

**Decision D0262012 – Published in note form only**

***Re ‘T’ and North Metropolitan Area Health Service – Osborne Community Mental Health Service [2012] WAICmr 26***

**Date of decision: 4 October 2012**

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

In January 2012, the complainant applied to the North Metropolitan Area Health Service – Osborne Community Mental Health Service (‘the agency’) under the *Freedom of Information Act 1992* (‘the FOI Act’) for access to her medical record held by the agency for a specified date range.

The agency decided to give the complainant access to edited copies of her medical record by deleting personal information concerning third parties on the ground that it was exempt under clause 3(1) of Schedule 1 to the FOI Act. In April 2012, the complainant applied to the Information Commissioner for external review of the agency’s decision.

Following receipt of the complaint, the Commissioner obtained the requested documents from the agency, together with the agency’s FOI file maintained in respect of the access application.

As a result of negotiations with one of the Commissioner’s officers, the agency subsequently gave the complainant access to some, but not all, of the information initially deleted from the requested documents.

In August 2012, one of the Commissioner’s officers advised the complainant that, in her view, the information which remained deleted from the requested documents (‘the disputed information’) was exempt under clause 3(1), as claimed by the agency. The complainant was invited to withdraw her complaint or to make submissions. The complainant did not withdraw her complaint but made no further submissions.

The Commissioner examined the material before him, including the agency’s FOI file and the requested documents. The Commissioner was satisfied that the disputed information would, if disclosed, reveal personal information, as defined in the FOI Act, about people other than the complainant. The disputed information included personal information about the complainant that could not be disclosed without also disclosing personal information about other people. The Commissioner considered that the disputed information was *prima facie* exempt under clause 3(1).

In balancing the competing public interests, the Commissioner considered that the public interests in favour of disclosure of the disputed information were not sufficient to outweigh the strong public interest in the protection of personal privacy.

Consequently, the Commissioner confirmed the agency’s decision and found that the disputed information was exempt under clause 3(1) of Schedule 1 to the FOI Act.