

FREEDOM OF INFORMATION CASE NOTES

Unreasonable interference *Information Act s.56(1)(a)*

The complainant sought access to the name of the owner of two unrestrained dogs that ran out in front of him and caused him to fall off his bicycle and suffer an injury to his lower leg.

The public sector organisation refused access on the grounds that the information was exempt pursuant to section 56(1)(a) of the Act because the disclosure of the information would be an unreasonable interference with the privacy of the owner.

Acting Commissioner Marcham noted the names of dog owners would ordinarily be kept confidential by the organisation however, had the owner disputed the facts of the case, the matter would have been dealt with by the courts and the name would have been released. The Office was not persuaded that disclosure would be an unreasonable interference with the owner's privacy.

The Office recognised that there can be a public interest in an individual receiving information if the person has suffered an actionable wrong and being permitted access to that information would assist that person to pursue a remedy which the law affords that was stronger than protecting the privacy of the person concerned. The complaint was substantiated.