

Decision D0222006 – Published in note form only

Re ‘U’ and Graylands Selby-Lemnos & Special Care Health Services [2006]
WAICmr 22

Date of decision: 11 December 2006

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

In August 2006, the complainant made an application to the agency for access, under the *Freedom of Information Act 1992* (‘the FOI Act’) to all documents relating to the attendance by the Psychiatric Emergency Team (‘the PET’) at her home on a specified date. The PET is a unit of the agency. The agency decided to give the complainant indirect access to those records by making them available to a suitably qualified medical practitioner nominated by the complainant. The complainant nominated a suitably qualified medical practitioner and, before forwarding the requested documents to that medical practitioner, the agency decided to delete certain information on the grounds that it was exempt matter under clauses 3(1) and 8(2) of Schedule 1 to the FOI Act.

The complainant made an application for external review to the Information Commissioner in relation to that part of the agency’s decision to delete certain information under clauses 3(1) and 8(2).

The Acting Information Commissioner (‘the A/Commissioner’) made inquiries into this complaint and reviewed the material in the complainant’s medical records and the agency’s FOI file. The A/Commissioner was satisfied that the information deleted from the disputed documents would, if disclosed, reveal personal information, as defined in the FOI Act, about people other than the complainant. The information deleted from the disputed documents included personal information about the complainant, but that could not be disclosed without also disclosing personal information about other people. The A/Commissioner therefore considered that the disputed information was *prima facie* exempt under clause 3(1).

The A/Commissioner considered that the public interest in protecting the privacy of the third parties and the public interest in the agency maintaining its ability to obtain information to enable it to carry out its functions in respect of mental health on behalf of the wider community outweighed the public interest in the complainant exercising her rights of access and the public interest in the complainant having access to personal information about herself. The A/Commissioner considered those public interests had largely been satisfied by the disclosure to the complainant of the information in the edited documents to which the agency had granted her access. As the A/Commissioner found the disputed documents were exempt under clause 3(1), it was not necessary for her to consider the agency’s claim for exemption under clause 8(2) of Schedule 1 to the FOI Act.