

It can be frustrating to have a Freedom of Information (FOI) request denied, especially when it concerns your health or medical treatment. In the context of **Peninsula Health** (a public hospital) and **Medtronic** (a private medical device company), there are several specific legal and procedural reasons why your request might be "blocked" or restricted.

The most important thing to understand is that while you can FOI a public agency like Peninsula Health, you generally **cannot** FOI a private company like Medtronic directly.¹ Instead, Medtronic is likely involved as a "third party" that Peninsula Health is consulting.

1. Commercial-in-Confidence (Medtronic's Role)

If your request involves details about a medical device (like a pacemaker, pump, or implant), Peninsula Health is legally required to consult Medtronic before releasing certain documents. Medtronic can object to the release if:

- **Trade Secrets:** The documents contain proprietary technical data or software code.
- **Commercial Advantage:** Disclosure could reveal Medtronic's pricing, sensitive business strategies, or manufacturing processes to their competitors.
- **Legal Protections:** Under **Section 34** of the *Victorian FOI Act*, agencies can refuse access to information that would reveal "trade secrets" or "commercially sensitive" information of a business.²

2. Privacy of Third Parties

Hospitals often redact names or details of staff members (other than senior executives) or other patients.

- **Section 33 (Personal Privacy):** Peninsula Health may block parts of your record if they believe it contains "unreasonable" disclosures of someone else's personal affairs.³ This often includes names of junior medical staff or private notes from clinicians that were provided in confidence.

3. "Internal Working Documents"

Under **Section 30**, a hospital can refuse access to documents that reflect internal deliberations, opinions, or advice.⁴

- If the documents you want are part of an ongoing internal review, a "Root Cause Analysis" (RCA), or a quality assurance process, the hospital may claim that releasing them would be "contrary to the public interest" because it might discourage staff from being honest

in future safety reviews.

4. The Documents Are "Not Held" by the Hospital

A common point of friction with companies like Medtronic is **data ownership**.

- If you are looking for specific technical logs from a device, Peninsula Health might claim they do not "hold" that data. In many cases, the detailed technical data lives on Medtronic's proprietary servers, not in the hospital's medical record. FOI only applies to documents a public agency actually possesses.⁵

5. Procedural Refusals (Section 25A)

The hospital can refuse a request without even looking for the documents if:

- **Unreasonable Diversion of Resources:** The request is so broad (e.g., "all emails mentioning my name over 10 years") that processing it would take hundreds of hours and interfere with hospital operations.⁶
- **Incomplete Application:** They may pause the request if the application fee (\$31.80 as of 2024/25) wasn't paid or if you didn't provide sufficient photo ID to prove you are the patient.

What you can do next

If Peninsula Health has issued a formal "Notice of Decision" to refuse or redact your documents, you have a legal right to challenge it.

1. **Check the "Exemptions" cited:** Your decision letter must list the specific sections of the Act (e.g., Section 33, Section 34) they are using to block the info.
2. **Request an Internal Review:** You can sometimes ask the hospital's FOI officer to reconsider, especially if you can narrow your request.
3. **Contact OVIC:** In Victoria, you can apply to the **Office of the Victorian Information Commissioner (OVIC)** for a free review of the decision.⁷ You generally have **28 days** from the date you received the decision letter to do this.⁸

Would you like me to help you draft a letter to Peninsula Health's FOI officer to ask for a clearer explanation or to narrow your request to avoid these "blocks"?