

Request for names of proposed appointees to four Maori Development Commissions

Legislation	Official Information Act 1982, ss 9(2)(a), 18(d)
Agency	Te Puni Kōkiri
Ombudsman	Anand Satyanand
Case number(s)	W38353
Date	August 1997

Request for names of proposed appointees to four Maori Development Commissions—some information refused under s 18(d) as appointments soon to be announced—s 9(2)(a) applied to the remainder of the information which was a preliminary list of nominations

A private individual asked the Ministry of Maori Development, Te Puni Kokiri, for the names of the proposed appointees to four new Maori Development Commissions. The Ministry declined the request, in respect of two of the Commissions in reliance upon section 18(d) of the OIA, on the basis that the appointees to those Commissions were expected to be approved by Cabinet within a matter of days and the Minister would then announce the appointments. In respect of the other two Commissions, the Ministry said it only held a preliminary list of nominations and, as none of those listed might ultimately be appointed, it declined to make the list available in reliance upon section 9(2)(a) of the OIA.

As no appointments had yet been approved or made, the information at issue comprised the names of nominees for appointment as opposed to appointees to all four Commissions. The fact that they had been nominated was personal information about the individuals concerned. They had put their names forward for the purpose of being considered for appointment and would not have expected their names to be disclosed unless and until their appointment had been approved. The fact that an individual puts his or her name forward to be considered as a potential candidate for appointment and the fact of an individual's appointment are two separate and distinct issues. Accordingly, it was considered that disclosure of the names before appointments had been made would infringe their privacy and section 9(2)(a) applied to the information.

The Privacy Commissioner was consulted, as required by section 29B of the OIA, and consideration was given in terms of section 9(1) of the OIA to whether there were any factors which, in the public interest, outweighed the need to withhold the information to protect the privacy of the individuals concerned. No such factors were identified. The information could properly be withheld in reliance upon section 9(2)(a).

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