



Decision and Reasons for Decision

Citation: Y37 and Griffith University [2026] QICmr 152 (20 August 2026)

Application Number: 00022886

Applicant: Y37

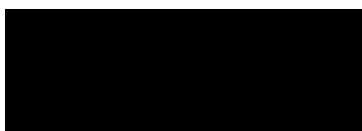
Respondent: Griffith University

Decision Date: 20 August 2026

Catchwords: ADMINISTRATIVE LAW - RIGHT TO INFORMATION - REFUSAL OF ACCESS - CONTRARY TO THE PUBLIC INTEREST INFORMATION - complaint information - whether disclosure would, on balance, be contrary to the public interest - sections 47(3)(b) and 49 of the *Right to Information Act 2009* (Qld)

DECISION

1. I affirm¹ the reviewable decision² of Griffith University (**University**) under the *Right to Information Act 2009* (Qld) (**RTI Act**) and find that access to the information in issue may be refused because its disclosure would, on balance, be contrary to the public interest under sections 47(3)(b) and 49 of the RTI Act.
2. This means that no further information is to be released to the applicant.
3. My reasons for the decision follow.



Joanne Kummrow
Information Commissioner

Date: 20 August 2026

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

² See paragraph 10 below.

REASONS FOR DECISION

Summary

4. The applicant applied³ to the University under the RTI Act for access to *'all documents connected with any complaint about [the applicant's] commentary in the press or on social media, received by or generated from within Griffith University at any time between 1 October 2022 and [21 July 2025].'*
5. The University issued the applicant with a notice of its intention to refuse to deal with the application under section 41 of the RTI Act on the basis that the work involved in dealing with it would substantially and unreasonably divert the University's resources.
6. The scope of the application was apparently narrowed to seek access to documents contained in 13 email inboxes. The University located 20 pages responsive to the applicant's request and decided⁴ to give the applicant full access to four pages and partial access to 16 pages. Access was refused on the basis that disclosure of relevant information would, on balance, be contrary to the public interest, or was irrelevant to the scope of the applicant's request.
7. The applicant applied⁵ for internal review of the University's decision in relation to its refusal of certain information. The University decided⁶ to release some additional information contained on five pages but otherwise affirmed its initial decision to refuse access to the remaining information.
8. The applicant applied⁷ to Office of the Information Commissioner (**OIC**) for review of the University's decision as it related to specific refused information.

Background

9. Complaints were made to the University in 2022 and 2023 concerning certain posts made by the applicant on a social media platform. At the time of the posts, the applicant was a student of the University. The applicant has made a number of applications to the University under the RTI Act seeking access to information about the complaints, and the University's handling of them.

Reviewable decision

10. The decision under review is the University's internal review decision dated 23 September 2025.

³ Application dated 20 July 2025 and received by the University on 21 July 2025.

⁴ Decision dated 26 August 2025.

⁵ Letter dated 26 August 2025.

⁶ Decision dated 23 September 2025.

⁷ On 24 September 2025.

Evidence considered

11. 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 taken account of the applicant's submissions⁹ to the extent they are relevant to the issues for determination in this review.

Information in issue

12. The information in issue relates to a complaint that was first made to the University in 2023. That original complaint material was the subject of an earlier review by OIC – 318791 – which was finalised by way of decision: *E56 and Griffith University* [2026] QICmr 74 (13 May 2026) (**E56**).¹⁰
13. Having not received a response from the University to the complaint in 2023, the complainant contacted the University again in late 2024, forwarding a copy of the original complaint email, and requesting a response. The information in issue is contained in two email chains dated 17 and 19 December 2024 (**Information in Issue**).¹¹ It comprises the complaint material, as well as the University's response to the complainant dated 19 December 2024. The response has been released to the applicant except for references to the identity of the complainant.¹²

Issue for determination

14. The issue for determination is whether access to the Information in Issue may be refused under the RTI Act because its disclosure would, on balance, be contrary to the public interest.

Relevant law – public interest balancing test

15. Under the RTI Act, a person has a right to be given access to documents of an agency.¹³ However, this right is subject to provisions of the RTI Act including the grounds on which access to documents may be refused.¹⁴ One of the grounds upon

⁸ Including the *Human Rights Act 2019* (Qld) (**HR Act**), particularly the right to seek and receive information. I consider a decision maker will be 'respecting and acting compatibly with' that right and others prescribed in the HR Act, when applying the law prescribed in the RTI Act: see *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 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 in *XYZ* at [573] on the interaction between equivalent pieces of Victorian legislation: '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'.

⁹ As referenced in the applicant's external review application and in his email of 5 June 2026.

¹⁰ Currently under appeal.

¹¹ Parts of pages 13 and 16, and pages 14 and 17 in full.

¹² The name of the University officer who sent the response has also been redacted, however it is understood that the applicant does not seek access to this information.

¹³ Section 23 of the RTI Act.

¹⁴ Section 47 of the RTI Act.

which access may be refused is where disclosure would, on balance, be contrary to the public interest.¹⁵

16. In assessing whether disclosure of information would, on balance, be contrary to the public interest, a decision-maker must take certain steps as set out in section 49(3) of the RTI Act, including, identifying and disregarding irrelevant factors, identifying factors for and against disclosure, and deciding whether, on balance, disclosure of the information would be contrary to the public interest.
17. Schedule 4 of the RTI Act contains factors that may be relevant in determining where the balance of the public interest lies in a particular case. I have considered these,¹⁶ together with all other relevant information, in reaching my decision. I have also applied the RTI Act's pro-disclosure bias¹⁷ and considered Parliament's intention that grounds for refusing access to information are to be interpreted narrowly.¹⁸
18. In making this decision, I have not taken into account any irrelevant factors.¹⁹

Submissions

19. In its internal review decision, the University stated as follows in support of its finding that disclosure of the Information in Issue would, on balance, be contrary to the public interest:²⁰

The University must be accountable in managing complaints, but the withheld material adds no new insight into how the matter was handled, and the substance of the complaint has already been provided to you. While I acknowledge some of the information is your personal information, the need to protect the complainant's privacy carries greater weight. Disclosure would risk serious privacy intrusions, discourage future complainants, and undermine the University's ability to address issues effectively.

20. In his external review application, the applicant stated that he relied upon the submission dated 20 July 2025 that he had made in review 318791 concerning the public interest in disclosure of complaint information.
21. At the commencement of the review process, OIC wrote to the applicant to advise him that, for the same reasons as given in E56, it was OIC's preliminary view that

¹⁵ Sections 47(3)(b) and 49 of the RTI Act. The 'public interest' '...is a term embracing matters, among others, of standards of human conduct and of the functioning of government and government instrumentalities tacitly accepted and acknowledged to be for the good order of society and for the well-being of its members. The interest is therefore the interest of the public as distinct from the interests of an individual or individuals': *Director of Public Prosecutions v Smith* (1991) 1 VR 63. The concept 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: Chris Wheeler, 'The Public Interest: We Know It's Important, But Do We Know What It Means' (2006) 48 AIAL Forum 12, 14.

¹⁶ I have considered each of the public interest factors outlined in schedule 4 of the RTI Act, and any relevant factors are discussed below. Some factors have no relevance. I note that the lists in Schedule 4 are non-exhaustive.

¹⁷ Section 44 of the RTI Act.

¹⁸ Section 47(2) of the RTI Act.

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

²⁰ Footnotes omitted.

disclosure of the Information in Issue would, on balance, be contrary to the public interest.²¹ In response, the applicant submitted as follows:²²

22 It would be a curious thing indeed if a member of the public complained about a social media post without identifying the post complained of. I therefore consider it likely that Document 2 includes the text of the post, a screenshot of it, its address (URL), or other identifying particulars such as its date or subject-matter. As I noted in my submissions to the earlier external review, the disclosure of that material to me could not be contrary to the public interest: it is my own published content and is already in the public domain. To the extent it appears alongside the complainant's identity, that identity may be redacted and the post released; the two are not relevantly intertwined. The officer's reasons in E56 do not address why material already published by me cannot be severed from the complainant's identity and released.

23 It may be said against the foregoing that the post cannot be released because the complainant is named in it, or because its release would enable me to identify the complainant. That objection should be rejected. First, a person named in a post as its subject or recipient is not, ipso facto, the complainant. Plainly the post could not have stated who subsequently complained of it. To equate the person named in the post with the complainant is to draw an inference; and it is precisely the kind of assumption about a complainant's identity that the OIC has said it will neither confirm nor dispel.

24 Secondly, and in any event, I am the author of the post: its entire contents, including any name appearing in it, are already known to me, and it was published by me to the public at large. Any identification said to be available does not flow from the disclosure of the material in issue. To the extent it is suggested that such a capacity arises instead from what the University and OIC have themselves stated, in their decisions and correspondence, about the complaint and the post, my right of access to my own published material cannot be curtailed on account of inferences made available by the decision makers' own conduct.

Findings

22. Although he has not withdrawn his application for access to any part of the Information in Issue, the applicant's submission focuses not on obtaining access to the identity of the complainant, but on obtaining access to the post that was the subject of the complaint. In that regard, he makes the same type of submissions that he made in the earlier review and that were discussed in OIC's decision in E56.²³ Many of those submissions are predicated on the applicant's assumptions about the form and content of the complaint, and his repeated contention that disclosure of the post complained about could not reasonably be expected to identify the complainant. He submits that OIC's decision in E56 did not satisfactorily explain why disclosure to him of his own public post would, on balance, be contrary to the public interest.
23. Taking account of the nature of the Information in Issue, together with the fact that the applicant has been given access to the University's response to the complainant and is aware that the University took no action in respect of the complaint, the

²¹ Letter dated 26 May 2026.

²² Letter dated 5 June 2026 (footnotes omitted).

²³ See, for example, the 4th and 5th bullet points at paragraph [40] of E56.

factors I have identified as favouring disclosure of the Information in Issue are as follows:

- a) enhance the University's accountability and transparency, including in its decision-making;²⁴ and
- b) the information is the applicant's personal information.²⁵

24. For the sake of completeness, and taking account of the applicant's submissions in review 318791 (discussed in *E56*) and which the applicant initially stated that he also relied upon in this review, I find that the following public interest factors favouring disclosure have no application to the Information in Issue:

- a) allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or official²⁶
- b) reveal or substantiate that an agency or official has engaged in misconduct or negligent, improper or unlawful conduct²⁷
- c) advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies²⁸
- d) reveal that the information was gratuitous;²⁹ and
- e) contribute to the administration of justice for a person.³⁰

25. Having considered the operation of these factors, I am not satisfied that disclosure of the Information in Issue could reasonably be expected to have any of the requisite effects listed in the factors. The Information in Issue comprises only the follow-up to the initial complaint (which was not acted upon by the University), and references to the identity of the complainant as contained in the University's response to the complaint. For the same reasons as in *E56*, I am satisfied there is nothing on the face of the complaint to indicate that it could reasonably be regarded as gratuitous.

26. In terms of the public interest in the accountability and transparency of the University, I afford those factors low weight in the public interest balancing test. The Information in Issue reveals nothing about the University's complaint-handling or decision-making processes. The applicant is aware from information disclosed to him that the complaint concerned his activity on social media and that the University decided to take no action in response to the complaint. I am not satisfied that disclosure of the Information in Issue could reasonably be expected to enhance the accountability and transparency of the University in any meaningful way in terms of the way it dealt with the complaint.

27. I accept that the Information in Issue contains the applicant's personal information and I afford strong weight to that factor favouring disclosure. However, as discussed

²⁴ Schedule 4, part 2, items 1 and 3 of the RTI Act.

²⁵ Schedule 4, part 2, item 7 of the RTI Act. Section 12 of the IP Act 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'.

²⁶ Schedule 4, part 2, item 5 of the RTI Act.

²⁷ Schedule 4, part 2, item 6 of the RTI Act.

²⁸ Schedule 4, part 2, item 10 of the RTI Act.

²⁹ Schedule 4, part 2, item 12 of the RTI Act.

³⁰ Schedule 2, part 2, item 17 of the RTI Act.

below, the Information in Issue also comprises the complainant's personal information.

28. The nondisclosure/harm factors that I have identified as applying to the Information in Issue are as follows:
 - a) the information is the personal information of another individual³¹
 - b) disclosure could reasonably be expected to prejudice an individual's right to privacy³²
 - c) disclosure could reasonably be expected to prejudice an agency's ability to obtain confidential information;³³ and
 - d) disclosure could reasonably be expected to prejudice the management function of an agency.³⁴
29. As noted, the applicant's central submission is that he should be given access to the social media post complained about because it is a public post made by him; it is his personal information; and its disclosure therefore could not be contrary to the public interest. He submits that disclosure of the post alone could not reasonably be expected to identify the complainant. However, the relevant consideration for the application of factors a) and b) immediately above is not whether disclosure of the Information in Issue could reasonably be expected to identify the complainant, but whether, firstly, disclosure would disclose the personal information of the complainant and, secondly, whether disclosure could reasonably be expected to have an associated prejudicial effect on the protection of the complainant's right to privacy.
30. Regardless of the public nature of the post and the fact that it was made by the applicant, I am satisfied that its disclosure would reveal the personal information of the complainant – that is, that the complainant made a complaint to the University about that post. I do not accept the applicant's submission that the post can be separated from the remainder of the complaint and access given to it without also disclosing personal information of the complainant or prejudicing their right to privacy. The post is the subject, and forms part, of the complaint and the complaint is the personal information of the complainant.
31. Similarly, I do not accept the applicant's submission that, if the University or OIC has engaged in conduct in dealing with his application that enables an inference to be drawn about the identity of the complainant, such conduct cannot be relied upon to curtail his right of access to his own post. Rather, the relevant consideration is, as explained above, whether disclosure of the Information in Issue would disclose the personal information of the complainant.
32. To the extent that the Information in Issue also comprises the personal information of the applicant, I find that such information is inextricably intertwined with the complainant's personal information.

³¹ Schedule 4, part 4, section 6 of the RTI Act.

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

³³ Schedule 4, part 3, item 16 of the RTI Act.

³⁴ Schedule 4, part 3, item 19 of the IP Act. The process of dealing with complaints about students has been found to comprise part of a university's management functions: *Stella v Griffith University* [2025] QCATA 20 at [70].

33. Taking account of the fact that the Information in Issue concerns complaint information, I afford strong weight to both the personal information/prejudice to privacy factors listed at a) and b) in paragraph 28 above. In doing so, I also recognise that there are no restrictions or limitations upon what a person may do with information that is disclosed to them under the RTI Act, including the possibility of further dissemination.³⁵
34. I also afford significant weight to nondisclosure factors c) and d) in paragraph 28 above. Regardless of the fact that the University may have determined to take no action in respect of the complaint, I am satisfied that there remains a significant public interest in protecting source complaint information. Such information is generally provided by complainants on the understanding that it will, if required, be used exclusively for an investigation process and in any subsequent disciplinary action process. Disclosing information outside that process (or where that process has not been required) under the RTI Act (where, as noted above, there can be no restriction on its use, dissemination or re-publication) could reasonably be expected to make complainants reluctant to make complaints in the future. This, in turn, would negatively impact the University's ability to obtain confidential information in relation to misconduct allegations that may require it to exercise its complaint management and integrity obligations.
35. Regardless of whether a complaint turns out to be unfounded, a matter in which the agency has no jurisdiction to take any action, or even if the complaint is false or malicious in nature, nevertheless it is recognised there is a strong public interest in protecting complaint source information to preserve the future flow of confidential information that may potentially assist an agency to discharge its statutory or other functions, including (in respect of an educational institution) the effective management of staff and students,³⁶ and to otherwise assess and decide whether or not to take action in respect of matters complained about.³⁷
36. In summary, in terms of the factors favouring disclosure, I afford low weight to factor a) in paragraph 23 above, and strong weight to factor b). I afford strong weight to each of the four factors favouring nondisclosure listed in paragraph 28 above. After balancing the factors, I find that those factors favouring nondisclosure outweigh those favouring disclosure such that disclosure of the Information in Issue would, on balance, be contrary to the public interest. Accordingly, I am satisfied that access to the Information in Issue may be refused under the RTI Act.

Conclusion

37. The above are the reasons for my decision set out in paragraph 1 above.

³⁵ As Judicial Member McGill SC of QCAT observed '*... the effect of the... [RTI Act] is that, once information has been disclosed, it comes under the control of the person to whom it has been disclosed. There is no provision of that Act which contemplates any restriction or limitation on the use which that person can make of that information, including by way of further dissemination.*' *FLK v Information Commissioner* [2021] QCATA 46 at [17].

³⁶ <<https://ucc.edu.au/university-governance>> (accessed 11 August 2026).

³⁷ *McEniery and The Medical Board of Queensland* (1994) 1 QAR 349 at [63] and [64].