



# What is personal information?

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The term “personal information” is defined in the Glossary to the FOI Act as:

*information or an opinion, whether true or not, and recorded in a material form or not, about an individual, whether living or dead:*

*(a) whose identity is apparent or can reasonably be ascertained from the information or opinion; or*

*(b) who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample;*

The definition of personal information means that it:

- is information about an identifiable individual;
- can only apply to people (living or dead); and
- does not have to be true.

Some examples of personal information, which identifies or could identify an individual, are a person's:

- name;
- contact details (address, telephone number or email);
- medical information; or
- financial information.

These examples are not exhaustive of the kind of information that may be personal information as defined under the FOI Act.

In context, other information may be sufficient to identify or be capable of identifying an individual. For example, a written complaint made to a regulatory body may be “personal information”, even if the name is removed, if the identity of the person could reasonably be ascertained from other information in the complaint.

The concept of personal information is relevant in two primary contexts.

## **1. Scope of the application**

If an applicant only wishes to obtain personal information that is just about themselves, then no application fee or charges are payable. This means that, strictly speaking, any information that is not personal information about the applicant may be deleted on the basis that it is out of scope. However, in most cases, personal information about an applicant appears in context with other information in a document. Unless it is exempt, any background or factual information that puts the applicant's personal information into context should be released to an applicant so that the document is meaningful.

## **2. Personal information about someone else is generally exempt**

Personal information about someone other than the applicant is generally exempt from disclosure under [clause 3\(1\)](#) of Schedule 1 to the FOI Act – see [The exemptions](#). The purpose of the exemption in clause 3(1) is to protect the privacy of individuals.

In some cases, personal information about the applicant will be intertwined with personal information about another individual. If the information is inextricably mixed in this way, all of the information is likely to be exempt under clause 3(1) of Schedule 1 to the FOI Act because disclosing the personal information about the applicant would also disclose personal information about another individual.

Where an FOI application is for documents which contain a significant amount of personal information about third parties, it is usually desirable for the agency to contact the applicant and ask them whether they even require personal information about third parties. If they do not, or if they only seek personal information about a number of specific individuals, the scope of the application can be reduced by agreement. This is likely to save the agency significant effort in dealing with the application and may result in the applicant receiving a decision more quickly. Any such agreement should be clearly documented by the agency.

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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