

FREEDOM OF INFORMATION CASE NOTES

Application Sufficiently Clear and Identity Established *Information Act* s18

The Complainant requested an organisation provide him with a copy of all personal information in both his current and former name. The organisation had refused to accept the application, stating it was invalid because they were not satisfied of the complainant's identity, and the application failed to sufficiently identify the information the Complainant was seeking.

The Commissioner's delegate found the application (and subsequent complaint) was valid. The organisation had a duty to be fair and reasonable in the way it processed applications in accordance with section 17 of the *Information Act*. Even though the application was broad and potentially might concern a large number of documents, the nature of the information sought by the applicant was clear. The application was therefore not invalid for lack of specificity. In terms of being satisfied as to the Complainant's identity, there was extensive evidence before the organisation as to the Complainant's identity, and its refusal to be satisfied about this issue was not fair or reasonable, notwithstanding that one of the Complainant's identification documents was arguably not properly certified.

The complaint was accepted for investigation, however the investigation was suspended while the parties were given the opportunity to negotiate the scope of the application.