

Request for information relating to proposed visit of US Navy ship

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| Legislation | Official Information Act 1982, ss 6(a), 6(b)(i) |
| Agency | Ministry of Foreign Affairs and Trade |
| Ombudsman | Sir Brian Elwood |
| Case number(s) | W37800 |
| Date | September 1997 |

Request for information relating to proposed visit in 1985 of USS Buchanan to New Zealand—information withheld under s 6(a) and s 6(b)(i)—conventions of international diplomacy—release would be likely to prejudice the international relations of the Government and the entrusting of information by another State

This investigation and review concerned a request by a researcher for all the documents held on the Ministry's files relating to the proposed visit to New Zealand in 1985 of the US Navy ship USS Buchanan. The Ministry of Foreign Affairs and Trade released some of the information but withheld the balance in reliance upon section 6(a) and section 6(b)(i) of the OIA.

The review of a decision to withhold information in reliance upon section 6 requires an independent opinion to be formed as to whether the threshold necessary to justify that decision has been met, having regard to the particular circumstances of the case. In other words, would release of the information at issue be likely to prejudice one of the interests identified in section 6.

In this case, the Ministry's concern was that release of the information '*would be likely*' to prejudice New Zealand's international relations. The information related to a quite recent period in New Zealand's bilateral relationship with the United States of America which had been difficult. The Ministry advised that the issue of port visits by United States warships was still a sensitive one.

After considering the Ministry's explanation and reading the information at issue, the view was formed that there was some further information which could be made available without

prejudice to the interests the Ministry was seeking to protect. However, the balance of the information needed to be withheld to avoid prejudice to those interests. In reaching this view, regard was had to the fact that there are certain conventions of international diplomacy, in particular the convention that information communicated informally by another State through diplomatic channels will be kept in confidence. If these conventions are not observed by New Zealand, it would be likely that the international relations of the Government and the entrusting of information to it by another State would be prejudiced.

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