

Charge levied by Ministry of Health for provision of information about contraceptive pills

Legislation	Official Information Act 1982, s 15(2)
Agency	Ministry of Health
Ombudsman	Sir Brian Elwood
Case number(s)	W37138
Date	February 1997

Charge levied by Ministry of Health for provision of information about contraceptive pills—release of the information would likely contribute significantly to the medical profession’s understanding of Ministry’s decision making process—charge waived on public interest grounds

This investigation concerned a charge levied by the Ministry of Health for the provision of information about third generation contraceptive pills. It was clear that the charge had been calculated in accordance with the Cabinet Guidelines on Charging. However, the guidelines provide holders of information with a discretion to modify or waive any charge in appropriate circumstances, for example, where remission or reduction of the charge ‘*would be in the public interest because it is likely to contribute significantly to public understanding of, or effective participation in, the operations or activities of the government, and the disclosure of the information is not primarily in the commercial interest of the requester*’.

In this case, there were a number of factors which suggested that the level of public interest in release of the information at issue was such that the charge should be waived.

- The information concerned a serious public health issue, that is, the side effects of certain oral contraceptives, which resulted in published prescribing advice for New Zealand medical practitioners.
- Concerns had been expressed about the delay in the Ministry issuing advice to medical practitioners and the nature of the advice itself.

- The requester was a journalist with a publication which had a wide readership amongst the medical profession.

In the light of these factors, it was concluded that release of the information would likely contribute significantly to the medical profession's understanding of the Ministry's decision making process. This would in turn enable the medical profession to discharge its responsibilities to patients in a more informed fashion. Furthermore, as the medical profession is well placed to question and hold the Ministry accountable for its actions with regard to public health issues, release of the information would promote this interest. In the light of these considerations, the Ministry agreed to waive the charge.

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