



NSW Police Force

[Redacted]

By email: [Redacted]

20 November 2025

Our Ref: GIPAA-2025-0909690

Dear Mr Smith

**Government Information (Public Access) Act 2009 (NSW)
Notice of Decision**

1. Summary of access application

I refer to your access application made under the *Government Information (Public Access) Act 2009 (NSW)*, (**GIPA Act**).

In your application received on 2 October 2025 you requested access to the following information:

Following the withdrawal of my previous broad application (GIPAA-2025-0897481), I am submitting this refined application for specific records held by the NSW Police Force. This request is focused on documents related to the investigation, prosecution, and handling of charge H81615839, particularly concerning disputed evidence and alleged procedural misconduct by officers at the Kings Cross Police Area Command.

*Please search under Tony as well as Anthony Smith
I formally request access to the following documents:*

I. RECORDS REGARDING DISPUTED EVIDENCE IN BRIEF H81615839

This section pertains to specific items of evidence included in the Brief of Evidence that were directly contradicted by records also in the possession of the investigating officer.

Phone Call Fabrication Evidence:

All internal police reports, running sheets, or file notes detailing the decision-making process to include the sworn allegation of a phone call from 0433 813 180 on September 4, 2023, as a "fact" in the Police Facts Sheet for H81615839.

A copy of the telecommunication records obtained by police for the number 0433 813 180 covering the period September 1–7, 2023, which showed a "Total Result Count: 0".

Meta Data Omissions and Entrapment Evidence:

A complete, unredacted copy of all Meta data obtained by Kings Cross PAC in relation to this

InfoLink

Office of the General Counsel

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investigation, specifically for the Instagram accounts @uernam_here, @bjow_ett, and @beat_slaya.

Any internal report or email detailing Constable Dellenty's review of the full conversation history I provided, which proved the @bjow_ett account had engaged in conversation prior to the dates alleged in the complaint.

Any file note or record explaining the decision to omit from the Brief of Evidence the Meta data showing (person named) (account name) followed the @legalabuse account in July 2023, months before the November 2023 date he claimed in his sworn statement.

II. RECORDS REGARDING ALLEGED MISCONDUCT AND PROCEDURAL OBSTRUCTION

This section pertains to the conduct of police officers in restricting communication, dismissing evidence, and the handling of official records.

Denial of Right to Make Representations:

Any records, file notes, or emails documenting the receipt and assessment of the psychological report I provided, which detailed my diagnosed PTSD and inability to attend Kings Cross Police Station for a formal interview.

Any internal correspondence discussing the decision to nonetheless require an in-person interview as the only means for me to make representations against the charge.

Communication Ban and "Harassment" Label:

All internal records, recommendations, and correspondence between Constable Dellenty, Inspector Martha Winch, and Commander David El-Badawi that led to the formal communication ban issued on February 21, 2025.

Any internal email or report where my attempts to provide evidence were officially characterized as "harassment."

False Claim of Brief of Evidence Service:

All internal emails and records from Inspector Martha Winch relating to her assertion that the Brief of Evidence (BoE) for H81615839 had been served on me prior to February 16, 2025.

Copies of the CMFMS system alerts or "Brief Overdue" warnings sent to Constable Dellenty between May 3, 2025, and June 5, 2025, which confirm the BoE was not served on the defence.

Alleged Destruction of Records:

All records relating to the internal review finding where Constable Dellenty advised that "some information she had received that was not saved on ViewIMS had been deleted" after the court matter was finalized. This includes any notes or reports detailing what information was deleted and the reason for its deletion.

III. RECORDS REGARDING DISMISSAL OF COMPLAINANT'S ALLEGED CRIMINALITY

This section pertains to the police assessment of evidence I provided concerning alleged criminal acts by the complainant, (person named).

Assessment of Impersonation and Drug Sales:

All documents, running sheets, and reports detailing Senior Constable Joseph De Angeli's assessment of the video evidence I provided on November 29, 2024, showing (person named) allegedly using the "Tony Smith" alias to sell drugs on Telegram.

The formal report or file note where Senior Constable De Angeli made the determination that this conduct did "not constitute a crime" under identity crime legislation.

2. Searches for Information

Under the GIPA Act, NSW Police Force (**NSWPF**) must conduct reasonable searches to locate the government information you seek. A search of NSWPF records has been undertaken to identify all government information falling within the scope of your application. The Kings Cross Police Area Command (PAC) conducted searches for records within the scope of your request. Searches were made of police databases, the shared computer drive and email archives. The results of these searches are listed in the Schedule of Documents included in this Notice of Decision.

3. Decision

I am authorised by the New South Wales Commissioner of Police to determine applications made under section 9(3) of the GIPA Act.

I have decided, under section 58(1)(b) of the GIPA Act, that many of the documents requested are not held.

In relation to the balance of your request, I have decided, under sections 58(1)(a) and 58(1)(d) of the GIPA Act, to provide access to the information you seek, except where there is an overriding public interest against disclosure.

I have also considered section 74 of the GIPA Act, which allows an agency to withhold information from a record if the deleted information is irrelevant to the application, or is not within the scope, or an agency has decided to refuse access to the information.

In making my decision, I took into account that this agency cannot control how information released under the GIPA Act is used or disseminated.

4. Reason for decision

Public Interest Test

Under section 9(1) of the GIPA Act, you have a legally enforceable right to access the information you seek, unless there is an overriding public interest against its disclosure.

In order to determine whether or not there is an overriding public interest against disclosure of the information I must apply the public interest test.

Section 13 of the GIPA Act sets out the public interest test as follows:

There is an overriding public interest against disclosure of government information for the purposes of this Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

The public interest test requires that I undertake the following steps:

- I. Identify the public interest considerations in favour of disclosure;
- II. Identify the public interest considerations against disclosure; and
- III. Decide the weight of the public interest considerations in favour of and against disclosure and where the balance between those interests lies.

Public Interest considerations in favour of disclosure

In accordance with section 12 of the GIPA Act, I have taken into account the following public interest considerations in favour of disclosure of the information:

- The statutory presumption in favour of the disclosure of government information.
- The general right of the public to have access to government information held by government agencies.
- The release of the information requested could reasonably be expected to promote accountability and transparency of this agency.
- Disclosure of the information could reasonably be expected to inform the public about the operations of government agencies and, their policies and practices for dealing with members of the public.
- Some of the information under review has previously been provided to you in the form of email

- correspondence.
- The disclosure of information will assist in understanding the investigator's findings and promote accountability of police investigations and actions.

Public Interest considerations against disclosure

When applying the public interest test, the only public interest considerations against disclosure that I can include are those set out in the table to section 14, and Schedule 1 of the GIPA Act.

Section 14, Clause 1(d)

Clause 1(d) of the section 14 table provides that there is a public interest consideration against disclosure of information if disclosure could reasonably be expected *to prejudice the supply to an agency of confidential information that facilitates the effective exercise of that agency's functions*.

The information requested includes information given to police in confidence. The collection and storage of information potentially related to criminal activity is central to what police do. I believe that preserving the confidentiality of such information is essential to the NSW Police Force maintaining the community's trust in police matters. If that trust is breached, the flow of information to police officers could cease, which would severely impact this agency's law enforcement functions.

I also note the NSW Police Force "Customer Service Charter" (available online) requires police to maintain the confidentiality of information received from members of the public.

People who provide information to police therefore expect it will be kept confidential. If details of information provided in confidence were disclosed, people would become reluctant to provide information for fear of reprisal or other adverse action thereby diminishing an important source of information and prejudicing the effective performance of agency functions.

Revealing information that was provided to police in confidence in response to a GIPA Act application would not be in the public interest as it would be a contravention of the objectives and duties of the NSWPF to maintain the peace, good order and safety of the public. I am therefore satisfied there is a public interest consideration against disclosure of information under clause 1(d) of the section 14 table.

Section 14, Clause 1(f)

Clause 1(f) of the section 14 table provides that there is a public interest consideration against the disclosure of information if disclosure of the information could reasonably be expected to *prejudice the effective exercise by an agency of the agency's functions*.

As is apparent from the above, the continued receipt and preservation of confidential information and deliberative opinions, is essential to the effective performance of the NSW Police Force function of investigating crime and prosecuting offenders.

I am satisfied there is a public interest consideration against disclosure of information under clause 1(f) of the section 14 table.

Section 14, Clause 2(b)

Clause 2(b) of the Section 14 Table provides that there is a public interest consideration against the disclosure of information if disclosure of the information could reasonably be expected to *prejudice the prevention, detection or investigation of a contravention or possible contravention of the law or prejudice the enforcement of the law*.

The Information in the Schedule of Documents, that was redacted under clause 2(b), relates to information gained through this agency's intelligence and crime investigative practices. NSWPF officers rely heavily on such information to detect, investigate and combat crime, thus maintaining public safety.

Disclosure of the information under the GIPA Act has the potential to alert criminals to information that police officers already know. As this agency cannot control what happens to information after it is released under the Act, this information must be considered in the context of the broader community. The information would therefore allow criminals to avoid detection and subvert police action. Therefore, the information must not be released into the community to ensure its continuing value for law enforcement.

I have therefore given strong weight to clause 2(b).

Section 14, Clause 2(f)

Clause 2(f) of the Section 14 Table provides that there is a public interest consideration against the disclosure of information if disclosure of the information could reasonably be expected to *facilitate the commission of a crime*.

The information withheld under this clause includes IP addresses. There are a number of privacy and security issues with the disclosure of IP addresses. IP addresses could be used to reveal locations and browsing habits. The disclosure of IP addresses could be used by hackers to target individuals and to facilitate cybercrime.

I have therefore given strong weight to clause 2(f).

Section 14, Clause 3(a)

Clause 3(a) provides that there is a public interest consideration against the disclosure of information that would reveal an individual's personal information. The information withheld under this clause contains *information or opinions about other individuals whose identity is apparent or can be reasonably ascertained from it*. It is therefore personal information as defined in clause 4 of schedule 4 of the GIPA Act.

While I appreciate that some of the withheld information will be known to you or was provided by you, however, "reveal" is defined in clause 1 of schedule 4 of the GIPA Act to mean to disclose information that has not otherwise been publicly disclosed. In *Commissioner of Police (NSW) v Field* [2016] NSWCATAP 59, the NCAT Appeal Panel held that personal information is only revealed when it is publicly disclosed.

There is nothing in your application or this agency's records to indicate that the information is in the public domain – i.e. revealed. Disclosure would therefore reveal the information and breach the rights of the people concerned, to have their information protected.

The information in the Schedule of Documents, that was withheld under clause 3(a), includes names, and addresses of other people. Therefore, it is their personal information as defined in the Act.

I have therefore given strong weight to clause 3(a).

Balancing the public interest considerations

On balance, I decided that the section 14 table factors outweigh the section 12 factors and there is an overriding public interest against disclosure of the withheld information.

In making my decision, I have given significant weight to the public interest considerations for release, particularly that the information in the requested records relates to you and which has previously been supplied to you.

I have, however, decided to give the considerations against disclosure greater weight. Disclosure under the GIPA Act is effectively disclosure in the public domain and there is the risk that the information, if disclosed, could be made available in the broader community, which would breach the privacy rights of those concerned, could prejudice police investigations and law enforcement functions and could be used to facilitate criminal acts. Organisations provide confidential information to police to facilitate police investigations. There are expectations that this information will remain confidential. If this information was disclosed to the public, it is likely that the organisations supplying this information would refuse to continue to co-operate with this agency. This would have a severe impact on this agency's ability to undertake law enforcement and public safety functions.

While some of the withheld information may be known to you, however, disclosure of information under a GIPA Act application is effectively considered disclosure to the world at large and there is a significant public interest to protect and keep confidential the personal information of members of the public and any information they provide to police in confidence.

This agency has undertaken reasonable searches to locate all the information you requested, pursuant to section 53(2) of the GIPA Act. The Kings Cross Police Area Command has advised this Unit that the only information held/created in relation to your application is the information listed in the Schedule of Documents. Where your request asks for internal police reports relating to the fact sheet, I have interpreted this to mean that you do not require the fact sheet itself, which was provided to you in response to a previous GIPA application. Where you have requested internal emails and records, I have interpreted this to mean that you do not require correspondence with yourself. I have therefore decided, pursuant to section 58(1)(b), that no documents are held in relation to the following parts of your request:

- *All internal police reports, running sheets, or file notes detailing the decision-making process to include the sworn allegation of a phone call from 0433 813 180 on September 4, 2023, as a "fact" in the Police Facts Sheet for H81615839.*
- *Any internal report or email detailing Constable Dellenty's review of the full conversation history I provided, which proved the @bjow_ett account had engaged in conversation prior to the dates alleged in the complaint.*
- *Any file note or record explaining the decision to omit from the Brief of Evidence the Meta data showing (person named) account (account named) followed the @legalabuse account in July 2023, months before the November 2023 date he claimed in his sworn statement*
- *Any records, file notes, or emails documenting the receipt and assessment of the psychological report I provided, which detailed my diagnosed PTSD and inability to attend Kings Cross Police Station for a formal interview.*
- *Any internal correspondence discussing the decision to nonetheless require an in-person interview as the only means for me to make representations against the charge.*
- *All internal records, recommendations, and correspondence between Constable Dellenty, Inspector Martha Winch, and Commander David El-Badawi that led to the formal communication ban issued on February 21, 2025.*
- *Any internal email or report where my attempts to provide evidence were officially characterized as "harassment."*
- *All internal emails and records from Inspector Martha Winch relating to her assertion that the Brief of Evidence (BoE) for H81615839 had been served on me prior to February 16, 2025.*
- *Copies of the CMFMS system alerts or "Brief Overdue" warnings sent to Constable Dellenty between May 3, 2025, and June 5, 2025, which confirm the BoE was not served on the defence*
- *All records relating to the internal review finding where Constable Dellenty advised that "some information she had received that was not saved on ViewIMS had been deleted" after the court matter was finalized. This includes any notes or reports detailing what information was deleted and the reason for its deletion.*
- *The formal report or file note where Senior Constable De Angeli made the determination that this conduct did "not constitute a crime" under identity crime legislation.*

5. Review rights

If you are not satisfied with any of the decisions in this notice that are reviewable, you may exercise your review rights under Part 5 of the GIPA Act by requesting:

- an internal review of the decision which must be lodged within 20 working days of the date of this notice, or
- an external review of the decision by the Information Commissioner or the NSW Civil and Administrative Tribunal (NCAT) which must be lodged within 40 working days from the date of this notice.

For further information on your review rights, please visit: <https://www.ipc.nsw.gov.au>

If you have any enquiries in relation to this decision, please contact me on (02) 8835 6888. In any return correspondence, please quote Our Reference Number stated at the top of this notice.

Yours sincerely



Tina M
GIPA Case Officer
InfoLink

SCHEDULE OF DOCUMENTS

InfoLink Page No.	Document Description	Format of Record	Location of Record	Decision	Relevant Public Interest consideration(s) against disclosure: T = Section 14 Table
1-3	Emails dated 29/11/24	PDF	Kings Cross Police Area Command	Released in part	T1(f) T3(a)
4-25	Meta Platforms Business Record	PDF	Kings Cross Police Area Command	Refused	T1(d), T1(f), T2(b), T2(f), T3(a)
26-39	Phone search	PDF	Kings Cross Police Area Command	Refused	T1(d), T1(f), T2(b), T3(a)

Not in scope

On 29 Nov 2024, at 18:08, Joseph De Angeli T1(f)

wrote:

Hi Tony,

Thank you for the additional information. I've reviewed the relevant sections of the *Crimes Act* and would like to provide further clarification.

Under the *Crimes Act*:

- **Section 192K** relates to the possession of identification information with the intention of committing or facilitating the commission of an indictable offence.
- **Section 192J** concerns dealing with identification information with the same intention.
- **Section 192I** defines "identification information" as data capable of identifying a person, including names, addresses, identification numbers, biometric data, and other personal information.

For an act to constitute an offence under these provisions, it must be proven beyond a reasonable doubt that the person:

1. Possessed or dealt with **your specific identification information**, and

2. Used this information with the **intention of committing or facilitating an indictable offence**.
In this case, while T3(appears to have used your name as an alias online, this does not meet the threshold for an offence under these sections. Using an alias, even if it matches your name, does not establish that he had possession of your personal identification documents or information, nor does it demonstrate intent to use your identity to commit an indictable offence. Without clear evidence of these elements, the conduct does not constitute an offence under sections 192K or 192J.
Essentially investigators would need to prove that your identification documents were used to open these accounts and facilitate the supply of prohibited drugs. An example of this would be if a person possessed your driver's licence passport and took out a personal loan in your name. They have utilised your identification documents to fraudulently obtain a financial benefit.
In this case, a person using a name matching yours, would not suffice in these circumstances.
I acknowledge the seriousness of your allegations regarding drug supply and have noted the information you provided. I will pass this on to the relevant officers for further consideration.

Regards,
<image001.jpg>

Joseph De Angeli
Plain Clothes Senior Constable
Kings Cross Criminal Investigations Kings Cross Police Area Command
1-15 Elizabeth Bay Road, Elizabeth Bay, NSW, 2011
E T1(f)

Not in scope

On 29 Nov 2024, at 17:18, Joseph De Angeli

T wrote:

Tony,

Thank you for your email. I've reviewed the lengthy email chain you've provided and the associated attachments. I would like to clarify the situation and address your concerns regarding T3(a) alleged use of your personal information online.

From what I understand, you believe T3(is using your personal details to create accounts across various platforms, including Telegram and Microsoft Teams, and operating under your name as an alias. Based on the information and evidence you've provided; I can confirm that T3(appears to be using your first and last name as an alias.

However, after reviewing the relevant offences under identification and fraud laws, the two sections potentially applicable are:

- **Section 192K – Possess identification information to commit/facilitate an indictable offence.**
 - This offence applies to a person who possesses identification information with the intention of committing, or facilitating the commission of, an indictable offence.
- **Section 192J – Dealing with identification information to commit/facilitate an indictable offence.**
 - This offence applies to a person who deals in identification information with the intention of committing, or facilitating the commission of, an indictable offence.

Section 192I – Definition of "Identification Information":

The term "identification information" is defined broadly and includes:

- A name or address.
- Date/place of birth, marital status, relative's identity, or similar information.
- Driver licence or licence number.
- Passport or passport number.
- Biometric data or a voice print.
- Credit/debit card, account numbers, usernames, or passwords.

Digital signatures.

- Any information or identifiers intended for personal identification (e.g., ABN).

The law also defines "**deal**" with identification information to include **making, supplying, or using such information**.

To meet the legal threshold for the offences outlined above, it must be proven beyond a reasonable doubt that **T1** possesses or deals with your identification information with the intent of committing, or facilitating, an indictable offence. Based on the evidence you have provided, the use of an alias online does not currently meet these requirements, as there is no proof that **T1** is using your identification information in a manner that meets the legal standard of these offences.

Regarding your concerns about the handling of arrests or investigations, I am unable to provide detailed information about these matters. If you require further details, you may:

1. Submit a **GIPPA request** online to formally request access to records.
2. If you are a victim of specific offences involving **T3** provide me with those details. I can then share the names and contact information of the relevant officers handling those cases. Any additional information must be obtained through a formal GIPPA request.

I hope this clarifies the situation. If you have further evidence or specific concerns, please don't hesitate to provide those details, and I'll assist where

Regards,

<image001.jpg>

Joseph De Angeli

Plain Clothes Senior Constable

Kings Cross Criminal Investigations Kings Cross Police Area Command

1-15 Elizabeth Bay Road, Elizabeth Bay, NSW, 2011

E T1(f)

Not in scope

Not in scope

