

Decision D0302008 - Published in note form only

***Re 'D' and Graylands Selby-Lemnos & Special Care Health Service [2008]*
WAICmr 30**

Date of Decision: 29 July 2008

Freedom of Information Act 1992: section 26

The complainant applied to Graylands Selby-Lemnos & Special Care Health Service ('the agency') for access under the *Freedom of Information Act 1992* ('the FOI Act') to documents relating to her deceased aunt's medical records for admissions to various hospitals during the 1920s and 1930s.

The agency gave the complainant access to edited copies of all of the documents it could locate which it identified as coming within the scope of the complainant's access application.

The complainant sought internal review of that decision, claiming additional documents should exist which come within the scope of her access application. The agency varied its decision and granted access in full to the requested documents. However, the agency confirmed that it had identified all of the documents in its possession which come within the scope of the complainant's access application. The complainant then applied to the Information Commissioner for external review on the basis that additional documents should exist.

The A/Commissioner caused inquiries into the searches conducted by the agency for the requested documents to be made. Additional inquiries were also made with other agencies in an effort to identify whether the requested documents existed. The parties were advised of the A/Commissioner's officer's preliminary view of this complaint, including her reasons. It was the officer's preliminary view that the decision to refuse access under s.26 was justified. The complainant made no further submissions in relation to this matter.

On the information before him, the A/Commissioner confirmed the agency's decision to refuse access to the requested documents under section 26 of the FOI Act on the basis that the agency had taken all reasonable steps to find the requested documents but that they do not exist.