

Request for information about an employment investigation

Legislation	Official Information Act 1982, ss 9(2)(a), 9(2)(ba), 9(1)
Agency	New Zealand Police
Ombudsman	Professor Ron Paterson
Case number(s)	180058
Date	June 2014

Privacy and confidentiality grounds apply—need for accountability when things go wrong—nature and seriousness of the wrongdoing—seniority of the individual involved—release of summary information to satisfy public interest

A requester sought information about an employment investigation into a Police officer who was known to have been demoted. The Police refused the request in order to protect the officer's privacy and the requester complained to the Ombudsman.

The Ombudsman accepted that the privacy and confidentiality withholding grounds applied to the information (sections 9(2)(a) and 9(2)(ba) of the OIA). However, he considered that *'there is a high level of public interest in how the Police deal with complaints against Police officers'*. The Commission of Inquiry into Police Conduct highlighted and supported public unease around issues of confidence and accountability in this area. In addition, recent cases involving the Police (drunk driving) and the military indicated a growing public concern to expose and condemn inappropriate intoxication-related behaviour in authority figures funded by the public purse to enforce the law and provide safety and security.

The Ombudsman took into account the following factors in assessing the weight of the public interest in accountability:

- the behaviour at issue did not justify criminal charges being laid;
- the behaviour at issue occurred at a Police event and did not affect any member of the public; and

- the officer was not of the most senior rank and therefore did not have the attendant highest level of accountability.

The Ombudsman recommended the release of summary information to establish that:

- the Police took all relevant steps to ensure that concerns about an officer's conduct were thoroughly investigated; and
- appropriate disciplinary action was taken as a result of the investigation.

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