

Request for Minister/Chief Executive discussions

Legislation	Official Information Act 1982, s 9(2)(g)(i)
Agency	Minister of Social Development
Ombudsman	Beverley Wakem
Case number(s)	276248
Date	April 2010

Disclosure of full record of recollection of discussion between Minister and Chief Executive would inhibit future expression of free and frank opinions—summary of recollection released

In 2009, the Minister of Social Development released the benefit details of two beneficiaries who had criticised the Government's policy of abolishing the Training Incentive Allowance. She was questioned in Parliament about the advice she had received from her Chief Executive in relation to that decision. She stated '*he certainly acknowledged that I had made that judgment call and that he backed me on that*'. An OIA request was made for the Chief Executive's recollection of that discussion. The requester complained to the Chief Ombudsman when that request was refused under section 9(2)(g)(i).

The Chief Ombudsman commented:

It is in the interests of the effective conduct of public affairs that a Minister has confidence that he or she is able to initiate discussions with his or her departmental chief executive on sensitive topical issues and that they are able to exchange ideas and make comments in a robust and frank way.

She considered that disclosure of the full record of the Chief Executive's recollection of his discussion with the Minister would impede the free and frank exchange of opinions between these parties.

However, she put to the Chief Executive that a summary of the recollection could be disclosed. This would protect the channel of communication between the Chief Executive and Minister,

whilst also promoting the accountability of the Minister. The Chief Executive accepted this and a summary was disclosed. The Chief Ombudsman formed the final opinion that there was good reason under section 9(2)(g)(i) of the OIA to withhold the full record.

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