

Request for letter of complaint

Legislation	Official Information Act 1982, s 9(2)(a)
Agency	Ministry of Education
Ombudsman	Beverley A Wakem
Case number(s)	174402
Date	14 August 2007

Withholding investigated by the Privacy Commissioner under the Privacy Act 1993 and the Ombudsman under the OIA—personal information about requester released—s 9(2)(a) OIA applied to the remainder—withholding necessary to protect the privacy of the complainant and her children—public interest in knowing the nature of a complaint made against the requester already met

The owner of a child care centre sought a copy of a letter of complaint made against him. The Ministry of Education refused the request under section 9(2)(a) of the Official Information Act (OIA), in order to protect the privacy of the complainant and her children. The requester complained to the Ombudsman.

The information at issue comprised a mix of personal information about the requester, and information about the complainant and her children.

The Ombudsman transferred part of the complaint to the Privacy Commissioner for consideration under the Privacy Act, and the Ombudsman and Privacy Commissioner conducted separate but parallel investigations.

As a result of the Privacy Commissioner's investigation, personal information about the requester contained in the letter of complaint was released to him. The Ombudsman formed the opinion that the remaining information was properly withheld under section 9(2)(a) of the OIA.

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

The withheld information comprised personal details about the complainant and her children. That information was of a nature that one would normally expect to remain private. The

Ombudsman considered that withholding was necessary to protect the privacy of the complainant and her children.

The Ombudsman acknowledged *'a public interest in disclosure of the nature of a complaint being investigated by a government organisation to those being investigated'*. However, the Ministry had disclosed the nature of the complaint and there was no public interest in release of the remaining information. Section 9(2)(a) of the OIA provided good reason to withhold that information.

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