

Request for rent paid for transmission and broadcast sites

Legislation	Official Information Act 1982, s 9(2)(j)
Agency	Kordia
Ombudsman	Professor Ron Paterson
Case number(s)	348838
Date	June 2015

Requester could use knowledge of other site rental rates to try and obtain a higher rate in their rent review—s 9(2)(j) applies

A valuer representing lessors in a rent review asked for details of rental arrangements between the lessee (Kordia) and other lessors. The information sought included the current rental, last date of review, and special features of the lease. Kordia refused the request under section 9(2)(j) and the requester complained to the Ombudsman.

Kordia argued there was a real risk that the valuer could use the information about rent paid by Kordia at other sites against it in negotiations. It noted it had participated in the rent review process prescribed under the lease by providing both a certificate of the current market rental and a copy of its independent valuer's report.

The Ombudsman accepted that Kordia would be prejudiced if the valuer used knowledge of other rental rates to his advantage in an attempt to obtain higher rental rates for his clients. Withholding was therefore necessary to enable Kordia to carry on negotiations with the valuer's clients, without prejudice or disadvantage.

The Ombudsman noted that the valuer's desire to obtain the information for the purpose of the rent review reflected a private interest rather than a public one, and concluded there was no public interest in disclosure of the information that would outweigh the need to withhold.

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