

Request for draft ministerial and chief executive correspondence

Legislation	Official Information Act 1982, s 9(2)(g)(i)
Agency	Ministry for Culture and Heritage
Ombudsman	Dame Beverley Wakem
Case number(s)	302193
Date	September 2013

Release of draft ministerial and chief executive correspondence would inhibit the free and frank expression opinions—s 9(2)(g)(i) applies

The Ministry for Culture and Heritage withheld a range of information relating to the funding and review of the orchestral sector, and the requester complained to the Ombudsman.

The information at issue included an outline of a draft letter from the Minister to Creative New Zealand and the New Zealand Symphony Orchestra (NZSO), and several draft versions of that letter. A draft letter from the Ministry to the NZSO was also withheld. The Ministry advised that release of the drafts would inhibit the way in which it created drafts for the Minister and the Chief Executive in future.

The Chief Ombudsman commented that it is a proper and everyday function of public servants to draft correspondence for Ministers and Chief Executives. It is important that officials do not feel constrained in the provision of such advice and that Ministers and Chief Executives continue to seek the advice of their departments.

The Chief Ombudsman was satisfied that release of the drafts would inhibit the way in which the Ministry created drafts for the Minister and the Chief Executive in future. Further, the release of such advice may prejudice the freedom of Ministers and Chief Executives to determine the manner in which their correspondence should be answered.

While there was a public interest in disclosure of information related to the drafting of correspondence, the overall public interest was not served by disclosure of information that

would undermine the ability of Ministers and Chief Executives to obtain the best possible sources of assistance in this task. Primary accountability for the responses lay with the Minister and Chief Executive, and the final letters from each had been released.

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.