

## Request for list of persons banned from entering New Zealand

<b>Legislation</b>	Official Information Act 1982, s 9(2)(a)
<b>Agency</b>	Minister of Foreign Affairs and Trade
<b>Ombudsman</b>	Sir Brian Elwood
<b>Case number(s)</b>	W45398
<b>Date</b>	June 2001

---

*Request for list of persons banned from entering New Zealand—privacy considerations—public interest in disclosure did not outweigh reason to withhold*

The Minister of Foreign Affairs and Trade indicated publicly that a list had been prepared of persons prohibited from entering New Zealand as a result of alleged involvement in a coup in Fiji. The requester had sought a copy of the list but this was declined in terms of section 9(2)(a) of the OIA.

The inclusion of a person's name in the list revealed an adverse opinion about that person held by the New Zealand Government, and to that extent revealed information about him or her. Accordingly, disclosure of the list would have impinged upon that individual's privacy. By virtue of the nature of the list, the persons upon it could have been at personal risk if their names became known. This increased the strength of their privacy interests under section 9(2)(a).

The question of whether there was a countervailing public interest in terms of section 9(1) of the OIA was then considered. Following consultation with the Privacy Commissioner the view formed was that any public interest in making the information available lay in disclosure of the fact that the New Zealand Government had seen fit to compile a list. Public knowledge of the names themselves would not have contributed to satisfying this public interest. It was accepted that the information was properly withheld in terms of section 9(2)(a).

*This case note is published under the authority of the [Ombudsmen Rules 1989](#). It sets out an Ombudsman's view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.*