

Decision D0012003 – Published in note form only

***Re Wines and Shire of Bridgetown-Greenbushes* [2003] WAICmr 1**

Date of Decision: 2 January 2003

Freedom of Information Act 1992; clause 3

The complainant sought access under the FOI Act to a copy of a letter of resignation submitted to the agency by a former employee. The agency refused access on the ground that the requested document contains personal information and is, therefore, exempt under clause 3(1).

The complainant lodged a complaint with the Information Commissioner seeking external review of the agency's decision.

The Information Commissioner examined the requested document and was satisfied that it contained information about the former employee and that that information was, on its face, exempt matter under clause 3(1).

Although the complainant claimed that the limit on exemption in clause 3(3) applied to the document, the Information Commissioner decided that most of the information was not prescribed personal details and that the limit on exemption did not apply to that information.

The complainant claimed that there was local speculation in the community about the reasons behind the resignation and that the public interest favoured disclosure of the document to dispel those rumours and to reveal the truth. Whilst the Information Commissioner recognised that there was a public interest in the disclosure of information to explain decisions taken by local government agencies, in the circumstances of this complaint the Information Commissioner was not persuaded that that public interest was sufficient to outweigh the public interest in protecting the privacy of the former employee.

The Information Commissioner found the requested document exempt under clause 3(1) and confirmed the agency's decision to refuse access to it.