

Decision D0342002 – Published in note form only

***Re Norbury and Police Force of Western Australia* [2002] WAICmr 34**

Date of Decision: 28 October 2002

Freedom of Information Act 1992 s.23(2); Schedule 1, clause 5(1)(b)

Between 1991 and 1995, the complainant made several complaints to the agency alleging improper, illegal or corrupt conduct by a number of police officers. Those complaints were investigated by the agency and, in some cases, subsequently investigated by the Parliamentary Commissioner for Administrative Investigations ('the Ombudsman'). The agency and the Ombudsman informed the complainant of the outcome of those investigations.

On 21 March 2002, the complainant sought access to various documents relating to the agency's investigations of her complaints.

Without identifying any document or specifying the reason why matter in any particular document is claimed to be exempt, the agency refused access under s.23(2) of the FOI Act on the ground that it was apparent, from the nature of the documents described in the access application, that the requested documents would all be exempt and that it was not practicable for the agency to give the complainant access to edited copies of those documents. The complainant then lodged a complaint with the Information Commissioner.

The Information Commissioner decided that the disclosure of documents relating to internal inquiries by police, and records containing the reasons for the complainant's arrest, detention, search and imprisonment, could reasonably be expected to reveal the investigation of any contravention or possible contravention of either the general law or the *Police Force Regulations 1979* or both.

The Information Commissioner decided that disclosure of those kinds of documents would reveal the fact of a particular investigation of a particular incident involving certain people and would be exempt under clause 5(1)(b) of Schedule 1 to the FOI Act: see *Police Force of Western Australia v Kelly and Another* (1996) 17 WAR 19.

The Information Commissioner decided that it would not be practicable for the agency to give the complainant access to edited copies of the requested documents because the deletion of exempt matter would be likely to delete the particular information of interest to the complainant and leave the records unintelligible and meaningless.

The Information Commissioner confirmed the decision of the agency to refuse access to the requested documents under s.23(2) of the FOI Act.