



WESTERN AUSTRALIA POLICE FORCE

## OFFICE OF INFORMATION MANAGEMENT

INFORMATION RELEASE CENTRE  
WESTRALIA SQUARE

5TH FLOOR

141 ST GEORGES TERRACE, PERTH  
WESTERN AUSTRALIA 6000

Your Ref: Nil  
Our Ref: FOI/2020/1781  
Inquiries: Ian McDougall (08) 6229 5910

T Smith  
PO Box 163  
HILLARYS WA 6923

Dear T Smith

I refer to your correspondence received on 6 April 2021, requesting an internal review of your Freedom of Information (FOI) application.

### BACKGROUND

1. On 19 November 2020, a Freedom of Information (FOI) access application for *personal information* was received from you requesting:

*“...Please advise the total number of charges brought against serving WA Police officers of any rank over the period 2010-present.*

*Please provide a table showing the total number of charges per calendar or financial year and a breakdown in each year by officer ranks and the type of offence(s) each officer was charged with...”*

2. The decision in response to your application was that no documents could be provided that meet the scope of an application for ‘personal information’.

### INTERNAL REVIEW

3. On 6 April 2021, you requested an internal review of this decision on the following grounds:

*“...It is shocking a WA public agency, with a department tasked specifically to respond to public information requests, takes four months to assess a two-sentence, simple enquiry and then decline it on spurious grounds. The delay cannot be explained by a need to search for information, or the requests' complexity. This poor performance would not be accepted in the private sector. Is WA Police intentionally delaying publication of information that would show up criminal behaviour in its ranks?...”*

*“...The reason for declining the enquiry is weak. Aggregate data that summarises statistics about nine thousand staff is not "personal information". By definition, it relates to a large group of people. This is further the case in data showing totals figures per year - as was requested...”*

## DECISION

4. After considering the grounds for your internal review, my decision is to confirm the original decision. I am satisfied the information you seek access to is not 'personal' information nor your personal information.
5. Consequently, my decision is that no document can be provided within the scope of your *personal information* application such as yours.
6. Your FOI application was for your '*personal information*' only. Personal information is defined in the Glossary of the FOI Act as:

***Personal information*** means information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead —

- (a) *whose identity is apparent or can reasonably be ascertained from the information or opinion; or*
  - (b) *who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample;*
7. Therefore, personal information is restricted to information about a person that identifies the person, or could identify that person.
8. Non-personal information is defined in regulation 2A of the *Freedom of Information Regulations 1993* (FOI Regulations) as *information that is not personal information about the applicant*.
9. The previous Information Commissioner has held that where an FOI application is for access to personal information only, any information in the requested documents about people other than the applicant is outside the scope of the application and, therefore, need not be disclosed<sup>1</sup>.
10. In that decision, the Information Commissioner also held that this principle applies even in circumstances where that non-personal information is contained in an FOI applicant's own documents previously sent to the agency, or in letters from the agency to the applicant<sup>2</sup>.
11. Consequently, any information that is not personal to you, in this case statistical information, is considered to be outside the scope of your access application, and need not be disclosed under the FOI Act. Information of this nature should, if practicable, be edited from any documents provided to you.
12. I have decided that no document can be provided within the scope of a '*personal information*' application such as yours; that if the requested documents were to exist, it would comprise of non-personal information. All this information would be considered outside the scope of a personal information application such as yours.

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<sup>1</sup> *Re Georgeson and Government Employees Superannuation Board [2013] WAICmr 10 at [19]*

<sup>2</sup> *Re Georgeson and Government Employees Superannuation Board [2013] WAICmr 10 at [22]*

13. Please note that an FOI applicant can submit an access application for 'non-personal' information, which encompasses information not personal to the applicant. However, please also note that in respect of the personal information of private citizens, an agency will generally require written consent from those individuals, in order to be able to release their personal information to an access applicant.
14. A non-personal application can be submitted via the WA Police Force website at <https://www.police.wa.gov.au/Police-Direct/Apply-for-Information/Freedom-of-Information-Request-Form/Freedom-of-Information-Form>. In the 'request type' section, please select 'Documents including Non-Personal documents'. Please note that non-personal applications attract a \$30 fee, as per Schedule 1 to the Freedom of Information Regulations 1993.

## **RIGHT OF REVIEW**

Should you be aggrieved by this decision, you have the right to seek external review by lodging a complaint with the Freedom of Information Commissioner. The Commissioner is independent of executive government and reports directly to Parliament.

If you are the access applicant, you must apply for external review within 60 days after being given the agency's decision. If you are a third party who objects to disclosure of your information, you must apply for external review within 30 days after being given the agency's decision.

In exceptional circumstances, the Commissioner may allow a complaint to be lodged after these periods have elapsed.

A complaint to the Information Commissioner must:

1. Be in writing;
2. Give an address in Australia to which notices may be sent;
3. Give particulars of the decision you want reviewed;
4. Enclose a copy of this notice of decision; and
5. Be lodged at the Office of the Information Commissioner.

**Officer of the Information Commissioner**  
**469 Wellington St, PERTH WA 6000**  
**Telephone (08) 6551 Fax (08) 6551 7889**

Yours sincerely



IAN MCDOUGALL  
FOI OFFICER  
INFORMATION RELEASE CENTRE

19 APRIL 2020