with*' that right and others prescribed in the HR

¹⁵ Preliminary view dated 24 June 2026.

¹⁶ Under section 37 of the RTI Act.

¹⁷ On 3 September 2025.

¹⁸ On 7 August and 2 December 2025, 3 March, 7 April and 26 May 2026.

¹⁹ Totalling 1139 pages.

²⁰ On 23 March, 15 and 27 May and 3 July 2026.

²¹ On 16 December 2025, 24 April, 15 and 27 May and 3 July 2026.

²² On 30 March 2026.

²³ On 15 and 25 July 2026.

²⁴ Section 21 of the HR Act.

Act, when applying the law prescribed in the RTI Act. I have acted in this way in making this decision, in accordance with section 58(1) of the HR Act. I also note the observations made by Bell J on the interaction between equivalent pieces of Victorian legislation:²⁵ *'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 Freedom of Information Act.'*

Issues for determination

14. The issues for determination are:

- whether access to further documents not already located can be refused on the basis that they do not exist or cannot be located
- whether the Department is entitled to refuse access to the personal information of other people (**Third Party Information**) and information about a complaint or complaints received by OLGR (**Complaint Information**) on the basis that its disclosure would, on balance, be contrary to the public interest; and
- whether other information can be deleted on the basis that it is irrelevant to the terms of the access application (**Other Information**).

Sufficiency of searches

Relevant law

15. The RTI Act provides a general right of access to documents of an agency.²⁶ This right is subject to limitations, including grounds for refusing access.²⁷ Relevantly, the RTI Act permits an agency to refuse access to requested information where it is nonexistent or unlocatable.²⁸ A document is nonexistent if there are reasonable grounds to be satisfied it does not exist.²⁹ 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.³⁰
16. To be satisfied that a document does not exist, the Information Commissioner has previously had regard to various key factors, including an agency's practices and procedures (including, but not limited to, its information management approaches).³¹ 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

²⁵ *Freedom of Information Act 1982* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

²⁶ Section 23(1)(a) of the RTI Act.

²⁷ The grounds on which an agency may refuse access are set out in section 47 of the RTI Act.

²⁸ Sections 47(3)(e) and 52(1) of the RTI Act.

²⁹ Section 52(1)(a) of the RTI Act.

³⁰ Section 52(1)(b) of the RTI Act.

³¹ 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].

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

17. 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.³² The Information Commissioner also has the power to require additional searches be conducted on an external review.³³ 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.³⁴
18. 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.³⁵ 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.³⁶ Suspicion and mere assertion will not satisfy this onus.³⁷

Searches and submissions

19. Initially, the Department's searches for relevant documents included:
 - targeted searches of its internal record-keeping systems, 'COGs' (the program used by OLGR to record information about businesses and compliance activities undertaken) and 'eDocs' (an electronic document management system used by OLGR to store and manage digital files) by two OLGR officers, using search terms which included the restaurant name and reference numbers for matters relating to the restaurant; and
 - a search of evidence.com (a cloud-based evidence management solution) for body-worn camera footage files.
20. In his external review application,³⁸ the applicant identified the following documents he considered should exist, but that he believed the Department had not located:
 - records of calls and text messages between the applicant and a named OLGR officer (**Officer A**)
 - video footage or recordings of inspections or interviews conducted by Officer A; and
 - email correspondence dated on or about 17 July 2023 from another named OLGR officer (**Officer B**) discussing two individuals.

³² Section 130(2) of the RTI Act.

³³ Under section 102 of the RTI Act.

³⁴ *Webb v Information Commissioner* [2021] QCATA 116 at [6].

³⁵ Section 87(1) of the RTI Act.

³⁶ See *Mewburn and Department of Local Government, Community Recovery and Resilience* [2014] QICmr 43 (31 October 2014) at [13].

³⁷ See *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].

³⁸ Dated 23 April 2025.

21. During the review, the Department conducted the following searches and enquiries:

- targeted internal enquiries regarding SMS or telephone call records held on Officer A’s work-issued phone, which identified no data was because Officer A had ceased employment with OLGR and their phone was restored to factory settings in accordance with the Department’s procedure³⁹
- targeted internal inquiries regarding the existence of any additional video files, which located no additional documents
- targeted internal inquiries regarding email correspondence involving Officer B on or about 17 July 2023
- searches of the Microsoft Outlook accounts of twelve staff members (including Officers A and B) across OLGR’s Compliance and Licensing units who were involved with matters relating to the restaurant, for the relevant period
- searches of Microsoft Teams messages for Officer A and another staff member who investigated a matter relating to the restaurant, for the relevant period; and
- search of site files held in the relevant office for hard-copy documents, which located no hard-copy records.

22. For each of the searches of Microsoft Outlook and Teams mentioned above, the search terms included the restaurant name. Some officers also used additional search terms, including names and email addresses for contacts at the restaurant business, the licence number for the liquor license and the name of the resort at which the restaurant was situated.

23. OIC asked the Department whether it or OLGR had a policy or procedure on backing up, or making a record of, information from work-issued mobile phones.⁴⁰ In response, the Department submitted:⁴¹

There is no documented policy or procedure on regularly backing up information from OLGR-issued mobile phones, including text messages or call records. Where text messages are obtained through the course of an investigation or in relation to issues identified during an inspection, screenshots may be taken and affixed to the relevant COGS record. When staff leave the OLGR, mobile phones are generally wiped and provided to another officer who requires a work-issued mobile phone. In this instance, advice has been received from the Regional Manager that the phone was wiped and provided to another employee.

24. With respect to OIC’s further inquiries about additional body-worn camera footage, the Department also submitted that:⁴²

Footage captured on body-worn camera (BWC) is securely uploaded via a docking station to a cloud-based evidence management solution Evidence.com. This allows users to clip footage, redact, add metadata, determine retention categories, and share internally and externally with partner agencies. Once the footage is uploaded and safely stored in the evidence management system, it will be automatically deleted from the

³⁹ Department’s submissions dated 2 October 2025.

⁴⁰ On 10 December 2025.

⁴¹ On 29 January 2026.

⁴² On 29 January 2026.

camera itself. It is up to the officer to classify the footage as 'Evidential' so that it is retained within Evidence.com. The retention period for Evidential recordings is seven years. Evidence that is not marked Evidential is deleted after a 90 day retention period.

25. The applicant submits:

- he is aware of correspondence not disclosed for this matter between Officer A and a particular individual and/or entity who he believes made vexatious complaints to OLGR about the restaurant business⁴³
- the released documents include a statement made by Officer A on or around 12 June 2023 regarding an investigation, which indicated that that further documents should exist, including inspection records, investigation notes, photographs, internal and external communications and other records showing the basis for the statement and OLGR's actions upon receiving information⁴⁴
- the Department had not disclosed any run sheets or video footage for an inspection by OLGR and a police officer of the restaurant premises on 6 May 2023⁴⁵
- he expected that there should be '*reports, running sheets, notes, and investigation records created in relation to*' another inspection on 2 June 2023⁴⁶
- given the Department's earlier searches were '*repeatedly incomplete*', '*there is an objective basis to question whether all reasonable searches have now been undertaken*'; and⁴⁷
- the circumstances around the factory reset of Officer A's government-issued mobile phone are relevant to determining whether the Department have conducted all reasonable searches, because he believes Officer A was still employed by the Department at the time he lodged his access application.⁴⁸

Findings

26. The question I must consider is whether the Department have taken all reasonable steps to locate the documents requested by the access application.
27. I am satisfied that the Department's searches have been comprehensive and reasonably targeted, having regard to the scope of the access application and the Department's relevant recordkeeping systems. Having considered the material before me, I consider the Department has searched all locations where the requested documents could reasonably be expected to be located, if they exist.
28. The released information does include some of the material the applicant has identified as missing, including:
- investigation running sheets referring to the relevant investigation⁴⁹

⁴³ Submissions dated 8 and 29 January 2026.

⁴⁴ Submissions dated 26 January, 15 and 25 July 2026.

⁴⁵ Submissions dated 26 January 2026.

⁴⁶ Submissions dated 26 January 2026.

⁴⁷ Submissions dated 15 July 2026. See also submissions dated 25 July 2026.

⁴⁸ Submissions dated 15 and 25 July 2026.

⁴⁹ Pages 378–379 of File 1 and pages 55–56 of File 2.

- information and internal discussions about the relevant investigation, throughout the materials
 - a summary of the investigation outcome and matters taken into account⁵⁰
 - email correspondence between OLGR staff and a police officer⁵¹ and Microsoft Teams messages involving Officer A about an inspection to on 6 May 2023⁵²
 - information about an inspection on 2 June 2023⁵³
 - some of the requested external communications,⁵⁴ and
 - photographs.⁵⁵
29. The released information also indicates that the outcome of the investigation was that *'no evidence has been obtained to prove the elements of the offence'* and a recommendation was made that no further investigative action be taken.⁵⁶
30. Additionally, while the RTI Act limits what I can say about the refused information,⁵⁷ having considered this information and the information the applicant submits is missing, I am satisfied the Department has taken all reasonable steps to locate the requested documents.
31. I acknowledge the applicant remains concerned about the completeness of the Department's searches. However, in view of all the material before me, I am not convinced the applicant has discharged his practical onus of demonstrating that the Department should be tasked with additional searches.
32. I also acknowledge the applicant's concern about the circumstances surrounding the restoration of Officer A's device, namely that this Officer may have still been employed when he submitted his access application. I infer the applicant is concerned the Department may have prematurely restored Officer A's device to factory settings after receiving the access application.
33. There is insufficient evidence before me to establish such a concern. In any event, the relevant question for the purpose of this external review is whether or not the Department has now taken all reasonable steps to locate the requested document/s. I am satisfied they have and that they have provided an explanation for documents on Officer A's device no longer existing. Given this, I am unable to identify any further steps that would be reasonable for the Department to undertake to locate relevant records.
34. Accordingly, I consider that access to further documents not already located can be refused because they are nonexistent or unlocatable.

⁵⁰ Pages 22–2 and 58–59 of file released to the applicant on 23 March 2026 titled *'Release – [Officer A] – File 1 – updated'*.

⁵¹ Pages 1, 10 and 15–16 of file released to the applicant on 23 March 2026 titled *'Release – [named officer] File 1 – updated'*.

⁵² Pages 3 and 4 of file released to the applicant on 23 March 2026 titled *'Release – [Officer A] – File 2'*.

⁵³ At pages 55–56 of File 2.

⁵⁴ At pages 71–75 of the 188 pages released to the applicant on 27 May and 1 July 2026 and pages 150 and 172–173 of *'Release – [Officer A] – File 1 – updated'* released to the applicant on 23 March 2026.

⁵⁵ At pages 70–76 of File 1.

⁵⁶ Pages 22–2 and 58–59 of file released to the applicant on 23 March 2026 titled *'Release – [Officer A] – File 1 – updated'*.

⁵⁷ Section 108(3) of the RTI Act.

Complaint and Third Party Information

Relevant law

35. Access to information may be refused where its disclosure would, on balance, be contrary to the public interest.⁵⁸ 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. Generally, 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. However, there are some recognised public interest considerations that may apply for the benefit of an individual.⁵⁹
36. In assessing whether disclosure of information would, on balance, be contrary to the public interest, the RTI Act requires a decision-maker to disregard any irrelevant factors,⁶⁰ consider relevant factors for and against disclosure⁶¹ and decide where the balance of the public interest lies according to the relative weight of those factors, as they apply to the particular information in question.⁶²

Submissions

37. In the decision under review, the Department found that the following factors favouring nondisclosure deserved heavy, and determinative, weight:
- disclosure of the information could reasonably be expected to prejudice the protection of an individual's right to privacy;⁶³ and
 - disclosure of the information could reasonably be expected to prejudice an agency's ability to obtain confidential information.⁶⁴
38. The Department submits it is unable to comment on the motive for the complaint, '*only that there was sufficient evidence to warrant investigation by OLGR*'.⁶⁵ The Department also submits that it assesses complaints '*in accordance with policies, procedures and legislation*'.⁶⁶
39. The Department also submits that '*OLGR conducted their own inspection to verify the details of the complaint in person...*'.⁶⁷ This is consistent with the information in the located documents, including the information discussed above at paragraphs [28]–[29].
40. During the review, the applicant submitted that:⁶⁸

⁵⁸ Sections 47(3)(b) and 49 of the RTI Act.

⁵⁹ Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

⁶⁰ Including those in schedule 4, part 1 of the RTI Act.

⁶¹ Including the non-exhaustive lists of factors set out in schedule 4, parts 2, 3 and 4 of the RTI Act.

⁶² Section 49(3) of the RTI Act.

⁶³ Schedule 4, part 3, item 3 of the RTI Act.

⁶⁴ Schedule 4, part 3, item 16 of the RTI Act.

⁶⁵ Submission dated 2 October 2025.

⁶⁶ Submission dated 2 October 2025.

⁶⁷ Submission dated 2 October 2025.

⁶⁸ ER Application; information received on 29 August 2025; submissions dated 26 January 2026.

- a complaint was made to OLGR about the restaurant business that was vexatious, false or otherwise contained misleading or incorrect information
 - he believes he knows the identity of the complainant, and that they lodged the complaint ostensibly on behalf of another entity without the appropriate authority to do so on behalf of that entity
 - the complaint disrupted the restaurant business and interfered with its liquor license, which caused '*severe financial loss*', '*personal mental health impacts*' and interfered with commercial tenancies
 - he is concerned about OLGR's reliance on information provided by third parties
 - he wants to understand:
 - why certain actions did and did not take place
 - whether the Department made reasonable enquiries to verify the complaint was made by an appropriate person with authority to do so on behalf of the complainant entity
 - how the Department considers and vets information in contemplation of regulatory enforcement; and
 - the extent to which the Department followed policies and procedures to ensure members of the public are not arbitrarily or capriciously prejudiced by government decision making
 - he intends to complain about OLGR and/or pursue compensation for loss caused by false, incorrect or misleading representations made by a third party to OLGR.
41. OIC conveyed a preliminary view to the applicant that access to the Complaint Information and Third Party Information could be refused because disclosure would, on balance, be contrary to the public interest.⁶⁹
42. While the applicant confirmed he did not accept OIC's view,⁷⁰ he did not provide any further submissions in response.

Findings

Complaint Information

43. The Complaint Information comprises information provided by, or that is about, a complainant to the Department.
44. In considering whether disclosure of the Complaint Information would be contrary to the public interest, I have balanced the factors favouring disclosure against those favouring nondisclosure.⁷¹ I have not taken into account any irrelevant factors.
45. I consider disclosure of the Complaint Information would reveal the background or contextual information that informed a government decision, or decisions, and enhance the Department's accountability and transparency. I afford these factors favouring disclosure moderate weight.⁷²

⁶⁹ On 24 June 2026.

⁷⁰ On 25 July 2026.

⁷¹ As required by section 49(3) of the RTI Act.

⁷² Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

46. There is no information before me, beyond the applicant's assertions, to indicate that the Complaint Information is incorrect or misleading.⁷³ To the extent this factor favouring disclosure applies, I afford it low weight.
47. I have considered whether disclosure could reasonably be expected to contribute to the administration of justice for a person.⁷⁴ The criteria for this factor applying was set out in *Willsford and Brisbane City Council*⁷⁵ as follows:
- i. loss or damage or some kind of wrong has been suffered in respect of which a remedy was, or might be, available under the law
 - ii. the applicant has a reasonable basis for seeking to pursue the remedy; and
 - iii. 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.
48. I am not satisfied that the third criterion has been met. I do not consider that disclosing the Complaint Information would assist the applicant in pursuing legal remedies or evaluating whether these are worth pursuing. In forming this view, I have had regard to the information that has already been disclosed to the applicant and the information the applicant has told OIC is available to him.⁷⁶ In those circumstances, I find that this factor does not apply.
49. I have also considered whether disclosing the Complaint Information could contribute to the administration of justice generally, including procedural fairness.⁷⁷ I accept that disclosing the Complaint Information would provide the applicant with copies of the information before the Department when it made decisions affecting the restaurant business. However, I have also had regard to the information already disclosed and information the applicant has told us is available to him. In those circumstances, I afford low weight to this factor.
50. I have considered whether disclosing the Complaint Information could reasonably be expected to allow or assist inquiry into possible deficiencies in the conduct of the Department.⁷⁸ While there is no specific information before me to indicate that disclosing the Complaint Information would advance this factor, the Information Commissioner has previously recognised the threshold for this factor applying is low.⁷⁹ Accordingly, I have afforded low weight to this factor favouring nondisclosure.
51. Finally, while the applicant submits he is concerned about OLGR's reliance on information provided by third parties, having considered the Complaint Information, I do not consider its disclosure could reasonably be expected to reveal any

⁷³ Schedule 4, part 2, item 12 of the RTI Act.

⁷⁴ Schedule 4, part 2, item 17 of the RTI Act.

⁷⁵ (1996) 3 QAR 368 (*Willsford*) at [17].

⁷⁶ In documents provided to OIC on 29 August 2025 and information provided in the applicant's email dated 8 January 2026.

⁷⁷ Schedule 4, part 2, item 16 of the RTI Act.

⁷⁸ Schedule 4, part 2, item 5 of the RTI Act.

⁷⁹ *L80 and Queensland Police Service* [2023] QICmr 28 (19 June 2023) at [32], Applied in *E92 and Crime and Corruption Commission* [2024] QICmr 73 (19 December 2024) at [89].

misconduct or negligent, improper or unlawful conduct within the Department.⁸⁰ I find that this factor does not apply.

52. The RTI Act recognises that disclosing an individual's personal information to someone else can reasonably be expected to cause a public interest harm.⁸¹ I am satisfied that the Complaint Information is the personal information of individuals other than the applicant, including information about their identify, or from which their identity could be deduced, contact details and information about their recollections and opinions. Where disclosing information could reasonably be expected to prejudice the protection of an individual's right to privacy, this also gives rise to a public interest factor favouring nondisclosure.⁸² Given the nature of the Complaint Information, I consider its disclosure under the RTI Act would represent a significant intrusion into the private sphere of the other individual or individuals. I afford these factors significant weight.
53. While the applicant believes he is already aware of the complainant's identity, I cannot confirm the content of the Complaint Information. In any event, I do not consider the weight I have afforded to these nondisclosure factors should be reduced in circumstances where there can be no restriction on the further use, dissemination or republication of documents released under the RTI Act.⁸³
54. The applicant's representative told OIC during the review that he did not consider the person he believed to be the complainant individual should have rights to privacy or protection of their personal information in circumstances where they have acted improperly.⁸⁴ I do not consider this reduces the weight that should be afforded to the applicable factors favouring disclosure.
55. I also consider disclosing the Complaint Information could reasonably be expected to prejudice the flow of information to OLGR⁸⁵ and, in turn, prejudice law enforcement.⁸⁶
56. OLGR relies on members of the public to provide information which enables it to administer and enforce relevant laws. Such information is generally provided by complainants on the understanding that it will only be used for any required investigation or subsequent compliance activities. It is reasonable to expect that routinely disclosing information identifying a complainant, or provided by a complainant in confidence, would tend to discourage individuals from coming forward with information and cooperating with OLGR if they consider their personal information could be released under the RTI Act. This, in turn, could reasonably be expected to negatively impact OLGR's ability to obtain this information in the future, and to enforce liquor licensing laws.⁸⁷

⁸⁰ Schedule 4, part 2, item 6 of the RTI Act.

⁸¹ Schedule 4, part 4, section 6(1) of the RTI Act.

⁸² Schedule 4, part 3, item 3 of the RTI Act.

⁸³ *FLK v Information Commissioner* [2021] QCATA 46 at [17].

⁸⁴ In a telephone call on 13 January 2026.

⁸⁵ Schedule 4, part 3, item 13 of the RTI Act

⁸⁶ Schedule 4, part 4, item 16 of the RTI Act.

⁸⁷ See *Arthur and Council of the City of Gold Coast* [2017] QICmr 25 (13 July 2017) at [19]; *Alsop and Redland City Council* [2017] QICmr 27 (2 August 2017) at [34].

57. With respect to the applicant's submission that he believed the complaint was vexatious, false, misleading or incorrect, the Information Commissioner has previously found that:⁸⁸

Regardless of whether a complaint turns out to be unfounded, or a matter which the agency has no jurisdiction to act upon, or even false or malicious in nature, it is recognised there is nevertheless a strong public interest in protecting the source of the information so as to preserve the future flow of confidential information to agencies that may potentially assist them to discharge their statutory or other functions.

58. I consider the nondisclosure factors which seek to protect the flow of information to OLGR, and its ability to enforce liquor licensing laws, deserve significant weight.
59. In balancing the public interest for the Complaint Information, I have had regard to the RTI Act's pro-disclosure bias and Parliament's intention that grounds for refusing access to information be interpreted narrowly.⁸⁹ I have identified and considered the public interest factors which are relevant to the Complaint Information. For the reasons mentioned above, I afford moderate weight to the pro-disclosure factors relating to the Department's accountability and transparency. I have also afforded low weight to the pro-disclosure factors which relate to revealing incorrect or misleading information, contributing to the administration of justice generally (including procedural fairness) and allowing or assisting inquiry into possible deficiencies in the Department's conduct. On the other hand, I have afforded significant weight to the nondisclosure factors relating to the personal information and privacy of other individuals, protecting the flow of information to OLGR and its ability to enforce liquor licensing laws.
60. On balance, the factors favouring nondisclosure outweigh those favouring disclosure of the Complaint Information. I find that access to the Complaint Information can therefore be refused because its disclosure would, on balance, be contrary to the public interest.

Third Party Information

61. The Third Party Information comprises:
- names, identifying information, contact information and other personal information of individuals other than the applicant; and
 - mobile phone numbers, signatures and non-work-related information of Department officers.
62. In considering whether disclosure of the Third Party Information would be contrary to the public interest, I have balanced the factors favouring disclosure against those favouring nondisclosure.⁹⁰ I have not taken any irrelevant factors into account.

⁸⁸ *E56 and Griffith University* [2026] QICmr 74 (13 May 2026) at [56]; citing *McEniery and The Medical Board of Queensland* (1994) 1 QAR 349 at [63]–[64].

⁸⁹ Sections 44 and 47(2)(a) of the RTI Act.

⁹⁰ As required by section 49(3) of the RTI Act.

63. The Third Party Information is not about the named restaurant or OLGR's reasons for making certain decisions. I do not consider its disclosure would advance the accountability or transparency of the Department in any material way (if at all). I afford these factors favouring disclosure⁹¹ low weight.
64. Given its limited nature, I also do not consider releasing the Third Party Information could reasonably be expected to reveal any misconduct, negligent, improper or unlawful conduct or allow or assist inquiry into possible deficiencies in conduct within the Department.⁹² I also do not consider that its disclosure would assist the applicant to pursue a legal remedy or otherwise contribute to the administration of justice, either generally or for a person.⁹³ I find that these factors favouring disclosure do not apply.
65. On the other hand, disclosing the Third Party Information would reveal the personal information of third party individuals and prejudice their rights to privacy.⁹⁴ I afford significant weight to these nondisclosure factors.
66. With respect to the mobile numbers, signatures and non-work related information of Department officers, I note that this information is part of the private sphere of these individuals⁹⁵ and it does not relate to their work duties. Accordingly, I do not consider the weight I have afforded to these nondisclosure factors should be reduced for that information.
67. I have had regard to the pro-disclosure bias and Parliament's intention that the grounds for refusing access to information be interpreted narrowly in balancing the public interest for the Third Party Information.⁹⁶ I have identified and considered the public interest factors which are relevant to the Third Party Information. For the reasons mentioned above, I have afforded low weight to the pro-disclosure factors which relate to the Department's accountability and transparency. On the other hand, I have afforded significant weight to the nondisclosure factors relating to the privacy and personal information of individuals other than the applicant. In the circumstances, the weight I have attributed to the nondisclosure factors outweighs the weight I have attributed to the factors favouring disclosure. It is therefore my view that disclosing the Third Party Information would, on balance, be contrary to the public interest and access can be refused on that basis.⁹⁷

Other Information

Relevant law

68. Section 73 of the RTI Act provides that access may be given to a document subject to the deletion of information the agency or Minister reasonably considers is not relevant to the access application. This is a mechanism to allow irrelevant

⁹¹ Schedule 4, part 2, items 1, 3 and 11 of the RTI Act.

⁹² Schedule 4, part 2, items 5 and 6 of the RTI Act.

⁹³ Schedule 4, part 2, items 16 and 17.

⁹⁴ Schedule 4, part 3, item 3 and part 4, item 6 of the RTI Act.

⁹⁵ See *B42 and Darling Downs Hospital and Health Service* [2025] QICmr 12 (20 March 2025) at [44].

⁹⁶ Sections 44 and 47(2)(a) of the RTI Act.

⁹⁷ Under sections 47(3)(b) and 49 of the RTI Act.

information to be deleted from documents which are identified for release to an applicant.

69. 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 application.⁹⁸

Findings

70. The applicant made no specific submissions about this information, other than confirming he would like OIC to consider all the refused information in the decision.⁹⁹
71. The access application requested '*information regarding* [a named restaurant]', including any references, documents, phone calls, camera footage or any other relevant information for the period January 2023 to 16 October 2024.
72. The Other Information is about other businesses unrelated to the restaurant business named in the access application. It appears to have been included as part of workflow discussions by OLGR staff about businesses being inspected or investigated. I am satisfied that the Other Information is not '*information regarding*' the named restaurant business.
73. Accordingly, I find that the Other Information is irrelevant to the terms of the access application and can be deleted under section 73 of the RTI Act.

Conclusion

74. The above are the reasons for my decision set out at page 2.

⁹⁸ O80PCE and Department of Education and Training (Unreported, Queensland Information Commissioner, 15 February 2010) at [52] which was a decision made under the equivalent provision in the repealed *Freedom of Information Act 1992* (Qld).

⁹⁹ Email dated 25 July 2026.