

Decision D0252002 – Published in note form only

Re: “F” and South West Health [2002] WAICmr 25

Date of Decision: 15 July 2002

Freedom of Information Act 1992; s.28

In March 2000, the complainant, (“F”) received medical treatment at Bunbury Regional Hospital, which is one of the hospitals administered by South West Health (‘the agency’).

In February 2002, F applied to the agency for access, under the *Freedom of Information Act 1992* (‘the FOI Act’) to the medical records relating to F’s medical treatment in March 2000. The agency decided to give F indirect access to those records, by making them available to a suitably qualified medical practitioner nominated by F. The agency’s decision to give F indirect access to the requested documents was confirmed on internal review.

F did not avail herself of the indirect access to her medical records, as offered by the agency. Rather, F lodged a complaint with the Information Commissioner, seeking external review of the agency’s decision.

The Information Commissioner made inquiries into F’s complaint and reviewed the material in her medical records. The Information Commissioner was satisfied that F’s medical records contain information of a medical or psychiatric nature about F.

The Information Commissioner’s inquiries into F’s complaint established that two senior medical practitioners from the agency made the decision on access. The Information Commissioner was satisfied that, at the relevant time, there were reasonable grounds for each of those medical practitioners to have reached the view that indirect access was appropriate, in the circumstances, because both had independently reviewed F’s medical records and formed the professional opinion that giving F direct access to her medical records may have a substantial adverse effect on F’s physical or mental health.

The Information Commissioner confirmed the agency’s decision to grant F indirect access to her medical records.