

## Request for information relating to Civic Creche Inquiry

<b>Legislation</b>	Official Information Act 1982, s 9(2)(a)
<b>Agency</b>	Department of Social Welfare
<b>Ombudsman</b>	Anand Satyanand
<b>Case number(s)</b>	W41677
<b>Date</b>	April 2000

---

*Request for information relating to Christchurch Civic Creche Inquiry—most information released, but all names and other personal information withheld on privacy grounds—view formed privacy considerations did not attach to names of public sector employees in the context of their positions—privacy did attach to other employment related matters, and to names of private sector employees, children and parents involved—no countervailing public interest considerations identified*

The requester, who was writing a book on the Christchurch Civic Creche case, sought from the Children Young Persons and their Families Service of the Department of Social Welfare, reports prepared on the case between November 1991 and June 1993. The Service released most of the information covered by the request, but withheld the names of individuals and personal information about some Service employees and other individuals in reliance upon section 9(2)(a) of the OIA.

The names withheld included those of all Service employees involved, the names and other identifying information of children involved in the Inquiry, as well as those of private sector counsellors and social workers, local authority officers, police officers and the Crown Solicitor in Christchurch. In addition, references to employment related matters involving Service employees and personal information about parents and children involved in the Inquiry were withheld.

The Service was concerned that the Inquiry had been the subject of ‘*extraordinary*’ media attention for a number of years, and that most people who had had direct involvement in it, had suffered considerable emotional stress as a consequence. It argued that any anonymity these persons may have gained over the passage of time would be undone if their names were now released and that this might expose them to adverse publicity and possibly impact on their professional careers.

The general approach taken by the Ombudsmen is that the disclosure of a name, in the context of the position that the person holds in the public sector, will not unduly or unreasonably infringe upon that person's privacy. Accordingly, as a general proposition, public sector employees in direct or indirect contact with the public can assume that for reasons of accountability, their name should be identified upon request. With respect to the names of Service employees, police officers, City Council staff and the Crown Solicitor, the view was formed that there were no grounds to justify a departure from the general approach. Accordingly, section 9(2)(a) did not apply to this information. It was also concluded that section 9(2)(a) did not provide good reason to withhold a number of general references to parents and the family situations of children involved in the Inquiry as these references did not raise specific privacy interests which required protection.

However, the names of Service employees also appeared in listings of individual cost items for the Inquiry and in comments on work performance, leave and remuneration arrangements. It was considered that there was good reason under section 9(2)(a) to withhold this information to protect the privacy interests of the employees concerned.

The remaining information withheld under section 9(2)(a) consisted of the names of several counsellors and social workers employed in the private sector, and the names of the children involved in legal proceedings related to the case. The view was that the names of the private providers of counselling and social services could properly be withheld under section 9(2)(a) because these persons were unlikely to have anticipated that their identities could be released under the OIA.

The requester accepted that there was a significant privacy interest in any of the information which might identify the children or their parents. However, she argued that the children's names were already known to her, because she had been provided with these names by the Crown Law Office as a result of a separate request under the OIA. She said because she would not reveal the identities of either the children or their parents in her book, the names should be released. She also argued that the ongoing debate in the media about the case did not support the view that the public interest had been satisfied by access to information about the case already revealed through the various court proceedings related to the case.

In forming a final view on the withholding of this information under section 9(2)(a), the following factors were particularly relevant:

- the nature of the information that would be disclosed and what other details such disclosure would reveal about the persons concerned; and
- the likelihood of the information being information that the persons concerned would not wish to have disclosed without consent.

The Privacy Commissioner was also consulted in terms of section 29B of the OIA.

In this case, the privacy interests identified in the names and other identifying information about the children and their parents, were derived from the links between this information and the contents of some of the documents already released by the Service. The fact that the requester had already been given the names of the children concerned in the context of

information contained in different documents which were the subject of a separate request for official information, did not diminish in any way the privacy interests concerned in this case. It was also considered that the likelihood of the persons concerned not wishing to have their identities disclosed without their consent was very high. The requester's own assurances that the identities of the children and their parents would not be revealed in her book did not diminish these privacy interests.

After assessing the public interest considerations favouring disclosure of the information to which section 9(2)(a) was considered to apply, the view was formed that they were not strong enough to outweigh the privacy interests which had been identified.

*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.*