

Request for information about an employment investigation

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| Legislation | Official Information Act 1982, ss 9(2)(a), 9(2)(ba), 9(1) |
| Agency | New Zealand Police |
| Ombudsman | David McGee |
| Case number(s) | 316020 |
| Date | May 2012 |

Privacy and confidentiality grounds applied—need for accountability when things go wrong—extent of information in the public domain—need to provide the ‘full picture’—nature and seriousness of the wrongdoing—whether other means of scrutiny or regulation—release of summary information to satisfy public interest

A requester sought the file concerning an employment investigation into allegations that a Police officer had misused Police letterhead to avoid a parking fine. The request was refused on privacy and confidentiality grounds (sections 9(2)(a) and 9(2)(ba) of the OIA), and the requester complained to the Ombudsman.

The Ombudsman found that the relevant withholding grounds applied, and the question was whether the public interest in disclosure outweighed the need to withhold the information to protect the privacy and confidentiality interests.

The Ombudsman noted that information about the investigation was reported in the media. He also noted that the information related to a matter—the integrity of the infringement offence process—in which there was a legitimate public interest. While the Independent Police Conduct Authority (IPCA) had investigated, they did not intend to report publicly. In light of these circumstances, the Ombudsman considered it appropriate for Police to release a statement about the outcome of the investigation, in order to fill the vacuum left by the information that was already in the public arena.

The Ombudsman considered the Police argument that public accountability was met through referral to the IPCA rather than through release of official information to the media. The

entitlement to official information is not set aside because of the existence of the IPCA. Having said that, the involvement of a body such as the IPCA is relevant when assessing whether there is a public interest in release that outweighs a withholding ground that would otherwise apply. If a body such as the IPCA makes a public report on a matter this may well satisfy any public interest in further release of information. However, in this case the IPCA did not intend to make a public report.

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