

## Request for email communications between councillors relating to industrial dispute

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| <b>Legislation</b>    | Local Government Official Information and Meetings Act, s 7(2)(f)(i) |
| <b>Agency</b>         | Auckland Council   |
| <b>Ombudsman</b>      | Dame Beverley Wakem  |
| <b>Case number(s)</b> | 329595   |
| <b>Date</b>           | October 2012   |

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*Disclosure of informal emails between councillors in highly sensitive context would inhibit future expression of free and frank opinions—s 7(2)(f)(i) provides good reason to withhold*

A requester complained to the Chief Ombudsman when their request for communications between Auckland City Councillors in relation to the industrial dispute between Council-owned company Ports of New Zealand and the Maritime Union was refused. Part of the industrial dispute related to redundancies that would be occasioned as a result of the company's decision to contract out its services to casual workers.

The Chief Ombudsman described the information at issue as relatively informal emails exchanged between councillors following the contracting-out decision. The emails did not represent the considered view of Council but the '*sharing of free and frank opinion about the redundancies*'.

The Chief Ombudsman formed the opinion that section 7(2)(f)(i) of the LGOIMA provided good reason to withhold the emails. There was a real and substantial risk that disclosure would make councillors more reluctant in future to express their views openly in this manner, which would prejudice the effective conduct of public affairs. The need for confidentiality was heightened by the highly sensitive context in which the communications took place. The public interest in disclosure did not outweigh the need to withhold the information in order to protect the free and frank exchange of opinions between councillors. The public interest was met by the disclosure of relatively detailed media releases about the progress of the dispute.

*This case note is published under the authority of the [Ombudsmen Rules 1989](#). 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.*