

Decision D0172007 – Published in note form only

***Re ‘C’ and Graylands Selby-Lemnos & Special Care Health Service [2007]*
WAICmr 17**

Date of decision: 31 October 2007

Freedom of Information Act 1992: Schedule 1: clause 3(1)

In June 2007, the complainant applied to the agency for access, under the *Freedom of Information Act 1992* (‘the FOI Act’) to documents relating to her admission to Graylands Hospital in 1990. The agency decided to give the complainant access in edited form to some documents and to refuse access to other documents. However, following an internal review of that decision, the agency gave the complainant access to some of the documents it had previously withheld. In August 2007, the complainant applied to the A/Information Commissioner (‘the A/Commissioner’) for external review of the agency’s decision.

The A/Commissioner made inquiries into this complaint, reviewed the material in the complainant’s medical records and the agency’s FOI file and contacted, and asked the agency to contact, certain third parties. As a result of those inquiries a small amount of information that had previously been deleted from two documents was given to the complainant and, following that, the only matter that remained in dispute was a letter and a name deleted from a page of Progress Notes (‘the disputed information’).

In September 2007, the A/Commissioner provided the parties to the complaint with a letter setting out her preliminary view of the complaint. The A/Commissioner’s preliminary view was that the letter and the disputed information would, if disclosed, reveal personal information, as defined in the FOI Act, about people other than the complainant. The information contained in the letter included personal information about the complainant, but that could not be disclosed without also disclosing personal information about other people.

The A/Commissioner considered that the public interest in protecting the privacy of the third parties - noting the objection of the author of the letter to the disclosure of that document - and the public interest in the agency’s maintaining its ability to obtain information to enable it to carry out its functions in respect of mental health on behalf of the wider community, outweighed the public interests in the complainant’s exercising her rights of access and having access to personal information about herself, in this instance.

Following the receipt of the A/Commissioner’s letter, the complainant made further submissions to the effect that the disputed matter was important for her to understand the events of 1990 and to move on with her life. However, having considered those submissions the A/Commissioner was not persuaded to change her preliminary view. The A/Commissioner found that the disputed information and the letter are *prima facie* exempt under clause 3(1) of Schedule 1 to the FOI Act.