

Request for names of members of the Auckland University European Students Association

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| Legislation | Official Information Act 1982, s 9(2)(a) |
| Agency | Auckland University |
| Ombudsman | Leo Donnelly |
| Case number(s) | 450093 |
| Date | 16 February 2018 |

Section 9(2)(a) OIA applied—withholding necessary to protect high privacy interest in information that would directly or indirectly identify AUESA members—potential consequences of disclosure included harassment, threats and reputational damage—no public interest override

In the wake of controversy about whether the Auckland University European Students Association (AUESA) promoted white supremacy, Auckland University received a request for all information held about that organisation, including the names of its founding members. The University released documents with redactions to ‘personal information’ under section 9(2)(a) of the Official Information Act (OIA). The requester complained to the Ombudsman about the University’s decision to withhold information identifying the members of the AUESA.

Section 9(2)(a) of the OIA provides good reason for withholding official information (subject to a public interest test), where it is necessary to protect the privacy of natural persons.

The University explained that AUESA was never formally affiliated to it, or to the Auckland University Students’ Association (AUSA). The University advised that AUESA had received harassing messages from members of the public, including threats of violence. AUESA had then been disbanded.

The University considered it necessary to withhold the information identifying the members of AUESA in order to protect their privacy. It argued that there was a strong privacy interest in this information and that, if this information were released, the students would be harassed,

and their reputation and future job prospects damaged. This would be unfair, as AUESA had denied being a covert white supremacist group.

The Ombudsman consulted the Privacy Commissioner, who said there was a high privacy interest in the names and student identification numbers of the former AUESA members, and in the president's email and home address. Significant weight should be given to protecting these privacy interests because release could seriously adversely affect the students.

The Ombudsman agreed that a significant privacy interest attached to information that would directly or indirectly identify the AUESA members, given the harassment and threats of violence they had received, and the potential reputational damage if they were identified. He considered that section 9(2)(a) applied.

While some members of the public may have been interested in identifying the members of AUESA, there was no public interest in release of this information sufficient to outweigh the damage to privacy interests. In this regard, it was relevant that AUESA was never formally affiliated or associated with the University or AUSA.

The Ombudsman concluded that section 9(2)(a) provided good reason to withhold information identifying the members of the AUESA.

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