

Chief Ombudsman releases opinion on *Let's Get Wellington Moving* letter

30 October 2019

Chief Ombudsman Peter Boshier today released his Final Opinion on a complaint about the withholding of a letter written by Green MP and Associate Minister of Transport Julie Anne Genter.

The letter was to Minister of Transport Phil Twyford, and expressed Ms Genter's views on a draft Cabinet paper regarding the *Let's Get Wellington Moving* indicative package.

While Ms Genter said she wrote the letter in her capacity as a Green MP, Mr Boshier found she also wrote and held the letter in her capacity as Associate Minister of Transport, and it was therefore official information that people had the right to request.

"I found that withholding the full letter is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions during the policy process," Mr Boshier says.

"However, the Associate Minister's statements in the House on the matter waived the confidentiality of this exchange to some extent. This resulted in some speculation and confusion about the capacity in which the document was held, and what it said."

"Therefore, I considered there to be an overriding public interest in the release of some information about the letter and its context, to inform public understanding and promote public trust and confidence."

"I am pleased that Ministers agreed with my suggestion that they issue a clarifying statement about the context and the content of the letter, and that they have done so."

"I have given very close consideration to this case because of the fundamental issues involved here. They are of great importance to New Zealanders, involving a balance between the principle of availability of information and the effective conduct of public affairs", Mr Boshier says.

Key findings

- Both the Associate Minister and Minister of Transport hold the letter in their official capacities; therefore the letter meets the definition of 'official information' (OIA section 2(1))
- Withholding the full letter is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions between participants in the policy making process (OIA section 9(2)(g)(i))
- The public interest does not outweigh the need to withhold the full letter (OIA section 9(2)(g)(i))
- However, statements made in the House have to some extent waived confidentiality and created confusion about the letter's context and content
- Ministers agreed to issue a clarifying statement about the letter to meet the public interest in this case

[Final Opinion on request for letter to Minister of Transport](#)

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