



F07-09-MS Releasing Video Would Reveal Test Methodology

The parent of a child who had been given a psychological test asked the hospital that had conducted the test for a copy of the filmed assessment. The hospital replied that it was unable to grant access as the digital video recording was outside the scope of the *Freedom of Information and Protection of Privacy Act*, being “a record of a question that is to be used on an examination or test” under section 3(1)(d).

The purpose of section 3(1)(d) is fairly self-evident—it protects information the disclosure of which might render a prepared examination ineffective. A psychologist at the hospital provided a detailed explanation of the reason why releasing the recording might be detrimental, noting that, as with all standardized psychological tests, the validity of the test depended on every test subject being equally naïve regarding the test content and materials. We considered this a convincing explanation of why section 3(1)(d) applied to the record in question.