

DECISION SUMMARY ISSUED BY THE INFORMATION COMMISSIONER (WA)

Decision title and citation: *Re Bradbury and Ministry of Housing* [2000] WAICmr 20

COMPLAINT No: F0292000

DECISION No:D0202000

PARTIES: Maurice BRADBURY

Complainant

MINISTRY OF HOUSING

Respondent

No. of documents in dispute: 1

Exemption clause(s): Clause 3(1)

In May 1999, Mr Bradbury ('the complainant') made an application to the Ministry of Housing ('the agency') for access under the *Freedom of Information Act 1992* ('the FOI Act') to his client rental file. Various discussions were held between the complainant and the agency in an effort to reduce the scope of the complainant's access application. Subsequently, on 1 December 1999, the complainant made a fresh application to the agency.

On 22 December 1999, the agency decided to give the complainant full access to 89 documents and access to edited copies of 15 other documents, and refused access to 16 documents on the ground that those documents are exempt under clause 3 of Schedule 1 to the FOI Act.

The complainant applied to the agency for internal review. The internal reviewer released further material to the complainant, but maintained that the balance of the documents are exempt under clause 3(1). On 3 February 2000, the complainant lodged a complaint with the Information Commissioner seeking external review of the agency's decision.

Review by the Information Commissioner

I obtained the disputed documents from the agency. Subsequently, the complainant advised my office that he only wished to pursue access to one document. On 14 February 2000, the agency gave the complainant access to an edited copy of the document, and claimed that the matter deleted from the document is exempt under clause 3(1). The complainant was dissatisfied with that decision and sought access to an unedited copy of the document.

On 15 March 2000, after considering the material before me, I informed the parties in writing of my preliminary view of this complaint, including my reasons. It was my preliminary view that the matter deleted from the document may not be exempt under clause 3(1). I received a further written submission from the agency. However, I am not dissuaded from my preliminary view that the deleted matter is not exempt. A summary of my reasons follows.

The disputed document

The disputed document is a police calling card, referred to by the Police Force of Western Australia as a P9 document. The disputed matter consists of the information deleted by the agency from the back of the card.

The exemption – clause 3 (personal information)

Clause 3(1) provides that matter is exempt matter if its disclosure would reveal personal information about an individual (whether living or dead). The glossary in Schedule 2 to the FOI Act defines “*personal information*” to mean:

“information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead -

- (a) whose identity is apparent or can reasonably be ascertained from the information or opinion; or*
- (b) who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample”*

In the course of my dealing with a complaint, I am required by s.74(1)(a) of the FOI Act to avoid the disclosure of exempt matter. Therefore, it is necessary for me to refer to the disputed matter and the claim for exemption in general terms only so as to avoid the disclosure of the matter in dispute. Those requirements mean that I am unable in this summary to fully explain my reasons for my decision, although I have provided some further explanation to the agency under separate cover.

The agency does not claim that the deleted matter is itself personal information about an individual, but claims that the disclosure of the deleted matter would enable the identity of a person to be ascertained. The agency submits that the disclosure of that information to the complainant would, because of other information known to him, disclose personal information about another person to him.

I do not accept the agency’s argument. I have examined the disputed matter. Even taking into account the apparent knowledge of the complainant of the extrinsic matters put to me by the agency, I do not consider that the identity of any person could reasonably be ascertained from that information. Therefore, its disclosure would not, in my view, reveal personal information about any individual.

**DECISION
SUMMARY**

Accordingly, I find that the disputed matter is not exempt under clause 3(1), and set aside the decision of the agency.

**B. KEIGHLEY-GERARDY
INFORMATION COMMISSIONER**

31 March 2000