

Decision D0502000 – Published in note form only

***Re McCamey and Royal Perth Hospital* [2000] WAICmr 50**

Date of decision: 12 October 2000

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

The complainant sought access to documents that would disclose the name of the person who had given the agency certain information concerning the complainant, which had resulted in the agency contacting the complainant by telephone but no further action being taken.

The agency refused the complainant access to two documents on the ground that those documents were exempt under clause 3(1) of Schedule 1 to the FOI Act. The agency's initial decision was confirmed following an internal review. The complainant lodged a complaint with the Information Commissioner seeking external review of the agency's decision.

The Information Commissioner decided that the disputed documents contained personal information about a third party, including the third party's name, address and telephone number, and other details from which the identity of the third party could be ascertained. The Information Commissioner decided that that the documents were, on their face, exempt under clause 3(1) of Schedule 1 to the FOI Act.

The complainant claimed that the actions of the third party were vexatious and that there was a public interest in him having access to information that would demonstrate that the third party was vexatious.

The Information Commissioner recognised that there is a public interest in persons such as the complainant being able to exercise their rights of access under the FOI Act and to gain access to documents that would enable those persons to be informed of information about them held by government agencies. However, the Information Commissioner considered that that public interest had been satisfied, to some extent, by the contacts between the agency and the complainant.

The Information Commissioner recognised a strong public interest in maintaining personal privacy. The Information Commissioner also recognised that there is a public interest in the agency being able to obtain in confidence from members of the public information of the kind provided so that the agency is able to provide appropriate health services as necessary.

In the circumstances of this case, the Information Commissioner balanced the competing public interests and gave more weight to the public interests that favoured the non-disclosure of personal information about a third party. The Information Commissioner confirmed the decision of the agency to refuse access to the documents under clause 3(1).