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| Request for lecture research notes |
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| Legislation Official Information Act 1982, s 18(g)  Agency Auckland University  Ombudsman Beverley Wakem  Case number(s) A12997  Date August 2008 |

*Information held in staff member’s private capacity not held*

Auckland University received a request for the research notes of a staff member who had presented the Keith Sinclair Memorial Lecture. The requester was dissatisfied with the University’s response and complained to the Ombudsman. After investigating, the Chief Ombudsman concluded it was open to the University to refuse the request under section 18(g).

The Keith Sinclair Memorial Lecture was not a University lecture. It was set up by a group of historians, who each year choose a lecturer. The University does not designate the lecturer and the appointment does not go through the formal University vetting procedures for University lectures.

The lecture was based on research funded by the Marsden Fund, which provides grants to researchers in their own right, not because they are carrying out research at the direction of the institution by which they are employed.

The Chief Ombudsman accepted that the research notes were held by the staff member in her private capacity, not in her capacity as an employee of the University. The University was not putting on a public lecture which the staff member was designated to give in her capacity as a member of the University staff.

*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.*