

Decision D0252003 – Published in note form only

Re Crook and Fremantle Hospital and Health Service [2003] WAICmr 25

Date of Decision: 6 October 2003

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

The complainant made an application to the agency for access to his medical record. He was given access to that record, but the agency deleted some information from two pages on the ground that it comprised personal information about people other than the complainant and was exempt matter under clause 3(1) of Schedule 1 to the FOI Act.

The Information Commissioner obtained the complainant's medical record from the agency and examined the deleted matter. The Information Commissioner was satisfied that the deleted matter was information about third parties and that it was, on its face, exempt matter under clause 3(1).

However, some of the deleted matter also consisted of personal information about the complainant. Whilst the Information Commissioner recognised that there was a public interest in the complainant being given access to personal information about him, the Information Commissioner did not consider that it was practicable to do so because the personal information about the complainant was inextricably interwoven with personal information about other people.

In balancing the public interest in maintaining the privacy of third parties against the competing public interest in the complainant, being able to exercise his rights, under the FOI Act, to obtain access to personal information about him, the Information Commissioner gave more weight to the former. The Information Commissioner found the deleted matter exempt under clause 3(1) and confirmed the decision of the agency to refuse access to it.