

Request for details of address of incorrect recipient of parcel

Legislation	Official Information Act 1982, s 9(2)(a)
Agency	Creative New Zealand
Ombudsman	Anand Satyanand
Case number(s)	W41600
Date	April 1999

Photographic work sent to wrong address by Creative New Zealand—recipient disposed of parcel—photographer sought information concerning loss—privacy interests of name and address of recipient—public interest in photographer having all relevant information to enable legal rights to be assessed outweighed privacy interest

A photographer had occasion to send certain of his own original artistic work to Creative New Zealand. The material reflected the person's professional labour over some twenty years. Creative New Zealand arranged for the assessment of the work by an external expert. A heavy package containing the work was duly dispatched by courier to the expert, but was incorrectly delivered to a nearby house. By clerical error the package had been addressed to the wrong house. The name of the intended recipient was upon the package, as was the return address. A person at the address to which the package was delivered, seeing the package was not addressed to a person of that house, placed it for rubbish collection. Subsequently, it was duly collected and destroyed.

The material was irreplaceable, and the photographer sought to establish how his material came to be lost, including the name and address of the householder of the property to which the package had been wrongly addressed. Creative New Zealand sought to withhold this information pursuant to section 9(2)(a) of the OIA, in order to protect the householder's privacy.

Creative New Zealand consulted the householder for his views and the householder objected to his details being provided to the requester.

The householder had a privacy interest in his name and address, and section 9(2)(a) applied to the information at issue accordingly. However, pursuant to section 9(1) of the OIA, it was necessary to consider whether *'in the circumstances of the particular case, the withholding of*

that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available’.

There were countervailing public interest considerations in that it was in the public interest for a person in the position of the photographer to know the circumstances of his considerable loss. In particular, there was a public interest in the photographer being in a position to consider whether any legal action by him against any party was appropriate. The availability or likely success of any legal action was not directly relevant, as the essence of that public interest lay in the photographer being able to take full advice on the matter.

After consultation with the Privacy Commissioner, it was concluded that the reason to withhold the information pursuant to section 9(2)(a) was outweighed by public interest considerations within the meaning of section 9(1). Creative New Zealand released the information to the requester.

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