

Decision D0372000 - Published in note form only

Re Eichner and Bentley Health Service [2000] WAICmr 37

Date of Decision: 13 July 2000

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

In April 1999, the complainant made an access application to the agency for access to his medical records and the agency gave him full access to those documents. On 27 January 2000, the complainant made another application to the agency for access to his medical records. However, as the agency had previously given him access to those documents, the agency decided that it would only deal with documents that had not previously been provided to him, and two such documents were identified.

On 15 March 2000, the agency granted the complainant access to edited copies of the documents and claimed that the matter deleted from those documents is personal information about third parties and exempt under clause 3 of Schedule 1 to the FOI Act. Subsequently, one document was released to the complainant in full. However the complainant lodged a complaint with the Information Commissioner and sought access to the parts deleted from the second document.

The Information Commissioner found that the deleted matter was personal information, as defined in the FOI Act, about third parties. The Information Commissioner recognised that there is a public interest in the accountability of the agency for the discharge of its duties and for the decisions made by the agency that affect its clients. The Information Commissioner also recognised a public interest in people being informed of any allegations made against them to government agencies and in being given an opportunity to respond to such allegations.

The Information Commissioner decided that the public interests favouring disclosure of the disputed matter had been satisfied, to a large extent, by the disclosure of the document in edited form, and would not be furthered by disclosure of the disputed matter. In the circumstances of this complaint, the Information Commissioner decided that the public interest in maintaining the privacy of the third parties was not outweighed by any other public interest. The Information Commissioner confirmed the decision of the agency to refuse access.