

**Decision D0012011 - Published in note form only**

***Re 'A' and Department of Sport and Recreation [2011] WAICmr 1***

**Date of Decision: 6 January 2011**

***Freedom of Information Act 1992:*** Schedule 1, clauses 3(1), 3(6)

The complainant is a former employee of the Department of Sport and Recreation ('the agency'). The complainant applied to the agency for access under the *Freedom of Information Act 1992* ('the FOI Act') to certain documents in relation to allegations made about her to the agency. The agency refused access to the requested documents. On 9 February 2010, the complainant applied to the Information Commissioner for external review of the agency's decision to refuse access to the requested documents.

On 26 November 2010, the Information Commissioner provided the parties with a letter setting out his preliminary view of the matter, which was that the disputed documents were exempt under clause 3(1) (personal information) of Schedule 1 to the FOI Act, as claimed by the agency, because they would disclose personal information about other employees and because it was not practicable to edit those documents to disclose only 'prescribed details' about those third parties. The Information Commissioner invited the complainant to accept his preliminary view and withdraw from her complaint or to make further submissions to the Information Commissioner including information as to why disclosure of the disputed documents would, on balance, be in the public interest, pursuant to clause 3(6).

In response, the complainant submitted that it was in the public interest for the disputed documents to be disclosed to her in order to establish that the information they contained was accurate and to allow her to respond to the allegations made against her. The Information Commissioner accepted that there is a public interest in persons who have had allegations made against them being informed of those complaints and being given an opportunity to respond to them, but considered that the agency had largely satisfied that particular public interest in this case. The Information Commissioner did not consider that procedural fairness or the public interest necessarily requires the disclosure of all relevant documents, particularly where – as here – that is balanced against the public interest in the protection of personal privacy.

In the circumstances of this complaint, and after taking into account the information already disclosed to the complainant, the Information Commissioner did not consider that that public interest was outweighed by any other public interest that required the disclosure of personal information about one person to another person. The Information Commissioner found that the documents were exempt under clause 3(1) of Schedule 1 to the FOI Act and confirmed the decision of the agency.