

Decision D00112025 – Published in note form only

Re ‘X’ and City of Rockingham [2025] WAICmr 11

Date of Decision: 22 December 2025

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

For the reasons given to the parties and summarised below, the Acting Information Access Deputy Commissioner (**the A/FOI Deputy Commissioner**) found the name and contact details of the author of a letter of complaint to the City of Rockingham (**the agency**) relating to the management of an issue at a number of properties, including a property owned by ‘X’ (**the complainant**), was exempt under clause 3(1) of Schedule 1 to the *Freedom of Information Act 1992 (WA)* (**the FOI Act**). The A/FOI Deputy Commissioner decided not to identify the complainant by name to protect the privacy of the parties in this matter.

On 22 October 2024, the complainant applied to the agency under the FOI Act for access to any complaint lodged at the agency against their specified property in a particular date range.

By notice of decision dated 4 December 2024, the agency identified 26 documents within the scope of the complainant’s access application. The agency gave access to seven documents in full, and access to edited copies of 19 documents (**the disputed documents**), claiming the deleted information was exempt under clause 3(1) of Schedule 1 to the FOI Act (**clause 3(1)**).

The complainant sought internal review of the agency’s decision and, by internal review decision dated 2 January 2025, the agency confirmed its decision. In addition to claiming the deleted information was exempt under clause 3(1), the agency claimed the deleted information was confidential and exempt under clause 8(2) of Schedule 1 to the FOI Act (**clause 8(2)**).

On 11 January 2025, the complainant applied to the Information Commissioner (**the Commissioner**) for external review of the agency’s decision. The complainant advised that the only information they sought was the name and contact details of the author of ‘the original complaint’ (**the disputed information**). The disputed information was contained in a letter (**the Letter**) to the agency from a private individual (**the third party**). The agency deleted the disputed information from the edited copy of the Letter given to the complainant.

Following receipt of the application for external review, the agency provided the Commissioner with a copy of the disputed documents, including the Letter, and the agency’s FOI file maintained in respect of the complainant’s access application.

On 14 July 2025, one of the Commissioner’s officers (**the officer**) gave the complainant their assessment of this matter (**the assessment**). Among other things, it was the officer’s assessment that the disputed information was exempt under clause 3(1). The complainant did not accept the officer’s assessment and provided further submissions.

Clause 3(1) provides that matter is exempt matter if its disclosure would reveal personal information about an individual. Personal information is exempt under clause 3(1) subject to the application of the limits on the exemption set out in clauses 3(2) to 3(6).

The A/FOI Deputy Commissioner observed the purpose of the exemption in clause 3 is to protect the privacy of individuals about whom information may be contained in documents held by government agencies. The FOI Act is not intended to open the private lives of its citizens to public scrutiny in circumstances where there is no demonstrable public benefit in doing so.

The A/FOI Deputy Commissioner examined the Letter and was satisfied disclosure of the disputed information would reveal personal information about an individual and was therefore, on its face, exempt under clause 3(1). The A/FOI Deputy Commissioner considered the only relevant limit on the exemption that may apply to the disputed information was clause 3(6).

Clause 3(6) provides matter is not exempt under clause 3(1) if its disclosure would, on balance, be in the public interest. Determining whether disclosure would, on balance, be in the public interest involves identifying the relevant competing public interests – those favouring disclosure and those favouring non-disclosure – weighing them against each other and making a judgment as to where the balance lies. Under section 102(3), the onus was on the complainant, as the access applicant, to establish that disclosure of the disputed information would, on balance, be in the public interest.

As no restrictions or conditions can be placed upon the release of documents under the FOI Act, it is well established that disclosure of information under the FOI Act is disclosure to the world at large: see *Public Transport Authority* [2018] WASC 47 at [71]. Accordingly, when considering whether or not to disclose documents under the FOI Act, the effects of disclosure are generally considered as though disclosure were to the world, rather than only to the particular access applicant.

Weighing against disclosure of the disputed information, the A/FOI Deputy Commissioner recognised a strong public interest in maintaining personal privacy and noted that this public interest may only be displaced by some other strong or compelling public interest or interests that require the disclosure of personal information about one person to another person.

The A/FOI Deputy Commissioner observed that local government agencies rely on members of the public to provide information to assist them to administer, and ensure compliance with, various laws. Weighing against disclosure of the disputed information, the A/FOI Deputy Commissioner considered there is a real risk that disclosure of the disputed information would discourage individuals from coming forward with information and cooperating with local government agencies. Those individuals may consider that their personal information could be released to other individuals, including to the person or persons the subject of a complaint. The A/FOI Deputy Commissioner was of the view that this would likely have an adverse impact on the ability of local government agencies to obtain information of this kind in the future.

The agency has given the complainant an edited copy of the Letter which disclosed the substance of the complaint. The A/FOI Deputy Commissioner considered the disclosure of that information satisfied any public interest in the complainant being informed of the nature of the concerns raised in the Letter and the disclosure of the disputed information would not further that public interest. In addition, the A/FOI Deputy Commissioner did not consider that disclosure of the disputed information would further the public interest in the accountability of the agency.

In balancing the competing public interests, the A/FOI Deputy Commissioner was of the view that the public interests favouring disclosure of the disputed information were not sufficient to outweigh the public interests against disclosure. Therefore, the A/FOI Deputy Commissioner was not persuaded disclosure of the disputed information would, on balance, be in the public interest and found the limit on the exemption in clause 3(6) did not apply.

Accordingly, the A/FOI Deputy Commissioner found the disputed information is exempt under clause 3(1) of Schedule 1 to the FOI Act and confirmed the agency's decision. In light of that finding, it was unnecessary for the A/FOI Deputy Commissioner to consider whether the disputed information was also exempt under clause 8(2) as claimed by the agency.