

Decision D0382000 – Published in note form only

Re “F” and Graylands Selby-Lemnos and Special Care Health Services [2000] WAICmr 38

Date of decision: 19 July 2000

Freedom of Information Act 1992; Schedule 1 clause 5(1)(e)

On 18 November 1999, solicitors acting on behalf of “F” (‘the complainant’) made application to the agency under the FOI Act for access to a copy of the medical record relating to the admission of the complainant to Graylands Hospital in August 1996.

The agency granted access to an edited copy of the requested documents. The agency deleted the names of some third parties from the documents on the ground that the names are exempt matter under clause 5(1)(e) of Schedule 1 to the FOI Act.

The Information Commissioner received a submission from the Psychiatrist in Charge of the agency. The Psychiatrist informed the Information Commissioner that, based on her professional experience and the complainant’s medical history, there was a likelihood of endangerment to the life or physical safety of a person if the deleted matter were to be disclosed to the complainant.

The material before the Information Commissioner included material that established that the complainant had a history of making threats of violence to various people and a history of self-harm. There was also more recent material from the agency that indicated recent evidence of paranoid thinking by the complainant, and no evidence that he had received any treatment or medication since his discharge in 1996.

Taking all of the material into account, the Information Commissioner was satisfied that disclosure of the disputed matter to the complainant could reasonably be expected to endanger the life or physical safety of a person or persons including the complainant. Accordingly, the Information Commissioner found the disputed matter exempt under clause 5(1)(e). The Information Commissioner confirmed the decision of the agency to refuse access.