

## Request for cost of digital and touch wall at new Christchurch Library

<b>Legislation</b>	Local Government Official Information and Meetings Act 1987, s 7(2)(b)(ii)
<b>Agency</b>	Christchurch City Council
<b>Ombudsman</b>	Leo Donnelly
<b>Case number(s)</b>	473515
<b>Date</b>	May 2018

*Release would undermine supplier's negotiations with other buyers which would unreasonably prejudice its commercial position—public interest in disclosure of information regarding Council expenditure outweighs withholding interest*

A requester sought the cost of a digital and touch wall installed at the new Christchurch Library. The Christchurch City Council refused the request under section 7(2)(b)(ii) of the LGOIMA, and the requester complained to the Ombudsman.

The Council argued that release of the cost would be likely unreasonably to prejudice the commercial position of the supplier. The supplier was engaged in negotiations with overseas buyers. If the cost of the wall was disclosed, the overseas buyers might demand that same price. This would severely affect the supplier's profitability in that market, and be detrimental to future negotiations with prospective customers. It might also aggrieve existing customers who had paid a higher price, and thus impact on future repeat business. The Council also argued that the public interest in disclosure of the cost did not outweigh the need to withhold the information because it was only a small proportion of the total cost of the new library.

The Ombudsman noted that the potential for disclosure of such commercial information is part of doing business with a public sector organisation in New Zealand. However, he accepted that the supplier operated in a global market and that its main focus was on the international market, given the small size of the domestic market. Bearing this in mind, along with the fact that the supplier had several international deals under negotiation at the time, he was persuaded that the supplier's commercial position would be unreasonably prejudiced by

disclosure of the information at issue.

However, the Ombudsman also considered there was a substantial countervailing public interest in the availability of information about costs of products and services procured by local and central government agencies: *'In my view ... there is an overriding public interest in the availability of adequate information regarding expenditure by Council on the delivery of services to the public, which in turn promotes good government'*.

The Ombudsman formed the opinion that the interest in withholding the total cost of the digital and touch panels under section 7(2)(b)(ii) was outweighed by the public interest in availability of the cost information to promote the accountability and transparency of the Council. He recommended that the cost be disclosed.

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