

Decision D0062010 - Published in note form only

***Re Ravlich and Minister for Education* [2010] WAICmr 6**

Date of Decision: 26 February 2010

Freedom of Information Act 1992: sections 15(2) and 39(3)(a).

On 30 January 2009, the complainant applied to the Minister for Education ('the Minister') for access to correspondence relating to three separate issues for the period from 23 September 2008 to the date of her access application. The Minister transferred part of that application to the Treasurer, pursuant to s.15(2) of the *Freedom of Information Act 1992* ('the FOI Act') but identified and dealt with six documents within the scope of the complainant's access application.

The Minister gave the complainant access in full to three documents and access in edited form to the remaining three documents, on the basis that the information deleted from the latter was outside the scope of the complainant's access application. In other words, the Minister's decision was to give access to all of the information identified as coming within the scope of the access application.

There being no right of internal review from the decision of a Minister - who is the 'principal officer' of an agency for the purposes of the FOI Act (s.39(3)(a)) - the complainant applied to the Information Commissioner for external review of the Minister's decision to edit the three documents to delete information that was outside the scope of the application.

Following the receipt of the complaint, the Commissioner obtained the disputed documents and the file maintained in respect of the complainant's access application from the Minister. Each of the three documents in dispute consisted of a series of emails.

On 9 February 2010, the Commissioner provided both parties with a letter setting out his preliminary view of the complaint, which was that the information deleted from the three documents did not relate to any of the three issues the subject of the complainant's access application. Therefore, the deleted information was outside the scope of the application. Consequently, the Minister was justified in deleting that information before giving access to the documents.

The complainant was invited to provide the Commissioner with further submissions or withdraw her complaint. The complainant made no further submissions but did not withdraw the complaint. Since no new evidence was provided to the Commissioner, the Commissioner was not dissuaded from his preliminary view of the complaint. The Commissioner confirmed the Minister's decision to give the complainant access in edited form to the three documents in dispute.