

**Decision D0042007 - Published in note form only**

***Re 'B' and Armadale Health Service [2007] WAICmr 4***

**Date of Decision: 27 February 2007**

***Freedom of Information Act 1992: ss. 45, 50(1)***

The complainant applied to the Armadale Health Service ('the agency') under s.45 of the *Freedom of Information Act 1992* ('the FOI Act') for amendment of personal information about her contained in her medical records. The complainant claimed that certain information recorded in eleven pages of her medical records was inaccurate, incomplete, out of date or misleading and she sought to have the disputed information amended by alteration and the insertion of a notation.

The agency refused to amend the disputed information in the manner requested, because it was not satisfied that the disputed information was inaccurate, incomplete, out of date or misleading, as claimed. However, the agency advised the complainant that it agreed to attach her application for amendment as a notation to her medical record. On internal review, the agency confirmed its initial decision. The complainant applied to the Information Commissioner for an external review of the agency's decision.

The Acting Information Commissioner ('the A/Commissioner') obtained the documents containing the disputed information and the relevant FOI file from the agency. The A/Commissioner was satisfied that most of the disputed information was personal information about the complainant but was not persuaded that the disputed information was inaccurate, incomplete, out of date or misleading.

The A/Commissioner considered that the fact that the complainant disagrees with or disputes the accuracy of the disputed information does not, without more, establish that the disputed information is inaccurate, incomplete, out of date or misleading. Although she made numerous written submissions to the A/Commissioner, the complainant did not provide any evidence to establish that the disputed information is inaccurate, incomplete, out of date or misleading.

The A/Commissioner considered that, even if she were persuaded that some form of amendment were justified, altering, striking out or deleting the disputed information would not be the appropriate means of amending most of the disputed information. Amendment in that way would create an untrue record, in that it would lead a reader of the disputed documents to conclude, amongst other things, that the complainant had not been a patient at the agency and that she had not been diagnosed and treated for the illnesses described in the disputed documents.

The A/Commissioner noted that the complainant's right to have personal information about herself amended is contingent upon her providing some factual information or evidence to the agency in the first instance, or to the A/Commissioner, establishing that the personal information she sought to have amended is inaccurate, incomplete, out of date or misleading, as claimed.

The A/Commissioner considered that the appropriate means of ensuring that the complainant's views and opinions about the disputed information are retained on her medical file would be to make a notation or attachment to the information in accordance with s.50 of the FOI Act, by the inclusion of her application for amendment as a notation on that file, cross-referenced to the disputed documents. The A/Commissioner suggested that the complainant accept the agency's offer in that regard.