

Request for letter written by District Council Mayor

Legislation	Local Government Official Information and Meetings Act 1987, s 2(3)
Agency	Taupo District Council
Ombudsman	Sir Brian Elwood
Case number(s)	W42919
Date	October 1999

Request for a letter written by District Council Mayor—question as to whether letter written by the Mayor as a public official or as a private citizen—found it was written in Mayor’s capacity as a public official—no valid reason for withholding established

A complaint was received from a community organisation against a District Council and its Mayor, asking for an investigation and review of a decision not to release a copy of a letter sent to a University. The issue was whether the letter was a private one or whether it had been written by the Mayor in her capacity as a ‘member of a local authority’.

The contention was that since a delegation from the District Council had visited the University, the Council had been promoting the idea of a university in the district. After seeing a ‘Road Show’ run by the Council to promote the concept, the complainant contacted the University for details of what had been discussed by a delegation from the University visiting the district. The University responded that its delegation had been in the district as private individuals, had not come in any official capacity representing the University Board, and that no opportunity to set up a replica of the University in the district was being offered.

The complainant asserted that the Mayor later wrote to the University and asked for a copy of that letter.

The Mayor responded:

I am surprised you should demand a copy of my letter. I am not opposed to acceding to your request but to be able to assess the situation I too need all the relevant correspondence—not unreasonable I suggest...

When approached with the complaint, the Mayor declined to release the letter because of the complainant’s reluctance to release its letter to the University.

The Council contended that the Mayor's letter to the University was a private one, notwithstanding that it had been written on District Council letterhead. It therefore declined to release it. In terms of section 2(3) of the LGOIMA, the letter was information deemed to be 'held' by the Council and so subject to request under the Act. Having regard to the particular circumstances, the Mayor had not written to the University in a private capacity, but as an elected member of the Council. The information was therefore released following a recommendation to that effect.

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