

Request from journalist for psychological state of deceased inmate

Legislation	Official Information Act 1982, s 9(2)(a)
Agency	Department of Justice
Ombudsman	Sir Brian Elwood
Case number(s)	W31776
Date	March 1995

Request from journalist for psychological state of deceased inmate—information withheld under s 9(2)(a)—information released to next of kin

A journalist requested information about the psychological state of a deceased prison inmate and the Department of Justice withheld the information in terms of section 9(2)(a) of the OIA.

There was no doubt in this case that section 9(2)(a) applied to the information at issue and there did not appear to be any countervailing public interest considerations favouring disclosure in terms of section 9(1). However, the journalist advised that he had spoken to members of the deceased's family and they had asked that the information be released to them so that they could consider it and decide whether or not they wished the journalist to see it.

After obtaining written advice to this effect from the deceased's aunt and guardian, the Department of Justice agreed to make the information available to her.

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