

## FREEDOM OF INFORMATION CASE NOTES

---

### Third Party Objection to Release of Information – section 30

An FOI applicant sought access to all correspondence between the Respondent and her child's father and step-mother (the third parties) over a period of about 15 months. The Respondent located 93 pages of information of which it proposed to release 63 pages in full and 30 pages in part. The Respondent consulted the third parties about release of 48 pages of information to which they objected. On assessment, the Respondent decided to release the information as the applicant had a sufficient interest in her daughter's care to warrant access to all information relating to her care, health and accommodation in order to make decisions on her behalf. The third parties lodged two complaints under section 30(6) of the Act which were dealt with jointly in accordance with section 104A of the Act. The Complainants relied on section 49 claiming that release of information about them may also form part of a future legal action, some information was submitted to a Senate Inquiry and is exempt under corresponding FOI laws (section 47) and the rest would constitute an unreasonable interference with their privacy (section 56(1)(a)).

The Commissioner's delegate noted that section 30(1)(b) provides that information is about a third party if disclosure of the information might be an interference with a person's privacy, and considered the elements in section 56(1)(a). The delegate expressed the view that it seemed reasonable that for information about the relationship between one guardian and the daughter to be shared with the other guardian (the father). The delegate also considered that the information about the Complainants was not of a highly personal nature; that, apart from a few comments, the information is directly related to the care of the daughter; the information is widely known as the Complainants shared it with many people and organisations; the information was not confidential in nature; 27 of the documents had already been received by the FOI applicant; and that it was unclear how release of the information could be considered against the public interest. The delegate also considered the exemptions claimed by the third party complainants although their standing to raise exemptions under Part 4 of the Act would need to be determined, and found little merit to their claims. Nonetheless, the delegate found that there was sufficient *prima facie* evidence to substantiate the complaint in relation to a number of documents and referred the complaint to mediation under section 111 of the Act.