|  |
| --- |
| Request for electronic copy of proposed electorate boundaries |
|  |
| Legislation Official Information Act 1982, s 18(d)  Agency Ministry of Justice  Ombudsman John Belgrave  Case number(s) 175682  Date October 2007 |

*Information was not publicly available in the form requested—s 18(d) did not apply*

The Ministry of Justice refused to provide an electronic copy of proposed electorate boundaries. It relied, in part, on section 18(d) because the information was available in hard copy.

The Chief Ombudsman formed the opinion that the fact that the information was available in hard copy did not mean that the request for an electronic copy could be refused on the basis that it was already publicly available.

The requester was entitled to seek information in a particular form. To claim that the information was available in a different form and for that reason could be refused under section 18(d) was to ignore section 16(2) of the OIA (which generally requires agencies to make information available in the way preferred by the requester).

*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.*