

Decision D0362001 – Published in note form only

***Re Pure and Legal Aid Commission* [2001] WAICmr 36**

Date of Decision: 8 October 2001

Freedom of Information Act 1992; clause 3(1)

In July 2001, the complainant made an application to the agency for access under the *Freedom of Information Act 1992* ('the FOI Act') to documents disclosing the monetary contribution made by another person towards the legal costs incurred by the agency in respect of legal action to which the complainant was a party.

The agency refused access to the requested documents because they contained personal information about a third party and were exempt under clause 3(1) of Schedule 1 to the FOI Act.

The Information Commissioner obtained the disputed documents from the agency, together with other material relevant to the complaint. Having examined the disputed documents, the Information Commissioner was satisfied that those documents contained personal information, as defined in the FOI Act, about the third party including the name, address, and financial information. The Information Commissioner decided that the disputed documents were, on their face, exempt under clause 3(1).

The complainant submitted that it was in the public interest for the documents to be disclosed to him in order to establish that the agency had acted legally, without prejudice and without discrimination and to ensure the agency was accountable for its actions.

In the circumstances of this complaint, and after taking into account the information already disclosed to the complainant, the Information Commissioner gave more weight to the public interest in protecting the privacy of the third party and did not consider that that public interest was outweighed by any other public interest that required the disclosure of personal information about one person to another person. The Information Commissioner found that the documents exempt under clause 3(1) of Schedule 1 to the FOI Act and confirmed the decision of the agency.