

Request for comments on draft correspondence and draft assessment report

Legislation	Official Information Act 1982, s 9(2)(g)(i)
Agency	Ministry of Social Development
Ombudsman	Dame Beverley Wakem
Case number(s)	302966
Date	July 2012

Release of comments on draft correspondence and draft assessment report would inhibit the free and frank expression of opinions—s 9(2)(g)(i) applies

A requester sought information about the Ministry of Social Development's (MSD's) assessment of a community organisation as an Approved Community Service. MSD released most of the information, but withheld some emails in which staff discussed draft correspondence in reply to the community organisation, and the draft assessment report. The requester complained to the Ombudsman.

The Ombudsman accepted that section 9(2)(g)(i) of the OIA provided good reason to withhold the emails.

In respect of comments on the draft correspondence, the Ombudsman noted that it is a core function of officials to brief colleagues on correspondence from the public and to provide advice and opinions on how the agency should respond, and it is in the interests of the effective conduct of public affairs that officials do not feel inhibited in what they say and how they record what they say.

In respect of comments on draft reports, the Ombudsman noted that draft and preparatory material will often be protected by section 9(2)(g)(i) where the final version of a report has been released. Drafts are prepared for the purpose of discussion or comment. The circulation of such drafts and the exchange of comments is in the public interest, in that it assists in achieving a degree of accuracy and completeness that might not otherwise be possible. Public

disclosure of such information would undermine the process that the circulation of draft reports is generally intended to achieve.

The Ombudsman could not identify any particular public interest in release of the comments contained in the emails.

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