

**Department/Organisation: Lands Department (“Lands D”)
Case concluded in: November 2015**

Lands D refused to provide Mr A with the personal data of an individual who had expressed an opinion on the Department’s proposal

The Event

With regard to a proposal about resettlement of residents affected by a development project, Lands D had consulted the chairmen of the Rural Committees (“RC”). Mr A made a request under the Code on Access to Information (“the Code”) for the name of the RC Chairman (“the Chairman”) who had indicated support for that proposal. However, Lands D refused to disclose the Chairman’s name, and only provided Mr A with a copy of the Chairman’s letter with his name obliterated.

Lands D asserted that third party information was involved in this case. Since the Chairman had passed away and his relatives did not consent to Lands D releasing the letter to Mr A, Lands D cited the reasons in paragraphs 2.14(a) and 2.15 (i.e. third party information and privacy of the individual) of the Code and refused Mr A’s request.

Our Findings

Obviously, the Chairman had expressed his opinion to Lands D, in his official, not private, capacity. Moreover, after receiving his opinion letter, Lands D had not explicitly or implicitly indicated to him that his opinion would not be disclosed. This case, therefore, did not fall within the scope of paragraph 2.14(a) of the Code. Besides, the Chairman’s opinion letter contained no information about his family status or relatives. We could not accept Lands D’s argument that disclosure of the Chairman’s information might infringe upon the privacy of his relatives. Our view was that Lands D should have provided Mr A with a copy of the letter in full without keeping the Chairman’s name confidential.

Outcome

Lands D accepted our recommendation and provided Mr A with a full copy of the said letter.