

## **FREEDOM OF INFORMATION CASE NOTES**

---

### **Incorrect application of Exemptions**

***Information Act s.49, s.52, s.53, s.55, s.56, s.57***

The complaint was against review decisions of the agency that:

- a) the Complainant had not been consulted about the splitting of the application into separate components; and
- b) the Complainant had not received all relevant information relating to the request because the exemptions were incorrectly applied (with the result that the applicant received edited information and blank pages).

The delegate of the Commissioner examined the records in question and the application of the exemption and public interest test.

In relation to the complaint referred to in paragraph (a) above, the Office found that there was insufficient evidence to substantiate the claim that the Complainant had not been consulted about splitting the application into components and dismissed that part of the complaint.

In relation to the complaint referred to in paragraph (b) above, the public sector agency had applied exemptions under sections 49(d), 55(1), 56(1), 52, 53(c) and 57(1)(d) of the Act.

The Office found that overall the exemptions were applied correctly, although the application of an exemption over some of the information was unjustified and that certain documents could be released in edited format. There were instances when the application of an exemption was not specific enough or an alternative exemption should have been applied.

The complaint that exemptions were incorrectly applied was partially substantiated, and referred to mediation.