

Names and contact details of public sector employees

Sometimes information requested under the official information legislation contains the names and contact details of public sector employees.

*The Ombudsman's general position is that there is usually no basis for withholding **staff names** if all that would be revealed is what they did in their official capacity— 'New Zealand does not have a tradition of an anonymous public service' (case [486208](#)).*

However, withholding staff names may be justified where the withholding grounds relating to safety and improper pressure or harassment are properly engaged.

It is not usually necessary to withhold staff names to protect their privacy, unless release would reveal something private or personal about the staff member(s), or in some other way intrude on their privacy.

*While there is generally a low privacy interest in **work contact details**, withholding may be justified where those contact details are not generally available or able to be inferred.*

While this guide refers to 'public sector employees', meaning employees of Ministers and agencies subject to the OIA or LGOIMA, it is also relevant to public sector contractors who are individuals.

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Introduction

Sometimes a requester will seek the names and contact details of specific staff. More often, requests will capture information that happens to include the names and contact details of public sector employees. This document provides guidance on how to deal with those requests. It discusses:

- Some OIA basics
- The Ombudsman’s general position on names
- Good reasons for withholding names
- Factors to consider in deciding whether there is good reason to withhold names
- The public interest in release of names
- The Ombudsman’s approach to contact details
- Tips for agencies

If you don’t have time to read the full guide see our [summary on the names of public sector employees](#). There’s also a [work sheet](#) to take you through the process of deciding whether there is good reason to withhold staff names in a particular case.

For requesters

Be aware that agencies may be concerned that releasing the names and contact details of their staff could expose them to unfair criticism or harassment, particularly in the online environment. Agencies have an obligation to ensure the health and safety of their staff, and they take it very seriously. Remember that public servants are people too. Information about staff identities that is released under the OIA should be used fairly, responsibly, and in accordance with the law.

Some OIA basics

The basic premise of the OIA is that information must be released on request unless there is a ‘good reason’ not to.¹ The Act lists these ‘good reasons’. In essence, it is where release would **harm** one (or more) of a series of protected interests.²

Some ‘good reasons’ are subject to a ‘public interest test’.³ This means the predicted harm

¹ See s 5 OIA and LGOIMA.

² Note that there are also some administrative reasons for refusing official information requests—see s 18 OIA and s 17 LGOIMA.

³ See s 9 OIA and s 7 LGOIMA.

needs to be balanced against the countervailing public interest in release. If the countervailing public interest weighs more heavily, the information must be released. If not, it can be withheld.

Other ‘good reasons’ are not subject to a ‘public interest test’.⁴ The interests they protect are so important that they can never be overridden.

The courts have said that although there is no onus of proof on an agency to produce evidence in support of a predicted harm, ‘[any person] who alleges that good reason exists for withholding information would be expected to bring forward material to support that proposition’.⁵

A note about proactive release

This guide is about releasing names in response to OIA requests. It is not about proactive release. Agencies have discretion when deciding what to release proactively, subject to other legal obligations like the Privacy Act 2020. Agencies should note that section 48 of the OIA⁶ (which provides protection against civil and criminal liability for releasing information in good faith in response to a request), does not apply to proactive releases.

Names

General position

The Ombudsman’s general position is that withholding staff names, when all that would be revealed is what they did in their official capacity, is not generally necessary:⁷

The names of officials should, in principle, be made available when requested. All such information normally discloses is the fact of an individual’s employment and what they are doing in that role. Anonymity may be justified if a real likelihood of harm can be identified but it is normally reserved for special circumstances such as where safety concerns arise.

In particular, it will **not usually** be necessary to withhold staff names in order to protect their privacy. The Privacy Commissioner has said:⁸

Anonymity of public servants carrying out a specific task they are employed to do is usually only warranted in special circumstances where release of that information is likely to lead to some subsequent action or conduct that would intrude on the

⁴ See ss 6 and 7 OIA and s 6 LGOIMA.

⁵ See *Commissioner of Police v Ombudsman* [1988] 1 NZLR 385 at 411.

⁶ See s 41 LGOIMA.

⁷ See case [320402](#) (the ‘PHARMAC case’).

⁸ See case [470939 & 463601](#).

individual's privacy.

The name of a public sector employee acting in their official capacity will rarely give rise to a relevant privacy interest. Many public sector employees will share their names with other people in the course of their official duties. Sometimes that information is published online, by the agency, or by the employees themselves (via LinkedIn, for example).

Nor will the fact that a person works for an agency, or what they happen to do in that role, in most circumstances, give rise to a relevant privacy interest. A public sector employee should reasonably expect a degree of transparency around what they have done in their official capacity.

Whether there is a privacy interest to address will depend entirely on the context—whether it would, in combination with other information, reveal something private or personal about the individual (for example, information about their employment relationship), or in some other way intrude on their privacy. This issue is discussed in more detail below (see [Privacy](#)).

In all cases, agencies must start from the presumption that the names of employees will be released if they appear in information requested under the OIA, and then consider whether there are any circumstances that justify a departure from that.

The fact that an employee is in a 'junior' or 'administrative' role is not, on its own, sufficient justification for withholding their name. However, it may be a [factor to consider](#) in deciding whether one of the withholding grounds is properly engaged. The blanket non-disclosure of employee names below a certain level of seniority cannot be justified under the OIA.

Another common misconception is that names of 'junior' or 'administrative' staff do not need to be disclosed because there is **no public interest** in disclosure of that information. However, a harm needs to be established before the public interest in release is considered. If there is no harm, the information must be released, regardless of whether there is a public interest in doing so.

This general position applies equally to current and former employees. However, it may be more difficult to [consult](#) former employees before making a decision, where that is necessary.

Are names and contact details 'within scope'?

Obviously these details will be within scope of a request that expressly seeks them, but what about where names and contact details appear in other information that has been requested under the OIA? Those names and contact details might be incidental to the subject of the request, but it does not mean they are irrelevant. Names and contact details that are part of the information at issue should be considered within scope unless they have been expressly excluded by the requester. Having said that, agencies can check with requesters whether they want to receive names and contact details. See [Clarifying the scope of the request](#), for more information on this.

Good reasons for withholding

As noted above, the Ombudsman's [general position](#) is that withholding staff names is not generally necessary. This section outlines when there might be a good reason for withholding.

The withholding grounds are discussed in order of the severity of harm they're intended to protect against, starting with [personal safety](#), moving to [improper pressure or harassment](#), and then [privacy](#).

This section also discusses the [free and frank opinions](#) withholding ground, as redacting staff names can sometimes be justified in order to mitigate the impact that attribution of their views would have on the future free and frank expression of opinions necessary for the effective conduct of public affairs.

Other withholding grounds may be relevant in specialised contexts, for example, in relation to national security or defence,⁹ or the maintenance of the law (including the prevention, investigation, and detection of offences).¹⁰

Health and Safety at Work Act (HSWA) 2015

Agencies have a primary duty under the HSWA to ensure, so far as is reasonably practicable, the health and safety of their staff. However, the HSWA does not provide a reason, on its own, for withholding staff names either on a blanket basis, or in response to a particular request (see case [476423](#)). Whether staff names can be withheld under the OIA depends solely on the statutory tests discussed below. Those tests are quite capable of protecting public sector employees' health and safety where that is necessary. Agency [health and safety policies](#) are addressed further below.

Safety

Section 6(d) of the OIA (section 6(b) of the LGOIMA) provides good reason for withholding if release *'would be likely ... to endanger the safety of any person'*. This is not subject to the 'public interest test' because protecting personal safety is so important. Therefore, if section 6(d) applies, the information can be withheld, and there is no need to consider the countervailing public interest in release.

When does section 6(d) apply to names of public sector employees?

Section 6(d) will apply where there is a **real and objective risk** to a person's safety, as a result of disclosure of their name to the requester.

There does not need to be a certainty of danger. An agency does not need to wait until actual threats of harm have been made or acted upon.

⁹ See s 6(a) OIA.

¹⁰ See s 6(c) OIA and 6(a) LGOIMA.

However, there needs to be more than a remote possibility of danger. The courts have said that ‘*would be likely*’ means there must be ‘*a serious or real and substantial risk*’ to a person’s safety.¹¹

Section 6(d) is usually about **physical safety**. Because the ground is conclusive and not subject to a public interest test, there must be a reasonably high threshold for application on the basis of mental or emotional harm. Concerns about mental or emotional harm of a less serious nature may be considered under other withholding grounds, like those related to [improper pressure or harassment](#) or [privacy](#).

Supporting material

As noted above ([Some OIA basics](#)), agencies should generally be able to provide material to support the proposition that releasing staff names would endanger their safety.

This could include actual threats against the employee or others in similar circumstances, or facts supporting a reasonable perception of a threat, like a history of violent or threatening behaviour by the requester, or others to whom there is a reasonable chance the information may be disclosed. The existence of protection or restraining orders may also be relevant supporting material.

Case studies

In case [176372](#), there was insufficient information to support an assertion that releasing staff names in connection with the issue of genetic modification posed a serious or real and substantial risk to their safety. While there are currently no Ombudsman cases where section 6(d) has been held to apply to staff names, that does not rule out the possibility that it may be found to apply in a future case.

Improper pressure or harassment

Section 9(2)(g)(ii) of the OIA (section 7(2)(f)(ii) of the LGOIMA) applies where withholding is ‘*necessary to ... maintain the effective conduct of public affairs through ... the protection of [Ministers, members, officers or employees of agencies] from improper pressure or harassment*’.

This is subject to a [public interest test](#), which means there will only be good reason to withhold if the public interest in release does not outweigh the predicted harm to the effective conduct of public affairs.

When does section 9(2)(g)(ii) apply to names of public sector employees?

The first thing to note is that section 9(2)(g)(ii) only protects the stated classes of individual—Ministers, and members / officers / employees of agencies subject to the OIA or LGOIMA. It cannot protect other people, like contractors or members of the public. Harassment of non-

¹¹ See [note 5](#) at 391.

protected individuals must be considered under the [privacy](#) withholding ground.

The second thing to note is that section 9(2)(g)(ii) is not about preventing improper pressure or harassment for its own sake. It is about **maintaining the effective conduct of public affairs**. It recognises that an agency's ability to do its job can be compromised if staff are detrimentally affected by improper pressure or harassment that has been directed toward them.

There does not need to be a certainty of improper pressure or harassment. An agency need not wait until improper pressure or harassment has already occurred.

However, withholding must be '*necessary*' to maintain the effective conduct of public affairs through protection of the relevant staff members from improper pressure or harassment.

Accordingly, there should be a **reasonable expectation** that:

- disclosing the name(s) would lead to improper pressure or harassment; and
- this would have an adverse impact on the relevant staff (for example, by causing stress or anxiety), and therefore the agency's ability to do its job.

What is improper pressure or harassment?

Section 9(2)(g)(ii) talks about improper pressure **or** harassment.¹² There can be a risk of one or the other, or both.

IMPROPER PRESSURE

Pressure is something less than harassment. It can be described as the use of persuasion or intimidation to make someone do something. However, the pressure needs to be improper, meaning not in accordance with accepted standards of morality or honesty. Improper pressure may include aggressive or abusive language, offensive, derogatory or defamatory remarks, or deliberate misrepresentation of the facts. On the internet, it may include doxing (searching for and publishing private or identifying information about a particular individual on the internet, typically with malicious intent) or trolling (the act of leaving an insulting message on the internet in order to annoy someone).

HARASSMENT

Harassment can be described as a pattern of behaviour directed against another person, which includes any of the following acts:¹³

- watching, loitering near, or preventing or hindering access to or from, that person's place of residence, business, employment, or any other place that the person frequents for any purpose;
- following, stopping, or accosting that person;

¹² *Freedom of Information in New Zealand* (1992) at 378 says that the qualifier '*improper*' probably belongs to '*pressure*' rather than '*harassment*', since proper harassment would be a contradiction in terms.

¹³ See ss 3 and 4 Harassment Act 1997.

- entering, or interfering with, property in that person's possession;
- making unreasonable or improper contact with that person (whether by telephone, correspondence, electronic communication, or in any other way);
- giving offensive material to that person or leaving it where it will be found by, given to, or brought to the attention of that person;
- giving offensive material to a person by placing the material in any electronic media where it is likely that it will be seen by, or brought to the attention of, that person; or
- acting in any way that causes the person to fear for their safety, or would cause a reasonable person in their position to fear for their safety.

Feedback or criticism vs improper pressure or harassment

The Ombudsman considers that public sector agencies (and employees) will inevitably be subject to public criticism and comment. It is also important that the public does not feel constrained in voicing their concerns. As such, a public sector agency may expect to receive feedback or criticism.

In case [544942](#), the evidence provided by the Ministry far exceeded feedback or criticism. The nature of the email communication, including the language and the tone used, could readily be characterised as improper pressure or harassment.

What isn't improper pressure or harassment?

Improper pressure or harassment is not unwanted scrutiny or criticism, or negative publicity.

Section 9(2)(g)(ii) is not intended to prevent people from participating in decision making processes, or expressing their opinions in a fair and temperate way. As the Ombudsman observed in case [295849](#), '*public servants and the agencies they work for need to be reasonably robust*'.

Section 9(2)(g)(ii) is also not intended to prevent people, including members of the media, from being able to make direct contact with staff, that is of a reasonable and proper nature (see case [320402](#)).

Supporting material

As noted above ([Some OIA basics](#)), agencies should generally be able to provide material to support the proposition that disclosure of staff names would lead to improper pressure or harassment.

This could include previous conduct by the requester (see cases [484534](#), [455668](#), [431166](#) and [357495](#)), or others to whom there is a reasonable chance the information may be disclosed (see cases [381628](#), [295849](#), [178434](#) and [175129](#)).

It might also include personal representations from the staff members concerned, regarding

their perception of the likelihood of improper pressure or harassment, and the predicted impact of that upon them (see cases [381628](#), [295849](#) and [178434](#)).

Case studies

Section 9(2)(g)(ii) applied		Section 9(2)(g)(ii) did not apply	
544942	Requests for information relating to the COVID-19 vaccination programme	486208	Names and contact details in Department of Corrections' emails
455668	Names and address for service of two Police officers		
431166	Names of staff involved in producing crime and safety survey	476423	Staff names and initials in Commerce Commission memorandum
381628	Names of frontline forestry officers in information about the felling and milling of kauri	470939 & 463601	Officials' names in information about glyphosate
295849	Names of MOH staff in information about vaccine approvals and immunisation programmes	446669	Names of MSD staff in emails about the drafting of a bill
357495	Name of Auckland Transport employee who requested trade plate cancellation	306757	Names of senior and principal historian involved in writing treaty settlement memo
178434	Names of members of advisory committee on national standards for abortion services in New Zealand	302402	Names of PHARMAC staff involved in decision to fund dabigatran
175129	Names of psychiatrists who undertake section 60 reviews under the Mental Health Act	176372	Staff named in emails about GM corn

Other relevant guidance

If you are considering whether section 9(2)(g)(ii) might be applicable in the situation you are dealing with, you might find other helpful information in our guide to [Frivolous, vexatious and trivial](#) requests, and our guide to [Managing unreasonable complainant conduct](#). The latter guide has strategies for responding to and managing unreasonable complainant conduct, including misuse of electronic communications, the internet and social media.

Privacy

Section 9(2)(a) of the OIA (section 7(2)(a) of the LGOIMA) applies if withholding is ‘*necessary to protect the privacy of natural persons*’.

This is subject to a [public interest test](#), which means there will only be good reason to withhold if the public interest in release does not outweigh the predicted harm to an individual’s privacy.

As noted above, the Ombudsman’s [general position](#) is that it is not usually necessary to withhold staff names in order to protect their privacy. All such information normally discloses is the fact of an individual’s employment, and what they are doing in that role. However, the privacy withholding ground can apply in limited circumstances, where [safety](#) and [improper pressure or harassment](#) are not at issue.

When does section 9(2)(a) apply to names of public sector employees?

Section 9(2)(a) can apply where releasing the name of a public sector employee would:

- reveal something **private or personal** about them; or
- in some other way **intrude** on their privacy.

Private or personal information can include information about an employee’s:

- health, finances, political views or associations (such as union membership);
- personality, individual characteristics, personal preferences or disposition;
- performance in the workplace.

Case [W41677](#) provides a good example of how section 9(2)(a) applies. In that case, names in the context of routine business activities were not protected, but names in the context of comments on work performance, leave, and remuneration arrangements were.

Release may intrude on an employee’s privacy where it would:

- affect their mental or emotional wellbeing;
- damage their reputation;
- affect their chances of promotion or employment; or

- adversely affect their rights or interests, or result in significant humiliation, loss of dignity or injury to their feelings.

The risk of **harassment** is covered by the '[improper pressure or harassment](#)' withholding ground, if the individual is a Minister, or member / officer / employee of an agency subject to the OIA or LGOIMA. If the individual is not one of these classes of person (for example, they are a contractor or member of the public), then the risk of harassment can be considered under the privacy withholding ground.

Supporting material

As noted above ([Some OIA basics](#)), agencies should be able to provide material to support the proposition that disclosure of staff names would interfere with their privacy.

Supporting material might include personal representations from the staff members concerned about the predicted impact on their personal lives.

The Ombudsman is required to consult the Privacy Commissioner before forming an opinion that section 9(2)(a) does not apply.¹⁴ The Privacy Commissioner's view of the strength of the privacy interest at stake will be relevant.

Case studies

Section 9(2)(a) applied		Section 9(2)(a) did not apply	
455668	Names and address for service of two Police officers	486208	Names and contact details in Department of Corrections' emails
454030	Staff names in employment investigation report into Joanne Harrison	476423	Staff names and initials in Commerce Commission memorandum
431166	Names of staff and contractors involved in producing crime and safety survey	470939 & 463601	Officials' names in information about glyphosate
438095	Names of staff involved in sending email to parents about pink shirt mufti day	446669	Names of MSD staff in emails about the drafting of a Bill
		376377	Request for information about appointment of public service chief executive
		368850	Names of Fire Service 'officers-in-charge'

¹⁴ See s 29B OIA and s 29A LGOIMA.

Section 9(2)(a) applied		Section 9(2)(a) did not apply	
		306757	Names of senior and principal historian involved in writing treaty settlement memo
		320402	Names of PHARMAC staff involved in decision to fund dabigatran
		176372	Staff named in emails about genetically modified corn
		176086 , 177487 & 178335	Names of teaching staff at Massey University
		W47385	Officials' names and contact details in ministerial diaries
		W41677	Officials names in reports about the Christchurch Civic Crèche case

Free and frank opinions

Section 9(2)(g)(i) of the OIA (section 7(2)(f)(i) of the LGOIMA) applies where withholding is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions.

This is subject to a [public interest test](#), which means there will only be good reason to withhold if the public interest in release does not outweigh the predicted harm to the effective conduct of public affairs.

This section is not usually used to withhold the names of public sector employees, however, it is worth noting because redacting staff names can be one way of mitigating the inhibiting effect that attribution of opinion material can have on the future free and frank expression of opinions that are necessary for the effective conduct of public affairs.

You can find more information, including factors that should be considered, in our guide: [Free and frank opinions](#). The Ombudsman considered this withholding ground in relation to staff names in cases [476423](#) and [176372](#).

Factors to consider in deciding whether there is good reason to withhold

As noted above, the Ombudsman's [general position](#) is that staff names should generally be made available when they form part of information that is requested under the OIA.

The following factors can be taken into account in deciding whether there are circumstances that justify withholding. Some of these factors may also affect the weight of the public interest

in disclosure.

<p>Nature and content of the associated information</p>	<ul style="list-style-type: none"> • What would revealing the names in the context of the surrounding information, or other publicly accessible information, reveal? • Is there anything about the nature and content of that information that would heighten the risk to safety or the likelihood of improper pressure or harassment, or make withholding necessary to protect staff privacy? • The risk may be higher where the names of specific staff are sought, as opposed to the situation where information happens to include the names and contact details of public sector employees.
<p>Whether the names are already known to the requester</p>	<ul style="list-style-type: none"> • Does the requester already know who the staff are, for example, through prior dealings with them? Has anything happened as a consequence of that knowledge that might support the application of one of the withholding grounds? • If the requester already knows who the employees are, and nothing has happened before, then withholding is unlikely to be necessary, unless the agency can demonstrate that there is something different about the nature and content of the associated information in this particular case. • However, it is reasonable to consider the risk that the potential for further dissemination of the information might pose.
<p>Whether the names are in the public domain See cases 486208, 368850, 306757, 320402, 176372 and W47385</p>	<ul style="list-style-type: none"> • To what extent are the staff names and roles in the public domain, or able to be deduced from information that is? Will releasing the names in this context reveal anything more than what is already publicly available? • If it reveals little more than what is already publicly known, then release is unlikely to pose a risk to safety / lead to improper pressure or harassment, or be necessary to protect privacy.
<p>The seniority of the staff See cases 486208, 368850, 306757, 320402, 176372, 176086, 177487 & 178335</p>	<ul style="list-style-type: none"> • Where do the staff sit in the organisational hierarchy? Senior staff can be expected to be more robust in the way they handle scrutiny or criticism. The impact of scrutiny or criticism might be more significant for lower-level staff. Seniority cannot be considered alone, however. It is also important to consider the degree of responsibility and the nature of the role.

<p>The degree of staff responsibility</p> <p>See cases 306757, 320402 and 176372</p>	<ul style="list-style-type: none"> • What degree of responsibility do the staff have? • Staff with a significant degree of responsibility for financial expenditure and decision making cannot generally expect anonymity. They can be expected to be more robust in the way they handle scrutiny or criticism. • It is similar for staff that contribute significantly to the decision making process, or have the ability to influence the outcome of that process. Anonymity will not generally be appropriate at a level where you exercise a significant level of judgement, provide advice on which decisions are based, or correspond on the basis of a high level of legal or technical knowledge. • The identity of staff with no significant degree of responsibility may need to be protected in certain circumstances. The impact of scrutiny or criticism might be more significant for them.
<p>The nature of their role</p> <p>See cases 368850, 176086, 177487 & 178335</p>	<ul style="list-style-type: none"> • Do the staff have a public-facing role where they are authorised to speak or give information to the public, or to relevant sector groups on behalf of the agency? Principal or chief advisors are examples of such roles. If so, it may not be reasonable to expect that their identities, in the course of their official duties, would be protected. It is also more likely that their names and duties will be known to others. • Frontline / operational staff (employees who interact directly with customers or clients) may be particularly vulnerable to safety threats and improper pressure or harassment (for example, see case 381628). The threat landscape may also be different depending on the nature of the work the agency is engaged in (for example, law enforcement, national security, or defence).
<p>The views of the staff</p>	<ul style="list-style-type: none"> • Agencies should consider consulting the staff where withholding may be warranted on safety, improper pressure or harassment, or privacy grounds. • It is possible to extend the time limit for making a decision on the request if this is necessary to enable consultation to be undertaken.¹⁵ • If the staff have no concerns about disclosure of their names, there is unlikely to be a good reason for withholding.

¹⁵ See s 15A OIA and s 14 LGOIMA, and our guides [The OIA for Ministers and agencies](#) and the [LGOIMA for local government agencies](#), for more information about extensions.

	<ul style="list-style-type: none"> • If the agency cannot consult the staff (for example, because they are no longer employed), or the staff do not respond, the agency can assume they do not consent to release. The absence of consent is just one factor to be considered. • If the staff do have concerns with release, agencies need to take them into account. However, staff cannot veto disclosure. The agency must consider what the staff have to say, and reach its own independent view on the applicability of the relevant withholding ground, and (if applicable) the countervailing public interest in release. • More advice and template letters can be found in our guide Consulting third parties. • If the agency does not consult the staff, the Ombudsman may decide to do so in the event that a complaint is made. If staff are reluctant to share their concerns with their employer, these can be discussed on a confidential basis with Ombudsman staff.
Potential for further dissemination, including publication in the news media	<ul style="list-style-type: none"> • In assessing the likely consequences of disclosure, agencies can consider whether there is a reasonable chance that the information will be disseminated beyond the requester, to other people associated with that person, or through online publication (including publication in the news media), and whether that suggests a heightened risk to staff.
Previous relevant conduct	<ul style="list-style-type: none"> • Has the requester, or any other person to whom there is a reasonable chance the information may be disclosed, engaged in previous conduct that would suggest a heightened risk to staff?
Likely use of the information	<ul style="list-style-type: none"> • Is there any information to suggest how the information will be used? If so, is there anything about that likely use that would suggest a heightened risk to staff?

The public interest in release

The [privacy](#), [free and frank opinions](#) and [improper pressure or harassment](#) withholding grounds are subject to a public interest test. This section discusses some of the public interest considerations in favour of disclosing staff names.

There is a general public interest in the transparent conduct of public affairs, including the identities of people participating in those affairs, in order to promote the accountability of Ministers, local authority members and officials, and thereby ‘*enhance respect for the law*’ and ‘*promote good government*’. That is one of the purposes of the official information

legislation.¹⁶ As Chief Ombudsman Peter Boshier has stated, ‘*identifying staff is consistent with the principles of transparency and accountability which underpin the OIA*’ (see case [486208](#)).

There is a particularly strong public interest in knowing the identities of decision makers. In *The Chief Executive of the Ministry of Social Development v L*,¹⁷ the High Court held that members of Benefit Review Committees were not entitled to make anonymous decisions. The Court found that anonymous decisions were contrary to principles of natural justice, as people could not detect or challenge bias if they did not know who the decision makers actually were.

However, that does not mean there is no public interest in releasing names below the final decision maker. Decisions are not made in a vacuum—they are based on advice, and the culmination of a process to which many people may have contributed. There is a public interest in promoting the accountability of officials who influenced or contributed to the development of advice. There is also a public interest in knowing they are qualified and competent to carry out their role, unbiased and not subject to actual or perceived conflicts of interest. See cases [470939 & 463601](#), [320402](#) and [176372](#).

Disclosing names may also help people to better understand the information they receive under the OIA, which is in the public interest. If views are released without attribution, it can be hard to unpick exactly what happened during a policy or decision making process, particularly one that is complex or fast-moving. Knowing who said something can also help to evaluate how relevant or important it is. For example, the views of acknowledged experts could be expected to carry more weight.

These and any other public interest considerations relevant in a particular case need to be weighed against the predicted harm in release. More information on factors that can affect the weight of the public interest in disclosure can be found in our [Public interest](#) guide.

What about signatures?

Signatures can be thought of in a similar way to names. Signatures often appear in conjunction with names. Assuming a signature is legible, it will reveal the signatory’s identity. Even if it is not legible, a signature may be linked to an individual by other documents they have signed.

Signatures appear on all sorts of publicly available letters, documents and reports for official purposes. Official signatures are an important part of a document because they convey that it has been duly authorised, and therefore give it credibility. Every bank note, for instance, carries the signature of the Reserve Bank Governor.

For the same reasons discussed [above](#), it is not usually necessary to withhold the signatures of public sector employees, when all that would be revealed is that they signed something in their official capacity. However, as with names, the withholding of signatures may be justified if release would:

¹⁶ See s 4(a)(ii) OIA and LGOIMA.

¹⁷ [2018] NZHC 2528 [26 September 2018].

- endanger the signatory's [safety](#);
- expose them to [improper pressure or harassment](#); or
- infringe their [privacy](#).

Releasing signatures does not necessarily facilitate identity fraud. Identity fraud generally requires other personal information about the signatory to be known—like their date and place of birth; home and email addresses; drivers licence, bank account, credit card, IRD and passport numbers. If sufficient other personal information is known, identity fraud can be committed without a signature.

See case [376377](#), which concerns the withholding of the Cabinet Secretary's signature.

Contact details

Information held by Ministers and agencies may include the contact details of public sector employees.

There is generally a low privacy interest in relation to work contact details. These are routinely shared by public sector employees to facilitate contact that is necessary to enable them to do their jobs.

As discussed [below](#), it is always possible to ask requesters whether they are happy to exclude staff contact details from the scope of their request.

General contact details for agencies

General contact details include head and regional office phone numbers, and generic email addresses. There is usually no need to withhold this information—it is often publicly available.

Direct contact details for staff

Direct contact details include employee DDIs, extensions, work mobile numbers and work email addresses.

There is usually no need to withhold this information where it is **generally available** (for example, because it forms part of staff email signatures which are routinely sent outside the agency), or **able to be inferred**. For example, agency email addresses often follow a standard formula from which staff email addresses may be readily inferred, if their names are known. It may not be necessary to withhold staff email addresses in these circumstances (see case [486208](#)).

Where the information is not generally available or able to be inferred, there may be a sufficient privacy interest to engage section 9(2)(a), particularly for DDIs and extensions, and work mobile numbers (see cases [W47385](#) and [486208](#)). Work mobile numbers in particular

may enable staff to be contacted outside business hours, which would intrude on their personal time. Email contact may be less intrusive than telephone contact, because people can choose if or when to respond to an email.

If section 9(2)(a) applies, it is still necessary to consider the public interest in release. The public interest in releasing direct contact details is unlikely to outweigh the need to withhold that information, provided there are alternative communication methods, for example, through general contact details for agencies (see case [486208](#)).

Personal contact details for staff

Personal contact details include home phone numbers and addresses, personal mobile numbers (which may sometimes be used for work purposes), and personal email addresses of employees.

This information attracts a high privacy interest due to the potential for intrusion into an employee's private life.¹⁸ Generally, the public interest in release of these details is not sufficient to outweigh the privacy interests of the individuals.

Information	Good reason to withhold?
General contact details for agencies (head and regional office phone numbers and generic email addresses)	Most likely no
Direct contact details for staff (DDIs, mobiles and extensions and email addresses)	Not if they're generally available or able to be inferred, but maybe otherwise
Personal contact details for staff (home phone numbers and addresses, personal mobile numbers and personal email addresses)	Most likely yes

Other reasons for withholding contact details

Leaving privacy aside, withholding contact details may also be necessary in the circumstances discussed above, where release would endanger the [safety](#) of a person or prejudice the effective conduct of public affairs by exposing staff to [improper pressure or harassment](#). For example, see case [484534](#).

¹⁸ See s 9(2)(a) OIA and 7(2)(a) LGOIMA.

Tips for agencies

Here are some tips for agencies considering how to operationalise this guidance.

OIA policies

Agencies should review their OIA policies and practices to ensure they align with the guidance in this document. In particular, policies should not adopt a blanket approach to the withholding of staff names. Such an approach is not supported under the OIA.

Staff should be made aware that information about what they have done in their official capacity (including their name) may be disclosed.

Policies should also include a mechanism for staff to make the agency aware of any particular concerns they have with disclosure of their name or contact details in response to an OIA request. For example:

Staff should let us know if they have serious concerns about their name being released in information that is requested under the OIA. You do not have to share your concerns with us, but we may need to consult you about the likely harm in release if an OIA request is received.

Health and safety policies

Agencies should have policies in place to give effect to their legal obligation to provide a healthy and safe working environment for their staff.¹⁹ These should include information about how staff can protect themselves by limiting the disclosure of personal information online (like full name, date and place of birth, home and email addresses, drivers licence, bank account, credit card, IRD and passport numbers), and checking privacy settings.²⁰

Our [Managing unreasonable complainant conduct](#) guide has helpful information about responding to and managing unreasonable complainant behaviour (for example, threatening, bullying or offensive behaviour), including strategies for dealing with misuse of electronic communications, the internet and social media.

Clarifying the scope of the request

As noted [above](#), the names and contact details of staff that appear in information that has been requested under the OIA will usually be 'within scope' of a request unless they have been expressly excluded. However, agencies can seek clarification about whether a requester is seeking staff names and contact details. If a requester is willing to exclude staff names and

¹⁹ The State Sector Act 1988 requires departments to operate a personnel policy that includes, among other things, provisions requiring good and safe working conditions (s 56(2)(a)).

²⁰ See, for example, <https://www.dia.govt.nz/Identity---How-to-protect-yourself-from-identity-theft>.

contact details from their request, the agency will not need to consider whether or not there is good reason to withhold them.

Template text for clarifying whether staff names and contact details are sought

‘The information you have requested may contain the names and contact details of our staff. Please let us know by [date] whether you require these names and contact details. We may need to consult our staff before deciding whether we can release this information, and this may take a bit more time. If we do not hear from you we will assume that you do not require staff names and contact details.’

Keeping redactions to a minimum

If there is good reason to withhold staff names, try to retain as much of the surrounding information as possible. Position titles, role descriptions, and programme, team or agency names can provide additional meaning for requesters. Another option may be to replace names with unique identifiers.

Online publication

Where an agency is concerned less about disclosing names to a particular requester, and more about the prospect of names being published on the internet, it could consider asking the requester whether they would accept the information on the condition that staff names are not published online.

Conditions may be justifiable where there would otherwise be good reason to withhold official information. However, as conditions are not enforceable under the OIA, agencies need to be confident that the requester will abide by the conditions that are imposed.²¹

Another option is to self-publish the requested information, and provide the requester with a link. This gives the agency an ability to remove or update the published information in the event that an unforeseen harm emerges.

²¹ See [The OIA for Ministers and agencies](#) (page 32) and [The LGOIMA for local government agencies](#) (page 30) for more information about conditions.

Further information

[Appendix 1](#) has a summary of the Ombudsman's approach to names of public sector employees. [Appendix 2](#) has a list of relevant case notes and opinions.

There is also a [work sheet](#) to help you make a decision on a specific request, as to whether there are circumstances justifying the withholding of staff names.

Other related guides include:

- [Privacy](#)
- [Improper pressure or harassment](#)
- [Free and frank opinions](#)
- [Public interest](#)
- [Consulting third parties.](#)

You can contact our staff with any queries about the names and contact details of public sector employees on info@ombudsman.parliament.nz or freephone 0800 802 602. Do so as early as possible to ensure we can answer your queries without delaying your response to an OIA request.

Appendix 1. Summary—names of public sector employees

General position	Staff names should generally be released when they are part of information that has been requested under the OIA. Names should not be withheld just because the staff are ‘junior’, or not the ‘decision maker’. However, there are some circumstances where withholding is justified.
Safety s 6(d) OIA s 6(b) LGOMA	One circumstance is where release would be likely to endanger the safety of a person. There must be a real and objective risk to a person’s safety, as a result of disclosure of their name to the requester. Look for information to support the likelihood of harm such as actual threats, or facts supporting a reasonable perception of a threat, like a history of physical violence by the requester, or others to whom there is a reasonable chance the information may be disclosed.
Improper pressure or harassment s 9(2)(g)(ii) OIA s 7(2)(f)(ii) LGOIMA	Another circumstance is where withholding is necessary to maintain the effective conduct of public affairs by protecting staff from improper pressure or harassment. There must be a reasonable expectation that disclosing the name would lead to improper pressure or harassment that would have a detrimental impact on the relevant staff, and therefore the agency’s ability to do its job. Improper pressure is the use of persuasion or intimidation that is not in accordance with accepted standards of morality or honesty. It may include aggressive or abusive language, offensive, derogatory or defamatory remarks, or deliberate misrepresentation of the facts. Harassment is a pattern of behaviour directed at a person, which includes things like following them or giving them offensive material, including by publishing it on the internet. Look for information to support the expectation of harm, like previous conduct by the requester, or others to whom there is a reasonable chance the information may be disclosed, and personal representations from the staff members concerned.
Privacy s 9(2)(a) OIA s 7(2)(a) LGOIMA	It is not usually necessary to withhold staff names in order to protect their privacy. However, the privacy withholding ground may apply in limited circumstances, where disclosure would reveal something private or personal about the employees, or intrude on their privacy (for example, by affecting their mental or emotional wellbeing or damaging their reputation).
Factors to consider	Factors that may affect the need to withhold staff names include the nature and content of the associated information; whether the information is already known to the requester; whether the information is in the public domain; the seniority of the staff; their degree of responsibility; the nature of their role; their views; the potential for further dissemination; previous conduct by the requester or others to whom there is a reasonable chance the information will be disclosed; and the likely use of the information.

Appendix 2. Relevant case notes and opinions

Case	Year	Summary
544942	2022	Requests for information relating to the COVID-19 vaccination programme <i>Section 9(2)(g)(ii) OIA applied to the names of the experts for the COVID-19 Vaccine Advisory Group and the Medicines Assessment Advisory Committee.</i>
486208	2019	Request for staff names and contact details in Department of Corrections' emails <i>Section 9(2)(a) and 9(2)(g)(ii) OIA did not apply to names or email addresses—section 9(2)(a) applied to direct phone numbers—names and email addresses released—direct phone numbers withheld</i>
476423	2019	Request for staff names and initials in Commerce Commission memorandum <i>Section 9(2)(a) and 9(2)(g)(ii) OIA did not apply—names and initials released</i>
470939 & 463601	2019	Request for officials' names in information about glyphosate <i>Section 9(2)(a) and 9(2)(g)(ii) OIA did not apply—names released</i>
484534	2019	Request for contact details of Housing New Zealand staff <i>Section 9(2)(g)(ii) OIA applied—no public interest override—contact details withheld</i>
455668	2018	Request for names and address for service of two Police officers <i>Section 9(2)(a) and 9(2)(g)(ii) OIA applied—no public interest override—names and addresses withheld</i>
454030	2018	Request for staff names in employment investigation report into Joanne Harrison <i>Section 9(2)(a) OIA applied—no public interest override—names withheld</i>
446669	2018	Request for names of MSD staff in emails about the drafting of a Bill <i>Section 9(2)(a) OIA did not apply—names released</i>
431166	2018	Request for names of staff and contractors involved in producing crime and safety survey <i>Section 9(2)(a) and 9(2)(g)(ii) OIA applied—no public interest override—names withheld</i>
438095	2017	Request for names of staff involved in sending email to parents about Pink Shirt Day <i>Section 9(2)(a) OIA applied—no public interest override—names withheld</i>
381628	2016	Request for names of frontline forestry officers in information about the felling and milling of kauri <i>Section 9(2)(g)(ii) OIA applied—no public interest override—names withheld</i>
368850	2016	Request for names of Fire Service 'officers-in-charge'

Case	Year	Summary
		<i>Section 9(2)(a) OIA did not apply—names released</i>
376377	2015	Request for information about appointment of public service chief executive <i>Section 9(2)(a) did not apply to officials' names or Cabinet Secretary signature—names and signature released</i>
295849	2015	Request for names of MOH staff in information about vaccine approvals and immunisation programmes <i>Section 9(2)(g)(ii) OIA applied—no public interest override—names withheld</i>
306757	2014	Request for names of senior and principal historian involved in writing treaty settlement memo <i>Sections 9(2)(a) and 9(2)(g)(ii) OIA did not apply—names released</i>
357495	2013	Request for name of Auckland Transport employee who requested trade plate cancellation <i>Section 7(2)(f)(ii) LGOIMA applied—no public interest override—name withheld</i>
320402	2012	Request for the identities of members of the public making submissions and PHARMAC staff involved in decision making on funding of drug <i>Sections 9(2)(a) and 9(2)(g)(ii) OIA did not apply—names released</i>
178434	2009	Request for names of members of advisory committee on national standards for abortion services in New Zealand <i>Section 9(2)(g)(ii) OIA applied—no public interest override—names withheld</i>
176372	2009	Request for staff named in emails about genetically modified corn <i>Sections 6(d), 9(2)(g)(ii) and 9(2)(a) OIA did not apply—names released</i>
175129	2009	Request for names of psychiatrists who undertake section 60 reviews under the Mental Health Act <i>Section 9(2)(g)(ii) OIA applied—no public interest override—names withheld</i>
176086, 177487 & 178335	2008	Request for names of teaching staff at Massey University <i>Section 9(2)(a) OIA did not apply—names released</i>
W47385 etc	2003	Request for officials' names and contact details in ministerial diaries <i>Section 9(2)(a) OIA did not apply to names but did apply to cell and direct-dial phone numbers—names released—cell and direct-dial phone numbers withheld</i>
W41677	2000	Request for officials' names in reports about the Christchurch Civic Crèche case <i>Section 9(2)(a) OIA applied to some names which appeared in the context of private employment information, but not other names—partial release</i>