

Decision D0112006 - Published in note form only

Re Campbell and Police Force of Western Australia [2006] WAICmr 11

Date of Decision: 9 June 2006

Freedom of Information Act 1992: Section 26(1)

The complainant applied to the Police Force of Western Australia ('the agency') under the *Freedom of Information Act 1992* ('the FOI Act') for access to certain documents relating to five separate matters. The agency gave the complainant access to edited copies of five documents and advised him that, in its view, no other relevant documents existed, pursuant to section 26(1) of the FOI Act. The agency confirmed its decision on internal review. The complainant applied to the A/Information Commissioner ('the A/Commissioner') for external review of the agency's decision because he considered that additional documents should exist. The complainant also had certain queries relating to the documents disclosed to him by the agency.

On receipt of the complainant's application, the A/Commissioner sought further information from both parties. In the course of dealing with the complaint, the agency identified three additional documents within the scope of the complainant's application and gave the complainant access to those documents.

On 17 May 2006, the A/Commissioner provided the parties with a letter setting out her preliminary view of the complaint and her reasons for that view. The A/Commissioner's preliminary view was that there was no evidence to show that further documents exist or should exist. The A/Commissioner did not therefore require the agency to undertake further searches for the documents.

In addition, the complainant had sought information concerning a particular property, which had been deleted from edited documents given to him by the agency. The complainant claimed to be the owner of the property. The A/Commissioner advised the complainant that, if he was seeking access to information about that property, he should provide the agency with proof of ownership. It was the A/Commissioner's preliminary view that until such proof was provided, the agency was justified in refusing the complainant access to documents or information about that property.

Although the complainant was invited to provide the A/Commissioner with further information or material, he made no further submissions. The A/Commissioner confirmed the agency's decision to refuse access to the deleted information on the basis that no evidence of ownership had been provided, and to the requested documents in accordance with section 26 of the FOI Act, on the ground that all reasonable steps had been taken to find the requested documents but they do not exist, for the reasons set out in the A/Commissioner's letter to the complainant of 17 May 2006.