

Request to Reserve Bank regarding advice it had prepared relating to New Zealand Post's banking proposal

Legislation	Official Information Act 1982, s 18(g)
Agency	Reserve Bank of New Zealand
Ombudsman	Sir Brian Elwood
Case number(s)	W46121
Date	May 2001

Series of questions put to Reserve Bank—whether information was held by the Reserve Bank or whether it would have to be created in order to answer questions—one question sought factual information which was held—remainder of the questions sought opinions which could be refused under s 18(g)

A reporter put a series of questions to the Reserve Bank regarding the advice it had prepared in relation to New Zealand Post's banking proposal. When the Bank refused to answer any of his questions, he asked that they be treated as requests for information in accordance with the OIA. The Bank refused his request on the basis that the reporter was asking for opinion, which was not covered by the OIA.

The reporter conceded that some questions asked for opinion, but submitted that this should not affect other questions which sought factual information. He also suggested that someone in the organisation must know the reasoning behind the actions taken by the Bank.

The view formed was that one of the reporter's questions sought factual information which was held by the Bank and that the Bank should have responded to that part of the request in terms of the OIA. The remaining questions clearly sought opinion or the formulation of an explanation. The Bank had advised that it did not hold any information containing the opinions or explanations sought by the requester. It was therefore entitled to refuse that part of the reporter's request in reliance upon section 18(g) of the OIA.

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.