

Request for minutes of Council workshops

Legislation	Local Government Official Information and Meetings Act 1987, s 7(2)(f)(i)
Agency	Auckland Council
Ombudsman	Dame Beverley Wakem
Case number(s)	357948
Date	July 2014

Request for minutes of Unitary Plan Political Working Party—minutes related to Council ‘workshops’—s 7(2)(f)(i) applied in part—minutes could be disclosed in part without inhibiting people from contributing to workshops in future

A requester sought minutes of the Auckland Unitary Plan Political Working Party (PWP), and complained to the Ombudsman when these were refused under section 7(2)(f)(i) of the LGOIMA.

The Council explained that the minutes related to Council ‘workshops’. In Council’s view, there was ‘a real and substantial risk’ that participants would be reluctant to have free and frank discussions in future workshops if the minutes were disclosed to the public. The Council referred to case note W48162, which it considered to be analogous, in that ‘release of the information at issue would be likely to inhibit future free and frank expression of opinions by or between officials through a greater level of formality being introduced into the early stages of the policy development process’.

The Chief Ombudsman disagreed that W48162 was directly analogous, as it involved ‘top of the head thoughts’ on draft policy advice, rather than formal and considered meeting minutes.

The Chief Ombudsman accepted that section 7(2)(f)(i) applied to some of the information at issue. The effective conduct of public affairs is promoted when officials can discuss, accept and/or reject particular approaches in a free and frank manner, without being concerned that their preliminary opinions and ideas could be made publicly available.

However, section 7(2)(f)(i) did not apply to the summaries of actions and directions which appeared at the end of the minutes. The workshops had a certain level of formality, and members expected their votes and views to be recorded. The participants were predominantly Councillors and Board Chairs who, by virtue of their positions as elected representatives, would generally be expected to stand behind their opinions and be accountable for their actions. The Chief Ombudsman also noted that information about the outcomes of the PWP's discussions was publicly available through reports of the Auckland Planning Committee. She therefore concluded that the minutes could be disclosed in part without inhibiting people from contributing to workshops in future. The Council agreed to release the relevant parts of the minutes.

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