

Request for health information about person charged with murder

Legislation	Official Information Act 1982, s 6(c)
Agency	Crown Health Enterprise
Ombudsman	Sir Brian Elwood
Case number(s)	W38403
Date	November 1997

Request for information about care of patient by mental health services of person charged with murder—information withheld under s 6(c) to avoid prejudice to right to a fair trial

The family of a murder victim sought information about the psychiatric state and treatment by the mental health service of the person charged with the murder. The request was declined by the Crown Health Enterprise (CHE) in reliance upon section 6(c) of the OIA.

At the time the request was made, the alleged offender was due to stand trial for the murder. Having viewed the information at issue and consulted with the prosecution and defence lawyers, it was clear that disclosure of the information would be likely to prejudice the alleged offender's right to a fair trial, and accordingly that the CHE was entitled to rely on section 6(c) to withhold the information. It seemed that the defence of insanity was to be invoked and release of information prior to the trial might have affected the nature of evidence of certain witnesses being called at the trial. It was noted, however, that once the trial had been completed, different considerations would apply and any request made at that time would have to be considered afresh.

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