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RTI and Privacy Review
Department of Justice and Attorney-General
GPO Box 149
Brisbane QLD 4001

Dear Colleagues,

This submission draws upon specific experiences of which I am aware as a result of my professional practice.

The matters are most relevant to question 11 from the discussion paper which relates to the adequacy of exempt information categories. The submission is less addressed to the principles that should be built into the legislation. It is more related to the problems of culture which affect the way in which exemption categories are applied. These problems do, however, provide insight into the way particular exemptions should be worded.

The Queensland Police Service maintains a database called "QPrime". One of the functions of QPrime is to readily provide to working police officers information that might be relevant to their particular task. For example, the database will include information about particular addresses which have been the subject of domestic violence callouts in the past; particular people who have been involved in incidents of violence with police officers; and information about a person's mental health state on past occasions.

As you will readily understand, the information can be quite defamatory; it may be untested in a number of respects; and its use and release raises matters of privacy of individuals whose details are on the data base.

The Queensland Police Service understands these issues as is shown by the fact that it places restrictions on access by police officers to the data. Police officers are only

supposed to access the data when it is essential for a task arising in the course of their duties.

Ms. Renee Eaves had been given cause to think that police officers had been exercising her data outside the guidelines. She made an RTI request and her fears were confirmed in that, despite her law abiding record, many hundreds of accesses to her QPrime file had occurred over a number of years.

Since Ms. Eaves gained access to her files, she and a number of other applicants have sought, in her case, further information and, in the cases of others, the same data as had been provided to Ms. Eaves. In every case known to me, the access has been refused on grounds that disclosure could reasonably be expected to prejudice the effectiveness of QPS's lawful methods and procedures for preventing, detecting, investigating or dealing with contraventions of the law as set out in schedule 3, s.10(1)(f) RTI Act.

While the s.10(1)(f) ground will be relevant to some requests for information as to who has gained access to the file, it should not be treated as a blanket ground. This is particularly so where the person in question is law abiding, has not made complaints of domestic violence and there are multiple accesses which, on the face of them, are not made in the course of police work.

The evidence suggests that it is being applied as a blanket ground.

This point is reinforced by the access that was given to Ms. Eaves before the apparent new blanket approach was adopted.

A further point that relates, perhaps, more to the Information Privacy Act concerns information informally provided to Ms. Eaves that she is "red flagged" on QPrime on the basis that she was thought likely to record police officers during interactions with police officers. This seems quite wrong and outside the principles in the IPA since police officers should welcome their interactions being recorded which will only confirm the appropriateness of their conduct. This is particularly so in circumstances where police policy is to provide frontline officers with video recording devices so that police behaviour can be recorded and vindicated against baseless complaints.

I would suggest that the review look closely at the way QPS has been compiling its QPrime data base (including red flags) and at how requests for information concerning officers' access to entries on the requesting individual are being handled.

The results of addressing those subjects are likely to inform the review on the way in which grounds for exemption such as s. 10(1)(f) should be worded and the extent to which the onus should be placed on those seeking to refuse access to information said to fall within such grounds.

I am advised by Ms. Eaves that she would welcome a discussion with the member of the committee conducting the review. She would be happy to provide details of her experiences and provide contact details for others who have had the kinds of experiences I have discussed above in this submission.

Best regards,

A large black rectangular redaction box covering the signature of Stephen Keim SC.

Stephen Keim SC

Chambers

8 February 2017

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