

Department/Organisation: Security Bureau (“SB”)

Case concluded in: January 2015

The Narcotics Division (“ND”) under SB refused to provide Mr A with information regarding its opinion polls on the RESCUE Drug Testing Scheme (“the Scheme”)

The Event

ND had conducted several opinion polls regarding the Scheme. Mr A requested the Division to provide information on two of those polls. However, his request was refused on the grounds that the “information was for internal reference only”.

Our Findings

First of all, that a certain piece of information “was for internal reference only” is not a valid reason under Part 2 of the Code on Access to Information (“the Code”) for non-disclosure. ND’s use of that to justify its refusal of Mr A’s request did not accord with the requirements of the Code.

Secondly, in response to our investigation, SB explained that it had refused Mr A’s request because disclosing the information would “prejudice the proper and efficient conduct of the operations” of the Division, and the information related to “incomplete

analysis, research or statistics” (i.e. paragraphs 2.9(c) and 2.13(a) of the Code respectively).

We found SB’s explanation unreasonable. When Mr A made the request, ND had already published its recommendations in the first-phase consultation document of the Scheme for public discussion. Information on the two opinion polls had already served its purpose of internal reference. Disclosure of such information at the time when Mr A made his request would not affect the objectivity of deliberations in subsequent public consultation. In other words, such disclosure would not “prejudice the proper and efficient conduct of the operations” of ND. Moreover, the information clearly did not relate to “incomplete analysis, research or statistics”.

Outcome

SB accepted our view. After reconsideration, it provided Mr A with the information he requested. SB also reminded the units concerned to strictly follow the Code in handling future requests for information.