

**Decision D0272003 – Published in note form only**

***Re D'Aloisio and Fremantle Hospital and Health Service [2003] WAICmr 27***

**Date of Decision: 9 October 2003**

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

The complainant made an application to the agency for access to a complete copy of his medical record. He was given access to his medical record, but the agency deleted some information from parts of the outpatient notes on that medical record, because it was personal information about people other than the complainant and was, therefore, 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 personal information about third parties and that it was, on its face, exempt matter under clause 3(1).

However, a small amount 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 considered that the personal information about the complainant was inextricably interwoven with the personal information about the third parties and that it was not practicable for the agency to give the complainant access to the personal information about him, without also disclosing the personal information about the third parties.

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.