

Decision D0062003 – Published in note form only

Re Fordham and Pharmaceutical Council of Western Australia [2003] WAICmr 6

Date of Decision: 25 February 2003

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

The complainant made an application to the Department of Health for access, under the FOI Act, to documents containing details and locations of approved pharmacy depots. The application was transferred to the agency and access was refused on the ground that the document is exempt under clauses 4(2) and 4(3) of Schedule 1 to the FOI Act. The complainant then sought external review of the agency's decision.

The Information Commissioner considered that the requested document may not be exempt under clauses 4(2) or 4(3) and informed the parties accordingly. However, the disputed document contained personal information about third parties and the Information Commissioner considered that matter exempt under clause 3(1) and that it was practicable to delete that matter and to provide access to an edited copy of the document.

The complainant submitted that the disputed matter was information already in the public domain and that the public have a right to know where medications can be obtained and who dispenses that medication.

In the absence of any supporting material, the Information Commissioner did not accept the claim that the disputed matter (personal information about third parties) was information in the public domain. The Information Commissioner recognised that there is a public interest in applicants being able to exercise their rights under the FOI Act and a public interest in the provision of pharmaceutical services in remote areas of the State and the dispensing of medication by suitably qualified people.

However, the Information Commissioner did not consider that those public interests required the disclosure of personal information about third parties. Rather, the public interest was satisfied by the disclosure of an edited copy of the disputed document. Therefore, in balancing the competing interests, the Information Commissioner gave more weight to the public interest in protecting privacy.

The Information Commissioner found the disputed matter exempt under clause 3(1) and varied the agency's decision.