

Charge proposed for the supply of information relating to death of New Zealander overseas

Legislation	Official Information Act 1982, ss 15(1A)
Agency	Ministry of Foreign Affairs and Trade
Ombudsman	Sir Brian Elwood
Case number(s)	W45807
Date	July 2001

Charge levied by Ministry of Foreign Affairs and Trade—reasonableness of charge—consistency with other charges levied for supply of similar information—public interest in reduction of charge—proposed charge unreasonable—charge reduced

A reporter complained about the charge that the Ministry of Foreign Affairs and Trade had proposed for the supply of certain information relating to the death of a New Zealander overseas. The proposed charge was \$282. The reporter noted that a member of the public had requested similar information and was charged only \$28.

It transpired that the scope of the reporter's request was broader than that of the previous requester, and therefore the Ministry would have to undertake additional work to provide the extra information. However, it was also evident that the Ministry had received a number of requests for information relating to the same subject matter and that its approach to charging for the supply of that information seemed to be inconsistent. The information to be examined in order to fulfil each request was the same in each case.

After further investigation it became apparent that there had been a change of personnel handling these requests. While the official handling earlier requests was familiar with the files, the official's successor was not. This meant that more time was required to identify the information encompassed by the reporter's request than was previously necessary.

It did not seem reasonable for a requester to face additional charges because the official preparing the response is less familiar with the information at issue than a predecessor. A

consistent approach should be taken to charging where similar information has previously been requested.

The information requested also raised issues of public interest. There was an identified public interest in the release of the information to the extent that it would enable the public to understand the role that the New Zealand Government had played in the re-opening of an investigation into the New Zealander's death. This also favoured a reduction of the charge as the media fulfil an important role in disseminating such information.

The Ministry agreed to reduce the proposed charge to \$86. This took into account the earlier charge, the fact that the reporter's request encompassed more information, and the public interest in release. The reporter accepted that the reduced charge was reasonable.

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