

**Decision D0202010 - Published in note form only**

***Re Roberts and WA Country Health Service – South West [2010] WAICmr 20***

**Date of Decision: 2 June 2010**

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

On 29 July 2009 the complainant applied to the WA Country Health Service – South West ('the agency') for access under the *Freedom of Information Act 1992* ('the FOI Act'), to all information on her personal file. The agency granted full access to some documents and also edited copies of other documents, and claimed that the information deleted from the edited documents was exempt under clause 3(1) (personal information) of Schedule 1 to the FOI Act. The agency provided the complainant with an edited copy of one investigation report ('the Report') and claimed an exemption under clause 8(2) (confidential communications). The agency confirmed its decision on internal review.

On 21 October 2009, the complainant applied to the Information Commissioner for external review of the agency's decision. Following inquiries by the Commissioner's Legal Officer, the complainant limited her complaint for access to the deleted material in three pages of the Report ('the disputed information'). The Commissioner examined the disputed information and was satisfied that most of it was personal information about a number of third parties because it included names and other information which would identify those third parties. The Commissioner's preliminary view was that – with the exception of a small amount of information – the disputed information was *prima facie* exempt under clause 3(1).

The Commissioner advised the parties, in writing, of his preliminary view and invited the complainant to withdraw her complaint or alternatively, to provide written submissions to support her request for access to the disputed information. The Commissioner also invited the agency to further disclose that small amount of information from the disputed information that – in his preliminary view – was not exempt under clause 3(1).

Following the receipt of the Commissioner's preliminary view, the agency agreed to release that additional information to the complainant. However, the complainant made no further submissions and provided the Commissioner with no additional information. In light of that, the Commissioner was not dissuaded from his preliminary view.

The Commissioner was satisfied that the complainant had been given access to a large amount of information contained in the Report and had only been refused access to the personal information of third parties. In balancing the competing public interests, the Commissioner was not persuaded that the public interest in protecting the privacy of third parties was outweighed by the public interest favouring disclosure in this case.

The Commissioner found that the information remaining in dispute was exempt under clause 3(1) of Schedule 1 to the FOI Act. In light of that, the Commissioner did not need to consider whether that information was also exempt under clause 8(2).