

Decision D0182006 – Published in note form only

***Re Foot and Royal Perth Hospital* [2006] WAICmr 18**

Date of decision: 4 July 2006

Freedom of Information Act 1992: Section 26

The complainant applied to Royal Perth Hospital ('the agency') for access to documents held by the agency relating to her treatment at a campus of the agency ('the campus'). The agency released to the complainant a copy of her medical record relating specifically to her treatment at the campus. However, the complainant claimed additional documents should exist which come within the ambit of her access application, but to which access had not been granted.

Specifically, the complainant sought access to documents relating to the drugs and doses of those drugs administered to her at the campus on 10 October 2005 during her treatment ('the requested documents'). The agency subsequently released to the complainant a complete copy of her medical record relating to her treatment at the agency over a number of years and for a variety of medical complaints.

The complainant remained dissatisfied and applied to the A/Information Commissioner ('the A/Commissioner') for an external review of the agency's decision to refuse access to the requested documents under s.26 of the *Freedom of Information Act 1992* ('the FOI Act') on the basis that those documents cannot be found or do not exist.

The A/Commissioner's Investigations Officer made further inquiries with the agency in relation to the searches it had undertaken to locate the requested documents. The Investigations Officer also made inquiries with the treating medical practitioner and the medical support staff who treated the complainant and completed the complainant's medical record at the time of her treatment.

Those inquiries established, among other things, that: all records relevant to a particular patient are kept on that individual's medical record and no separate records in relation to the patient are kept by individual sections or campuses of the agency; the information sought by the complainant should have been recorded on a particular form which had been released to her as part of her medical record, but was not recorded in the particular place on that form where it would normally be recorded; and shorthand notes on the form did record the medicines actually used in respect of the relevant procedure. The complainant was subsequently advised of that information, among other things, and what the shorthand information about the medicines meant.

On the basis of those inquiries, the A/Commissioner considered it reasonable to expect that a document or documents containing information of the kind sought by the complainant should exist. However, having considered the searches undertaken and information provided, the A/Commissioner formed the preliminary view all reasonable

steps had been taken to locate documents containing that information had been taken that the agency's decision to refuse the complainant access to the requested documents under s.26 of the FOI Act, on the basis that those documents cannot be found or do not exist, appeared justified.

The complainant made no further submissions to the A/Commissioner. Therefore, the A/Commissioner confirmed the agency's decision to refuse access to the requested documents under s.26 of the FOI Act on the ground that, despite all reasonable steps having been taken to locate the documents, they cannot be found or do not exist.