

## Request for gradings awarded to funding applications to Foundation for Research, Science and Technology

<b>Legislation</b>	Official Information Act 1982, s 9(2)(b)(ii)
<b>Agency</b>	Foundation for Research, Science and Technology
<b>Ombudsman</b>	Sir John Robertson
<b>Case number(s)</b>	W3971
<b>Date</b>	April 1993

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*Request for gradings of funding applications to Foundation for Research, Science and Technology—information withheld under s 9(2)(b)(ii)—commercial position of applicants would be prejudiced by identifying grades awarded to each application—Foundation’s agreement to provide numbers of gradings without identifying information adequately met the public interest in disclosure*

A researcher had been refused information sought about the gradings awarded to a specific group of applications for funding from the Foundation of Research, Science and Technology. The request was refused under section 9(2)(b)(ii) of the OIA on the grounds that disclosure of the information would give competitors for funding an advantage.

In the course of the investigation and review of this decision, the Foundation was asked how it believed the information could be used to prejudice the commercial position of the applicant. Its response was that the grading assigned to a particular application would allow a competitor to decide whether to compete with that programme in a subsequent application round. It also argued that the grade would indicate to other business organisations dealing with the applicant the commercial vulnerability or otherwise of the programme and consequently the organisation. Disclosure of the requested information would therefore be equivalent to publicising the ‘credit rating’ of a programme. However, the Foundation agreed to provide some information relevant to the request, namely, a breakdown of gradings showing how many of the successful applications received A grades and how many B grades, with a similar breakdown for unsuccessful applications, but without identifying the grades awarded to each application.

It was concluded that the commercial position of applicants, irrespective of whether their programmes had received funding or not, would be prejudiced by release of the information requested. Furthermore, such prejudice would be unreasonable, given the context in which the information was gathered and the extent to which such information would make applicants vulnerable to competitors. The small size of the New Zealand scientific community was a further factor taken into account in reaching this view.

Having formed that view, it was necessary to consider whether the need to protect the detailed information requested was outweighed by other public interest considerations favouring disclosure in terms of section 9(1) of the OIA. In looking at the question of accountability of the Foundation for the disbursement of public funds, it was noted that it is accountable to its applicants by means of a transparent application and selection process; and accountable to the Government via its governing legislation. While clearly the availability of the information requested would further promote the accountability of the Foundation, it was concluded that the form in which the Foundation was willing to release some of the information, while avoiding the prejudice to the commercial position of the applicants, would adequately meet the public interest in disclosure.

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