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| Request for results of disciplinary investigation |
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| Legislation Official Information Act 1982, s 9(2)(a)  Agency Fire Service Commission  Ombudsman Sir Brian Elwood  Case number(s) W45892  Date June 2001 |

*Request for results of disciplinary investigation undertaken by Fire Service Commission and related correspondence—significant privacy interests not outweighed by countervailing public interest, subject to release of an appropriate balanced statement*

A newspaper reporter requested the results of an investigation by the Chief Executive of the Commission into certain allegations concerning internal travel undertaken by a senior employee. The requester also sought all correspondence between the Chief Executive and the employee regarding these matters. The Commission refused the request under section 9(2)(a) of the OIA to protect the employee’s privacy.

The Commission’s concern with releasing the information was that it contained a large amount of personal information, including personal financial information and references to members of the employee’s family.

After considering the content of the information and consulting with the Privacy Commissioner, the view was formed that there were significant privacy issues involving both the employee and members of his family and that section 9(2)(a) applied.

It was then necessary in terms of section 9(1) of the OIA to consider whether there were any public interest considerations which outweighed the identified privacy interests in withholding. There was a significant public interest in the alleged inappropriate expenditure of public money by a senior public official. While the sum involved was not insignificant and had built up gradually over time, the Commission’s investigation concluded there was no preconceived plan to misappropriate public funds. At the conclusion of the investigation, the employee reimbursed the full amount concerned despite disputing the justification for the investigation’s findings.

The view was formed that the public interest would be satisfied if the Commission released a statement which struck an acceptable balance between the privacy and public interest considerations identified. The statement would set out clearly the general nature of the investigation, what was investigated, the process followed and a general summary of the findings. It was also to be balanced by including in the statement the views expressed by the employee in correspondence with the Chief Executive concerning the outcome of the investigation. The Commission agreed and released a written statement.

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