

Request for report on application to enter negotiations to integrate school

Legislation	Official Information Act 1982, s 9(2)(f)(iv)
Agency	Minister of Education
Ombudsman	David McGee
Case number(s)	313823
Date	May 2012

While the report itself had been considered, it was part of a longer term process of advice—disclosure would prejudice the orderly and effective conduct of ongoing advisory and decision making processes

A requester sought the Ministry of Education’s report to the Minister on the application by Wanganui Collegiate to enter negotiations to become a state integrated school. He complained to the Ombudsman when that request was partially refused under section 9(2)(f)(iv).

The relevant context was that although the Minister had considered the report, final decisions on the school’s application had been deferred. The Ministry was to provide a further report to the Minister about the application once additional information relevant to the decision had been collected and considered by the Ministry. That advice would have added to or may have changed the advice which was tendered previously.

The report was therefore part of a longer term process of advice and the Minister had yet to receive all the advice intended for that process. The Ombudsman accepted that disclosure of the advice at that stage would be likely to pre-empt the ability of the Minister to deliberate on the next round of advice.

The Ombudsman agreed that there was a public interest in the disclosure of information relating to a decision which *‘concerns the use of public money and which will affect secondary schools in Wanganui and the lower North Island’*. However, that interest did not outweigh the need for temporary confidentiality at that particular time.

The Ombudsman formed the opinion that the process of advice, its consideration and the following decision making under section 7(2) of the Private Schools Conditional Integration Act 1975 would be compromised if the information was disclosed at that time.

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