

Decision D0052013 – Published in note form only

Re X and Y and Child and Adolescent Health Service [2013] WAICmr 5

Date of decision: 20 February 2013

Freedom of Information Act 1992: Section 23(4)

In June 2012, the complainants applied to the agency under the *Freedom of Information Act 1992* ('the FOI Act') for access to a copy of a medical report prepared by the Child Protection Unit at the agency concerning the complainants' son.

The agency refused access to the requested document under s.23(4) of the FOI Act on the basis that disclosure was not in the best interests of the complainants' child. The agency advised the complainants that in making the decision, it had taken into account that it was aware of the involvement of the Department of Child Protection and the Western Australia Police in the review of the case involving the complainants' son.

The agency's decision-maker had also sought the views of the senior medical officer in charge of the Child Protection Unit at the agency who had confirmed the decision-maker's view that it was not in the best interests of the child to disclose the requested document to the complainants.

The complainants sought internal review of the agency's decision. On internal review, the agency confirmed its original decision.

On 22 October 2012, the complainants 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 document, 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 document under s.23(4) of the FOI Act was justified.

The complainants were invited to reconsider whether they wished to pursue the complaint or to make further submissions. The complainants subsequently made further submissions to the Commissioner.

The Commissioner reviewed all of the information before him, including the further submissions of the complainants, and was not dissuaded from his preliminary view.

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