

## Request for information about a Department's employment operations

<b>Legislation</b>	Official Information Act 1982, s 9(2)(i)
<b>Agency</b>	Department of Corrections
<b>Ombudsman</b>	Dame Beverley Wakem
<b>Case number(s)</b>	297887
<b>Date</b>	November 2012

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*Pre-cast concrete operation is a commercial activity—s 9(2)(i) applies*

The Department of Corrections refused a request for information about its pre-cast concrete employment operations under section 9(2)(i) of the OIA (commercial activities) and the requester complained to the Ombudsman.

During the investigation, the Department released most of the information, including its annual revenue, whether it met its costs, and any cost to the taxpayer. The information that remained at issue was the names of customers who had received a credit due to quality issues, and the value of those credits.

The Chief Ombudsman concluded that the concrete yard was a commercial activity. The Corrections Inmate Employment objectives and business plan supported this. While the primary purpose of the yard was to facilitate rehabilitation by offering employment opportunities to inmates, this did not mean it could not also be a commercial activity. Nor was this precluded by a ministerial directive to avoid developing a dominant market share.

The Chief Ombudsman also concluded that release would disadvantage the Department in carrying out its commercial activities. First, it would enable competitors to target the Department's customers, which could reduce the number and value of contracts won by the Department, and therefore its income and the long-term viability of the operation. Secondly, it could lead to a loss of confidence in the Department's products, which would detrimentally affect sales.

In view of the information already disclosed, the Chief Ombudsman formed the opinion that the need to withhold the names of customers and value of credits was not outweighed by the public interest in release.

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