

Transport bureau wrong to deny researcher's request for railway suicide details

Officials breached code on data access

Jimmy Cheung

Transport bureau officials breached the government's Code on Access to Information when they denied a request by a university researcher for information on railway suicide incidents, an Ombudsman's investigation has concluded.

The case, reported by the *Sunday Morning Post* in May, highlighted the need to raise government awareness of its obligation under the code, the watchdog said in a report.

The verdict has prompted the government to make an embarrassing U-turn. Last Friday, the Transport and Housing Bureau, formerly the Environment, Transport and Works Bureau, released the information to Fu King-wa 14 months after he had made the first request.

In June last year, Mr Fu, of the Centre for Suicide Research and Prevention at the University of Hong

Kong, sought information on suicides since 1997. He wanted to know the date, time, location and severity of each incident, the age and sex of the victim and the effect on train services. The data helps analyse the effectiveness of railway screen doors in preventing suicide.

But the bureau rejected this on grounds of privacy, saying it could not identify the individual concerned by matching the information given in press reports on suicides.

Mr Fu later appealed to the Ombudsman, who ruled in his favour in January this year. But the bureau defied the ruling, prompting a full investigation by the watchdog in March.

Concluding the case in its final report this month, the Ombudsman acknowledged the bureau's privacy concerns.

But a raid it would be the media reports that contained personal in-

Need to know
The government has received 22,847 data requests since 1995

The number of requests refused during the same period

449

formation, not the data disclosed by the bureau.

Although the code says information may be withheld if there is a good reason, the watchdog said the government should not interpret the code as a directive to withhold information. "We conclude that the Envi-

Officials won't release data on Sars patients, says researcher

The government has refused to give out information on people who suffered from Sars during the outbreak of the deadly disease in 2003, according to researcher Fu King-wa.

Mr Fu said his request to the Health Department for Sars patients' details had also been rejected.

The researcher at the Centre for Suicide Research and Prevention at University of Hong Kong said he was only asking for "general biostatistics" for

research purposes. The information sought included details such as the number of incidents, hospital admission figures and the age and sex of patients.

"But the department said it could not release the information because of a lawsuit involving Sars patients. Disclosure would prejudice the lawsuit," Mr Fu said.

A group of medical workers and Sars patients are suing the Hospital Authority for negligence because they think they

contracted the virus due to inadequate precautions in hospitals.

The department is now reportedly reviewing Mr Fu's request. "I am not asking for personal details. There is no reason to reject the request because of one lawsuit," Mr Fu said.

He said he would take the case to the Ombudsman if the department upheld its decision.

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"The government should apologise to the public. Our research on suicide is for the public good. But it has been delayed for more than a year. My impression is that officials

will find many excuses to deny your request. They try their best to withhold information rather than giving it out," he said.

The bureau side-stepped the question of an apology. It said it acceded to Mr Fu's request after considering the Ombudsman's view.

"This implies the government would not be responsible or accountable for any consequential infringement of the general privacy of the individuals concerned if Mr Fu's request is acceded to," a bureau spokeswoman said.

The Constitutional and Mainland Affairs Bureau, which oversees the code's compliance, said departments could seek help on interpreting the code if necessary.

A spokeswoman for the bureau said all agencies under the code had to submit quarterly reports on compliance. "We welcome suggestions from the Ombudsman and will continue our efforts to enhance awareness and understanding of the code," she said.

Introduced by the colonial government in 1995, the administrative code gives the public the right of access to documents and personal records held by the government.