

Request for engineering reports regarding earthquake-prone buildings

Legislation	Local Government Official Information and Meetings Act 1987, ss 7(2)(c)(i), 7(1)
Agency	City Council
Ombudsman	Dame Beverley Wakem
Case number(s)	323862
Date	May 2014

Section 7(2)(c)(i) applied—public interest in transparency for health and safety required the disclosure of four reports containing adverse findings

A requester sought copies of engineering reports obtained by a council from building owners following a review of earthquake safety. The reports were withheld on the basis that release would prejudice the ongoing supply of confidential information in future (section 7(2)(c)(i) of the LGOIMA). The requester complained to the Ombudsman.

The Chief Ombudsman accepted that the withholding ground applied, but considered that insufficient weight had been placed on the public interest in release. The public have a right to know about the safety of buildings prior to entry. The issue was whether the engineering reports needed to be released for the public to establish the safety of the buildings in question, or whether public safety could be maintained by other means.

Four of the ten engineering reports contained adverse findings in terms of the safety of the building. The Chief Ombudsman queried whether the council had any plans to use this information, for example, in relation to its powers under section 124 of the Building Act 2004 to take certain actions in relation to earthquake-prone buildings. The council advised that it had no such plans.

The Chief Ombudsman found that because the council did not propose to carry out any further evaluation of the buildings, despite the engineering reports raising cause for concern, *‘the public had a right to know that information existed to show that the buildings may be prejudicial to their health and safety’*.

In her view, the four adverse engineering reports ought to have been released, along with a statement to the effect that no public health or safety concerns were raised by the remaining engineering reports.

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