

## Request for Fire Officer's response to allegations

<b>Legislation</b>	Official Information Act 1982, s 9(2)(ba)(ii)
<b>Agency</b>	New Zealand Fire Service Commission
<b>Ombudsman</b>	Sir Brian Elwood
<b>Case number(s)</b>	W46627
<b>Date</b>	March 2002

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*Request for copy of Fire Officer's written response to certain allegations made against him by requester and others—information subject to an obligation of confidence and likely to damage the public interest if made available*

The requester sought from the New Zealand Fire Service Commission, a copy of a Fire Officer's memorandum to the Chief Fire Officer for the District responding to certain allegations made against him by the requester and other members of the same fire-fighting team. The Commission refused the request relying on section 9(2)(ba)(ii) of the OIA on the basis that the information was the subject of an obligation of confidence and would damage the public interest if released.

It was accepted that the information was subject to an obligation of confidence as there was a clearly expressed intention by both the writer and the recipient of the memorandum to preserve the confidentiality of the document. It was then necessary to consider whether release of the information 'would be likely to damage the public interest'.

It was accepted that there is a strong public interest in the operational effectiveness and efficiency of fire-fighting teams. If the team ethos or trust is threatened or broken down because of conflict between team members, there is a risk to community safety, and potentially even to the safety of team members themselves. This would clearly not be in the public interest. In this case the view was formed that disclosure of the requested information would not be conducive to fostering and promoting operational efficiency and effectiveness within the team concerned and would therefore be likely to damage this public interest.

In terms of section 9(1) of the OIA, there were no public interest considerations identified which were strong enough to outweigh the need to withhold the information under section 9(2)(ba)(ii).

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