



Request for risk management plans relating to establishment of District Health Boards

Legislation	Official Information Act 1982, s 9(2)(f)(iv)
Agency	Ministry of Health
Ombudsman	Sir Brian Elwood
Case number(s)	W44924
Date	November 2000

Request for risk management plans relating to establishment of District Health Boards—information withheld in reliance upon s 9(2)(f)(iv)—public interest in release of information in summary form

A political party researcher requested the risk management plans prepared by the District Health Board Establishment Support Unit. This Unit was managing the risks of the transition from the Health Funding Authority to 21 District Health Boards, and reported regularly on the management of risks to Ministers and the relevant Cabinet Committee.

The Ministry of Health released a description of the risk management process, but withheld the actual risk management plans in reliance upon section 9(2)(f)(iv) of the OIA.

The Ministry was concerned that release of the actual risk management plans would present a misleading picture of the situation as the actual risks and the steps taken to mitigate those risks, could change on a daily basis. The Ministry considered it important that it be able to continue to advise Ministers and Cabinet without undermining the effectiveness of the process by releasing potentially misleading reports.

It seemed likely that section 9(2)(f)(iv) applied to the information at issue, in order to protect the flow of information between officials and ministers. However, it was necessary, in terms of section 9(1) of the OIA, to consider whether there were any countervailing public interest considerations favouring release of the information.

In view of the substantial impact that the establishment of District Health Boards would have upon the provision of public health services, there was an identified public interest in the public being aware of the major risks identified during the risk management process, the potential consequences for the delivery of public health services, and the Ministry's strategy for managing those risks. It was suggested to the Ministry that an appropriate balance could be struck between the interest that needed to be protected and the public interest considerations favouring disclosure by making available a short summary of the risks, together with a contextual statement explaining the actions being taken by the Ministry to mitigate those risks and emphasising the mutable nature of some of the risks.

The Ministry agreed to release a summary of the information, and the requester was satisfied with the summary provided.

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