

Request for recidivism statistics

Legislation	Official Information Act 1982, s 18(d)
Agency	Peter Boshier
Ombudsman	Department of Corrections
Case number(s)	440225
Date	May 2017

No certainty that information would be released in the near future—release 13 weeks after refusal was not ‘soon’—s 18(d) did not apply

On 20 June 2016, a requester sought recidivism statistics related to the Department of Corrections’ goal of reducing re-offending by 25 percent by 2017. On 22 July 2016, the Department supplied historical statistics, but refused 2016 statistics on the basis that they would soon be released by the State Services Commission as part of its reporting on the Better Public Services results and targets. On 20 October 2016, the requester complained to the Ombudsman, noting the information had still not been made publicly available. The information was published in early November 2016.

The Chief Ombudsman stated that in order for section 18(d) to apply:

- there must be a genuine intention to make the information public;
- the agency must be reasonably certain that publication will take place; and
- the intended publication must be at a point in time in the near future.

The word ‘soon’ presupposes an element of certainty about when the information will become publicly available. It is insufficient that publication is simply anticipated. It is good practice to provide the requester with a specific date of release or to explain the perceived difficulty in meeting the request immediately.

In this case, the Department did not appear to have had any certainty about when the statistics would become publicly available. Publication was not within its control. The Department did not have reasonable grounds to believe that publication would be 'soon'. In the finish it was 13 weeks before the information was published. This was not 'soon'.

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.