

Request for information about action taken by a university after a student was convicted of fraud

Legislation	Official Information Act 1982, s 9(2)(a)
Agency	University
Ombudsman	Sir Brian Elwood
Case number(s)	C6568
Date	April 2001

Request by journalist for information about action taken by a university after a student was convicted of fraud in relation to applications for aegrotat passes—s 9(2)(a) applied—public interest satisfied by release of media statement explaining action taken

A student had been found guilty of fraud in relation to applications for aegrotat assessments. Following conviction, a journalist requested information about the student including whether the University had disallowed the student's aegrotat passes and revoked the student's degree. The University responded by releasing a statement to the media which included references to the Privacy Act 1993 as the reason for not releasing the actual grades. The statement also advised that the University would not respond to any further questions on the matter.

The University explained it had declined the request after considering the student's right to privacy and obtaining legal advice. The publicity generated by the case and the University's conventions on the release of information were also considered. The University also advised that it had discontinued the general publication of student grades since the introduction of the Privacy Act in 1993. The student at the centre of this request had been consulted and accepted some information would have to be released by the University but had expressed concerns about the release of detailed information.

The Privacy Commissioner was consulted pursuant to section 29B of the OIA. He advised that, in his view, there was a legitimate privacy interest that impacted on the privacy of the student and that section 9(2)(a) applied. An assessment was then required to determine whether there were any countervailing public interest considerations in terms of section 9(1) of the OIA that

outweighed the established privacy interest. A public interest factor was identified in terms of the accountability of the University for the administrative handling of the case. In this instance the University had met this public interest by the release of a media statement which explained the action it had taken to ensure the integrity of its records following the student's conviction for fraud.

The Chief Ombudsman formed the view that the need to withhold the information to protect the student's privacy was not outweighed by the public interest in release.

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