



# The public interest

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Some of the exemptions in the FOI Act require an agency's decision-maker to decide whether disclosing certain information is, on balance, in the public interest. If the agency is required to consider the public interest, this usually means that information that would otherwise be exempt will not be exempt if its disclosure would, on balance, be in the public interest.

So what does the term 'public interest' mean?

It is not defined in the FOI Act. It can be a complex legal concept.

Consideration of the public interest under the FOI Act is not primarily concerned with the personal interests of the particular access applicant or with public curiosity. The public interest is a matter in which the public at large has an interest as distinct from the interest of a particular individual or individuals. The question is whether, on balance, giving access to the information would be of some benefit to the public generally.

Deciding whether or not disclosing information would, on balance, be in the public interest test involves identifying and weighing the relevant competing public interests for and against disclosure of the information and deciding where the balance lies.

**Tip:** In relation to personal information of a private nature, the Information Commissioner has consistently found that there is a very strong public interest in maintaining the privacy of individuals. If you are seeking information about another person, the onus is on you to establish that it is in the public interest for private information about the other person to be disclosed to you ([section 102](#)).

If you have any general enquiries about the FOI process, please see our website or contact our office.

**Note:** This Information Sheet is intended as a general guide only and should not be viewed as legal advice. The Information Commissioner considers each complaint on its merits and according to the relevant circumstances.

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