

Request for information relating to the employment investigation of Unit Manager at Prison

Legislation	Official Information Act 1982, ss 9(2)(a), 9(2)(ba)(i)
Agency	Department of Corrections
Ombudsman	Sir Brian Elwood
Case number(s)	W39127
Date	May 1999

Request for information relating to employment investigation of Unit Manager at Prison—information withheld on privacy and confidentiality grounds—information at issue protected, subject to release of appropriate summaries of this information to satisfy the public interest in accountability

This case involved a request to the Department of Corrections by a Television New Zealand Programme Producer for information relating to an employment investigation in respect of a Prison Unit Manager. The information requested was whether the Unit Manager was still employed by the Department, the nature and findings of the investigation, who was investigated or interviewed about their association with the Unit Manager, and what action was taken as a result of the investigation. The information at issue was identified by the Department as comprising two separate reports:

- The report on the investigation into the functioning of the Prison Unit
- The report on the employment investigation

The Department withheld both reports under section 9(2)(a) of the OIA. Its main concern was that the reports contained the personal representations of a number of people and personal information about staff members and inmates. In the case of the employment investigation report, the Department argued that the public interest in the management of the Prison Unit did not outweigh the personal privacy of the Unit Manager. It believed there were other

criteria available by which the public, the media and other agencies could judge management performance at the Prison Unit without breaching the privacy of the Unit Manager.

After considering the Department's submissions and studying the information at issue, the view was formed that section 9(2)(a) applied to those parts of the information at issue which would identify or tend to identify individual inmates or prison staff including the Unit Manager and also that section 9(2)(ba)(i) applied to the notes of the interviews with two inmates, as this information was the subject of clear assurances of confidentiality and, if disclosed, would prejudice the supply of similar information in the future. Having accepted that disclosure of the information would prejudice these interests, it was then necessary to consider the application of section 9(1) of the OIA and assess whether there were any public interest considerations favouring disclosure which outweighed the identified interests in withholding. The view was formed that to satisfy the public interest in accountability for the way in which the Unit was being run at the time of the investigations, summaries of the two reports should be released which would each set out the background to the investigation, the matters to be investigated, the outcomes of the investigation including the findings and recommendations and the resulting actions taken. The Department accepted this view and released these summaries to TVNZ.

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