

Decision D0332000 – Published in note form only

***Re 'D' and Bentley Health Service* [2000] WAICmr 33**

Date of Decision: 21 June 2000

Freedom of Information Act 1992; section 26.

On 16 February 2000, the complainant applied to the agency under the FOI Act for access to copies of four kinds of documents in his medical files that related to his admissions in 1969, 1970 and 1981 to Heathcote Hospital. The medical records of Heathcote Hospital relating to the complainant had been transferred to the agency following the closure of Heathcote Hospital in 1994.

The agency searched its record-keeping system, including the documents transferred to it from Heathcote Hospital. Other than the documents previously provided to the complainant by the agency, the agency was unable to locate the records requested by the complainant.

The Information Commissioner was satisfied that the agency had conducted proper searches for the requested documents in its record-keeping system and that the agency had taken all reasonable steps to locate the documents but that the records relating to the complainant could not be found. The Information Commissioner was satisfied that the agency had acted in accordance with its obligations under the FOI Act. The Information Commissioner confirmed the decision of the agency to refuse access under s.26 of the FOI Act on the ground that all reasonable steps had been taken to find the documents and the documents either do not exist or cannot be found.