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| Request for Ministerial briefing on citizenship review |
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| Legislation Official Information Act 1982, s 9(2)(f)(iv) Agency Minister of Internal Affairs Ombudsman Dame Beverley WakemCase number(s) 174609Date March 2007 |

*Information not of an advisory nature—information not related to executive government decision making process—s 9(2)(f)(iv) does not apply*

A requester sought information about a review of the concept of citizenship, and complained to the Ombudsman when the Minister of Internal Affairs refused that request under section 9(2)(f)(iv).

The information at issue consisted of a briefing to the Minister prepared by officials at the Department of Internal Affairs. While that is the type of information that can attract the protection of section 9(2)(f)(iv), the Ombudsman was not persuaded that it properly applied in this case.

The briefing consisted of background and factual information, and discussion of a research report that was publicly available. The Ombudsman could not see how release of such limited *‘advice’* as there was would undermine the Minister’s ability to make decisions. Indeed, it was not clear what executive government decisions were required or pending.

All the briefing recommended was a meeting with officials to discuss the Minister’s views. It contained no detailed advice regarding policy options under consideration, except for recounting those canvassed in the publicly available research report.

Beyond the factual/background information, there were a few high-level statements of principle and expressions of opinion. However, these where neither surprising, nor, so far as the Ombudsman could see, potentially prejudicial to whatever ongoing executive government decision making processes there may have been.

The Ombudsman appreciated that these statements and opinions may not have represented Government policy, but could not see why this would make withholding necessary under section 9(2)(f)(iv). She noted that the briefing could be disclosed with a disclaimer that it did not represent Government policy.

The Ombudsman also considered that there was a public interest in release of this kind of general background or high-level issues-based information because it would contribute toward public understanding of, and participation in, an important policy debate.

After considering the Ombudsman’s comments, the Minister decided to release the briefing, and the complaint was resolved.

*This case note is published under the authority of the* [*Ombudsmen Rules 1989*](http://legislation.govt.nz/regulation/public/1989/0064/latest/DLM129834.html?src=qs)*. 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.*