

Request for briefing notes relating to state visits

Legislation	Official Information Act 1982, s 18(f)
Agency	Ministry of Foreign Affairs and Trade
Ombudsman	Peter Boshier
Case number(s)	404371
Date	April 2016

Inspection on conditions in order to identify the documents required provided means of resolving s 18(f) refusal

A requester asked the Ministry of Foreign Affairs and Trade for copies of briefing notes and reports prepared in respect of state visits between New Zealand and Indonesia in 1980, 1983, 1986 and 1991. Part of this request was met because the information was available as open access records at Archives New Zealand. However, other information was held at Archives New Zealand under restricted access conditions. While the Ministry provided the requester with its standard conditions for researchers wishing to access restricted access records, it advised that the remainder of the request was *'declined under section 18(f) as the information requested cannot be made available without substantial collation or research'*. The requester complained to the Ombudsman.

During the Ombudsman's investigation, the Ministry explained that its initial search resulted in the discovery of over 28 historical files that were potentially in scope. Having conducted a further search, at least 13 historical files were thought to contain documentation potentially in scope. The Ministry noted that it was difficult to find the relevant information because of historic paper filing methods. Each of the files in question contained approximately 100 documents of varying sizes. A preliminary assessment of eight of those files took one staff member approximately eight hours. The Ministry estimated it would take at least another week for that staff member to complete the task.

The Ministry clarified that the information could be made available to the requester for inspection at Archives New Zealand subject to its standard conditions for researchers, which would enable her to locate the relevant information herself and submit a further OIA request for it. The Ministry's standard conditions include:

- that the information is used only for the purpose of the research, and not communicated or published to any other person without the Ministry's permission; and
- that the Ministry can see draft work based on the information, and delete any information requiring protection under the OIA.

When it was made clear to the requester that what was proposed was a two-stage process for accessing the information requested—the first stage to inspect the information on conditions in order to identify the official information sought, and the second to request copies of that information under the OIA—this resolved her complaint.

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.