



Sample personal information decisions

Grievances and workplace investigations

Re Jones and Department of Transport [\[2016\] WAICmr 15 \(PDF\)](#)

The agency gave the complainant access to edited copies of certain documents related to an investigation of a grievance lodged by the complainant. The agency claimed that the deleted information was exempt under clause 3(1) of Schedule 1 to the FOI Act. It also refused the complainant access to additional documents under section 26 of the FOI Act on the basis that those documents cannot be found or do not exist. The Commissioner found that the deleted information was exempt under clause 3(1) and that the agency's decision under section 26 of the FOI Act was justified.

Re Twiby and Western Australian Land Information Authority (Landgate) [\[2015\] WAICmr 19 \(PDF\)](#)

A report prepared by an external investigator regarding a complaint made by the access applicant against another employee was found to be exempt under clause 3 of Schedule 1 to the FOI Act.

Re McGowan and Department of the Premier and Cabinet [\[2015\] WAICmr 3 \(PDF\)](#)

Documents relating to an inquiry into the conduct of a ministerial officer were found not to be exempt under clause 3 or clause 11(1)(c) of Schedule 1 to the FOI Act.

Building plans

Re Penfold and Shire of Exmouth and Others [\[2015\] WAICmr 8 \(PDF\)](#)

The complainant sought access to documents consisting of external and internal plans for a commercial property. The plans were found not to be exempt under clause 3(1).

Re 'R' and City of Greater Geraldton and 'S' [\[2012\] WAICmr 25 \(PDF\)](#)

The complainant sought access to the building plans of the private residence of their neighbour. The building plans sought were limited to two drawings regarding only the external features and elevations of the property. In the circumstances of the case, in balancing the competing public interests for and against disclosure, the Commissioner considered that those favouring disclosure outweighed those favouring non-disclosure. Consequently, the Commissioner found that the documents were not exempt under clause 3.

Disputes between private individuals

Re Shuttleworth and Town of Victoria Park [\[2016\] WAICmr 13 \(PDF\)](#)

The complainant sought access to a copy of a statutory declaration that had been executed by a third party and provided to the agency for the purpose of verifying that certain work had been carried out on a block prior to its subdivision and sale as a strata titled block. The agency gave the complainant an edited copy of the document, deleting the name, address, occupation and signature of the third party. The Commissioner found that the third party's signature was exempt under clause 3(1). However, in the circumstances of the particular complaint, the Commissioner decided that disclosure of the name, address and occupation of the third party

would, on balance, be in the public interest and he found that information was not exempt under clause 3(1). See also *Volep and Queensland Police Service* [2013] QICmr 10

See [Annual Report 2015/2016](#) Case study – access to identity of registered dog owner.

CCTV footage

Re Seven Network (Operations) Limited and Department of Corrective Services [2016] WAICmr 8 (PDF)

The Commissioner found that some requested CCTV footage that had been recorded at a prison was exempt under clause 5(1)(h) of Schedule 1 to the FOI Act. Other requested CCTV footage was found not to be exempt under clause 5(1)(h). Information is exempt under clause 5(1)(h) if its disclosure could reasonably be expected to endanger the security of a prison. The Commissioner considered that disclosure of certain footage could reasonably be expected to compromise the agency's systems for the detection and prevention of the introduction of contraband into the prison, taking into consideration factors such as camera angles, footage quality and camera location. The Commissioner was not persuaded that disclosure of the other footage that was captured from cameras that were easily discernible from the exterior of the prison could reasonably be expected to endanger the security of the prison.

Re Seven Network (Operations) Limited and Public Transport Authority [2017] WAICmr 12 (PDF)

The complainant applied for access to certain CCTV footage related to incidents at level crossings or railway stations. The Commissioner was not persuaded that the disputed matter contained personal information as defined in the FOI Act because he was not satisfied that the identities of the individuals in the footage were apparent or could reasonably be ascertained from the footage. On that basis the Commissioner found that the footage was not exempt under clause 3(1) of Schedule 1 to the FOI Act.

Re Papalia and Western Australia Police [2016] WAICmr 1 (PDF)

Re Seven Network (Operations) Limited and City of Perth [2016] WAICmr 12 (PDF)

Re 'O' and Housing Authority [2016] WAICmr 10 (PDF)

Editing personal information

Police Force of Western Australia v Winterton (Unreported, Supreme Court of WA, Library No 970646, 27 November 1997) at page 16:

It seems to me that the reference in s24(b) to the word "practicable" is a reference not only to any physical impediment in relation to reproduction but also to the requirement that the editing of the document should be possible in such a way that the document does not lose either its meaning or its context.

Re Ninan and Department of Commerce [2012] WAICmr 31 at [82]; ***Re McGowan and Shire of Murray*** [2010] WAICmr 29 at [46]; and ***Re Post Newspapers Ltd and Town of Cambridge*** [2006] WAICmr 25 at [65] - where an applicant seeks access to documents relating to a specifically named individual, it may not be possible to edit the documents so as not to disclose personal information about those individuals.

Useful Publications

[What is personal information?](#) [Consulting third parties](#)
[Dealing with personal information about an officer of an agency](#)