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| Request for information about initiatives to end whaling in the Southern Ocean |
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| Legislation Official Information Act 1982, s 9(2)(j)  Agency Minister of Foreign Affairs  Ombudsman David McGee  Case number(s) 285033  Date August 2010 |

*Release would jeopardise relations with other parties to IWC negotiations and prejudice their willingness to share information—s 9(2)(j) applies*

A requester sought all information about initiatives to end whaling in the Southern Ocean. The Minister of Foreign Affairs refused the request on multiple grounds, and the requester complained to the Ombudsman.

The information withheld under section 9(2)(j) included advice on negotiations with the International Whaling Commission, including the positions of the New Zealand Government and other countries party to the negotiations.

The Ombudsman noted that the negotiations were ongoing at the time of the request, and that the participants to the negotiation had agreed that their discussions would remain confidential.

The Ombudsman concluded that disclosure of the information would jeopardise the New Zealand Government’s relations with the other parties to the negotiations and that this, in turn, would prejudice the willingness of those parties to share information and engage constructively with the New Zealand Government during negotiations on the issue of whaling. The Ombudsman did not consider that the need to withhold the information was outweighed by the public interest in release.

*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.*