

Request for complaint against a health provider

Legislation	Official Information Act 1982, ss 9(2)(a), 9(1)
Agency	Health and Disability Commissioner
Ombudsman	David McGee
Case number(s)	178237
Date	August 2010

Privacy interest balanced against public interest in ensuring natural justice—public interest met by release of summary information

A doctor requested a copy of a complaint made against him to the Health and Disability Commissioner (the Commissioner). The request was refused on privacy grounds (section 9(2)(a) of the OIA), and the requester complained to the Ombudsman. Part of the complaint was transferred to the Privacy Commissioner, given that some of the information at issue was personal information about the requester that had to be considered by the Privacy Commissioner under the Privacy Act. The remaining information was considered by the Ombudsman under the OIA.

The Ombudsman acknowledged the *'high public interest in adherence to the principles of natural justice and fairness'*, which had to be balanced against the privacy interests of the complainant. In this instance, however, the public interest in ensuring natural justice was met through release of a comprehensive summary of the allegations disclosed. There was no remaining public interest in disclosure because no investigation of the complaint was to be pursued.

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