

Request for DHB Commissioner's draft work plan

Legislation	Official Information Act 1982, s 9(2)(g)(i)
Agency	Southern District Health Board
Ombudsman	Professor Ron Paterson
Case number(s)	420972
Date	March 2016

Release of draft work plan would likely result in reluctance by staff to draft and consult on document—components of plan, once confirmed, were to be included in the 2016/17 annual plan—s 9(2)(g)(i) provided good reason to withhold

A journalist requested the detailed work plan submitted by the Commissioner of the Southern District Health Board (DHB) to the Minister of Health. The DHB said the work plan was not finalised and was subject to further discussion, and withheld it under section 9(2)(g)(i). The requester complained to the Ombudsman.

The DHB explained that the draft work plan remained under development, and had been subject to 'comprehensive internal review and amendment'. It provided the Ombudsman with a schedule of meetings relevant to the draft work plan as evidence of this. It advised that meetings in respect of the draft work plan would continue in the coming months.

The DHB argued that disclosure would result in those responsible for developing and contributing to the work plan feeling inhibited from including preliminary or undeveloped thoughts and ideas that may be unpopular. It would also severely curtail the Commissioner's ability to work in an open and frank environment with senior managers at the DHB in continuing to develop the work plan.

The Ombudsman formed the opinion that section 9(2)(g)(i) provided good reason to withhold the draft work plan. He stated that 'successive Ombudsmen have often considered that draft materials, or comments made by officials regarding draft materials, fall within the contemplation of this provision'.

The work plan was in draft form and subject to ongoing consultation and amendment. It did not represent the final position of the DHB, the Commissioner, or the Minister, and the accompanying documentation provided by the DHB evidenced ongoing meetings in respect of the content. That content, in its current form, was the result of ongoing internal discussion regarding what the appropriate strategy for the DHB should look like.

The Ombudsman was satisfied that disclosure of this information, without it having been finalised or adopted by the Minister, would be likely to prejudice the willingness and ability of staff to generate and express free and frank opinions on that plan, because of potential criticism of the draft material, or an expectation that the draft represented the Commissioner's ultimate plan.

Any reluctance by staff to draft and consult on documents such as this would prejudice the effective conduct of public affairs by restricting the context in which the Commissioner prepared strategies for the future of SDHB.

The Ombudsman acknowledged the public interest in the governance of SDHB and the future plans of the Commissioner, however in this case, the public interest lay in facilitating the development of well-informed planning. Components of the plan, once confirmed, were to be included in the 2016/17 annual plan, and there was no overriding public interest in disclosure of the contents prior to this.

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