

Decision D0352000 - Published in note form only

Re Tuinaphiang and Gold Corporation trading as The Western Australian Mint

Date of Decision: 10 July 2000

Freedom of Information Act 1992; Schedule 1 clause 3(1)

In 1999, the complainant was employed on a casual basis working in the agency's coining operations. In October 1999, she resigned from her employment and, subsequently, alleged unfair dismissal by both the agency and the labour hire firm responsible for placing her with the agency.

In January 2000, the complainant applied to the agency for access to various documents relating to her employment. Following discussions, the scope of the application was narrowed to a particular document compiled by the agency concerning incidents that were alleged to have occurred during the period that the complainant was working a night shift in October 1999.

The agency deleted parts of the document containing the names of individuals, things alleged to have been said and done by those individuals, opinions about them and other information of a personal kind, and granted the complainant access to an edited copy of the requested document. The agency claimed that the matter deleted from the document is exempt under clauses 3(1), 8(2) and 11(1)(c) and (d) of Schedule 1 to the FOI Act.

The Information Commissioner found the deleted matter to be personal information, as that term is defined in the FOI Act, about the third parties. The complainant submitted that the deleted matter should be disclosed because her claims against the agency involved allegations of racial discrimination. Since the agency is one with international operations in Asia, the complainant submitted that the deleted matter related to the agency's work practices and that the public has a right to be given access to information that could affect the perception and reputation of Australia internationally.

The Information Commissioner decided that the deleted matter was information about the third parties, rather than the agency's work practices, and found that the public interests favouring disclosure had largely been satisfied by the agency giving the complainant access to an edited copy of the document. The Information Commissioner decided that the deleted matter was exempt under clause 3(1) and varied the agency's decision accordingly.