

## Request for job evaluation report commissioned by employer

<b>Legislation</b>	Official Information Act 1982, s 9(2)(j)
<b>Agency</b>	Department of Corrections
<b>Ombudsman</b>	Sir Brian Elwood
<b>Case number(s)</b>	W43414
<b>Date</b>	January 2000

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*Pay negotiations—request for report commissioned by employer—prejudice or disadvantage in carrying on the negotiations—reason to withhold not outweighed by other public interest considerations*

The requester was a trade union which represented a group of employees in negotiations for a new employment contract. On behalf of its members it sought a copy of a report commissioned by the Department of Corrections. The report at issue was extremely brief, and consisted of a few lines of text which provided an evaluation of the employees' jobs expressed in technical terms. An explanation of the nature of the report was supplied to the requester in the course of the investigation.

There was an issue as to whether the current negotiations had come to an end. However, it was apparent that further rounds of negotiations would occur in future years, and that the undertaking of such negotiations was in reasonable contemplation as opposed to being speculative. Disclosure of the information at issue would have revealed the Department's negotiating approach in the current contract discussions, and this would impact adversely upon the Department's ability to negotiate in later years in that its earlier strategy would be known. Accordingly, section 9(2)(j) of the OIA applied to the information at issue.

In terms of countervailing public interest within the meaning of section 9(1) of the OIA, the requester submitted that it was in the public interest that employees should receive full disclosure of the information at issue. A public interest in this respect did exist, but the question was whether this was sufficient to outweigh the reason to withhold pursuant to section 9(2)(j). In the present case, the information consisted of an assessment of background facts as opposed to the facts themselves. It was open to the requester to ascertain those facts, and make its own assessment. In the circumstances, the reason to withhold the information was not outweighed by other public interest considerations.

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