

FREEDOM OF INFORMATION CASE NOTES

Organisations to show reasoning *Information Act s.24*

The complainant had been issued with a trespass notice by the organisation after an alleged incident between herself and some of the organisation's employees. The complainant sought copies of witness statements that the organisation had collected in response to the incident.

The organisation argued that releasing the documents would cause a 'loss of faith in the system', an 'extremely negative impact on the ability of management to conduct HR processes with staff members', and a possible 'impact on the health of staff members' including 'potential claims for workers compensation if health is affected as a result of the release of the document due to stress'.

The organisation relied on a range of exemptions, but provided very little explanation of how or why those exemptions were applicable.

The decision maker found there was sufficient *prima facie* evidence to substantiate the complaint, finding that the failure to produce the evidence or reasoning used to apply an exemption is itself sufficient evidence that the exemption has not been appropriately applied. The matter was referred to mediation where it was resolved.