

**Decision D0122007 – Published in note form only**

***Re 'C' and Police Force of Western Australia [2007] WAICmr 12***

**Date of decision: 20 July 2007**

***Freedom of Information Act 1992: Schedule 1: clause 3(1)***

The complainant has been convicted of indecently dealing with a child under the age of 13 years. In September 2006, the complainant applied to the Police Force of Western Australia ('the agency') for access to certain handwritten notes made by officers of the agency which formed the basis of a statement made in relation to the child's complaint.

The agency refused the complainant access to the requested document on the ground it is exempt under clause 3(1) of Schedule 1 to the FOI Act. The agency's decision was confirmed on internal review and the complainant applied to the A/Information Commissioner ('the A/Commissioner') for an external review of the agency's decision.

The A/Commissioner made inquiries into the matter and examined the requested document and the material on the agency's FOI file. The A/Commissioner was satisfied that the requested document contains information which, if disclosed, would reveal information that would clearly identify particular persons and would reveal personal information, as defined in the FOI Act, about a number of individuals. Accordingly, the A/Commissioner considered that the requested document contains information that is, on its face, exempt under clause 3(1) of Schedule 1 to the FOI Act. The A/Commissioner was of the view that, although the document contains some personal information about the complainant, none of that information could be disclosed without also disclosing personal information about other people.

The A/Commissioner considered that the very strong public interest in protecting the privacy of third parties outweighed the public interests favouring disclosure in this instance including the public interest in the complainant exercising his rights of access under the FOI Act. The A/Commissioner recognised a public interest in a person such as the complainant being informed of allegations resulting in a criminal conviction and in the complainant being given access to personal information about himself. However, the A/Commissioner considered that those public interests had largely been satisfied by the disclosure of other information to the complainant.

The A/Commissioner found the requested document exempt under clause 3(1) of Schedule 1 to the FOI Act and confirmed the agency's decision to refuse access on that basis.