

Request for draft responses to OIA requests

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| Legislation | Official Information Act 1982, s 9(2)(g)(i) |
| Agency | Securities Commission |
| Ombudsman | John Belgrave |
| Case number(s) | 174357 |
| Date | February 2007 |

Releasing draft OIA responses would be likely to inhibit the future free and frank expression of opinions—s 9(2)(g)(i) applies

A requester sought information about the handling of their earlier request for official information. The information at issue included two draft responses to their OIA request, which the Securities Commission withheld under section 9(2)(g)(i) of the OIA. The requester complained to the Ombudsman.

The Chief Ombudsman noted that the drafts at issue were prepared by one employee for the purposes of discussion with another employee to ensure that an appropriate approach was taken in response to the OIA request.

It is important to the operation of the OIA that officials are able to consult relevant parties and seek free and frank comments on requests for information. Release of correspondence addressing how to respond to an OIA request would impact on the free and frank nature of discussions around responding to requests. This would negatively impact the ability of agencies to respond properly to requests, thereby prejudicing the effective conduct of public affairs.

The Chief Ombudsman did not identify a public interest in disclosure that outweighed the need to withhold the drafts.

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