

Decision D0282008 – Published in note form only

Re Ridolfo and Police Force of Western Australia [2008] WAICmr 28

Date of decision: 17 July 2008

Freedom of Information Act 1992: Schedule 1, clauses 3(1) and 3(6)

In mid-January 2008, the complainant applied to the Police Force of Western Australia ('the agency') for access, under the *Freedom of Information Act 1992* ('the FOI Act') to documents relating to an incident which he had reported to the agency in October 2007. The agency gave the complainant full access to several documents and edited copies of the remaining documents. The agency claimed exemption, under clause 3 (personal information) of Schedule 1 to the FOI Act for the information deleted from the edited documents ('the disputed information') released to the complainant. The agency confirmed its decision on access on internal review.

In mid-June 2008, the complainant applied to the A/Information Commissioner ('the A/Commissioner') for external review of the agency's decision. After obtaining and examining the disputed documents and the agency's FOI file, the A/Commissioner advised the complainant that in his view, the disputed information was, on its face, exempt under clause 3(1) of Schedule 1 to the FOI Act. The A/Commissioner invited the complainant to withdraw his complaint or provide written submissions to the A/Commissioner in support of his request for access to the disputed information.

The complainant did not withdraw his complaint and made submissions to the A/Commissioner in support of his complaint. The complainant made no submissions to the A/Commissioner as to why the limit on the exemption in clause 3(6) applied to the disputed information. Rather, the complainant claimed that an additional document of the kind requested existed at the agency and that he had not been given access to that document by the agency.

The A/Commissioner found the deleted information was exempt under clause 3(1) because it would, if disclosed, reveal personal information about individuals other than the complainant. The A/Commissioner considered that the public interest in the complainant being given access to documents under the FOI Act had been substantially addressed because, with the exception of the disputed information, the complainant had been given access to all of the requested documents, either in full or with editing by deletion of personal information. The A/Commissioner confirmed the agency's decision to refuse the complainant access to the disputed information.

The A/Commissioner also considered the complainant's claim that an additional document of the kind requested existed at the agency. Having considered the complainant's submission and examined all of the documents before him, including the file maintained by the agency in relation to the reported incident, the A/Commissioner concluded that there was insufficient probative material to support the complainant's claim that any additional documents of the kind he requested existed at the agency.