

Request for handwritten comments on draft walking and cycling strategy

Legislation	Local Government Official Information and Meetings Act 1987, s 7(2)(f)(i)
Agency	Upper Hutt City Council
Ombudsman	Dame Beverley Wakem
Case number(s)	346844
Date	August 2015

Release would inhibit willingness of Council staff to provide free and frank opinions on drafts circulated by colleagues, or to test the content and recommendations of such documents, which would undermine the accuracy and value of the material that eventuates—s 7(2)(f)(i) applies

A requester asked the Upper Hutt City Council for a copy of its draft walking and cycling strategy. The Council replied that the strategy was not complete, and refused the request under section 7(2)(f)(i) of the LGOIMA.

The requester already had a draft that had been prepared by a transportation consultancy. He wanted the Council draft prepared after this. The only information at issue was the original draft with the addition of handwritten comments.

The handwritten comments at issue had been generated through a process of consultation amongst staff, or in editing and undertaking quality assurance. Much of the comments related to suggested editorial changes, and the remainder were in the nature of questions and suggestions regarding content.

Section 7(2)(f)(i) contemplates the effect that disclosure could have on the future generation of free and frank expressions of opinion. Release may affect the future willingness and ability of officials to canvas and test the full range of options and ideas, which is crucial to ensuring that the best and most considered advice is ultimately tendered to Council.

The Chief Ombudsman was satisfied that disclosure of the comments at issue would be detrimental to the future willingness of Council staff to provide free and frank opinions on

drafts circulated by colleagues, or to test the content and recommendations of such documents. To inhibit this process would be to undermine the accuracy and value of the material that eventuates. In this case, the document in preparation was a strategy for presentation to the Council and for public consultation. The effective conduct of public affairs in this respect relied on accurate and comprehensive documentation, with well-founded propositions. To impair the quality of that advice would be to prejudice the basis on which the public was to engage.

The Chief Ombudsman concluded that the public interest in disclosure of the handwritten comments did not outweigh the need to withhold: *‘The internal deliberation process and ongoing modification and refinement of documents such as this ensure that the Council receives well-documented recommendations and advice’.*

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