

Decision D0042013 – Published in note form only

***Re W and Child and Adolescent Health Service* [2013] WAICmr 4**

Date of decision: 6 February 2013

Freedom of Information Act 1992: Section 23(4)

The complainant applied to the agency under the *Freedom of Information Act 1992* ('the FOI Act') for access to various documents held by the agency relating to the complainant's daughter.

The agency decided to refuse access to the requested documents under s.23(4) of the FOI Act because it found that the disclosure of the documents was not in the best interests of the child. The agency advised the complainant that in making the decision, it had taken into consideration the sensitive nature of the child's condition; the fact that the child is 15 years old; and that the child has a right to privacy with regard to her clinical treatment. The agency's decision-maker had also discussed the matter with the relevant treating clinical staff who had confirmed the decision-maker's view that it was not in the best interests of the child to disclose the requested documents to the complainant.

The complainant sought internal review and the agency confirmed its decision.

On 18 July 2012, the complainant applied to the Information Commissioner ('the Commissioner') for external review of the agency's decision.

After considering all the material before him, including the requested documents, the Commissioner wrote to the parties setting out his preliminary view of the complaint. It was the Commissioner's preliminary view that the agency's decision to refuse access to the requested documents under s.23(4) of the FOI Act was justified.

The complainant was invited to reconsider whether he wished to pursue his complaint or to make further submissions. However, the complainant did not respond and no further submissions were made to the Commissioner.

The Commissioner reviewed all of the information before him and he was not dissuaded from his preliminary view.

Accordingly, the Commissioner confirmed the agency's decision to refuse access to the requested documents under section 23(4) of the FOI Act.