

Request for copy of file of deceased brother held by NZSIS

Legislation	Official Information Act 1982, s 16(2)(a)
Agency	New Zealand Security Intelligence Service
Ombudsman	Beverley Wakem
Case number(s)	291610
Date	August 2011

Releasing information in alternative form enabled accountability without prejudicing security or efficient working of agency

A requester sought a copy of the file on his deceased brother held by the New Zealand Security Intelligence Service (NZSIS). The NZSIS provided the requester with a series of file summaries, but refused to declassify the remaining 460 documents at issue on the basis that this would impair efficient administration. The requester complained to the Ombudsman.

The Chief Ombudsman reviewed the six volume file in question, and confirmed that the content raised security and privacy issues which would need to be considered before the file could be released. She noted that the declassification process required careful consideration, not only of the content of the information, but also any consequences that could flow to the national interest from release. To release a copy of the file, the NZSIS would need to:

- read and review the information;
- decide on withholding or release;
- declassify the documents where possible;
- make redactions and prepare summaries;
- copy the information; and
- vet the proposed release.

It was estimated this would take one full time person four weeks, as well as further time for a second person to complete the vetting process.

The Chief Ombudsman formed the opinion this would place undue strain on the resources of the NZSIS and so would impair efficient administration. The problem could not be solved by extending the timeframe for response, or fixing a charge, given the limited staff qualified and available to do this work (two, at the time of the request), and taking into account their other commitments. These staff had to deal with 42 other OIA and Privacy Act requests at the time, as well as work required to enable the proactive release of information from the NZSIS archives. The Chief Ombudsman considered that the provision of summaries enabled the NZSIS to be accountable, without prejudice to security or the overall efficient working of the agency.

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.