

Example 1

We have received reports from an anonymous complainant that there is a commercial building in Wellington that may be highly dangerous and likely to collapse in even the slightest earthquake. Our Building Standards team is currently considering what to do next. The building in question is multi-story and tenanted with shops and residents.

An engineer has asked us for all the information that we hold on that building. Do we give it to them?

section 9(b)(ii): You can withhold information if the release "would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information"

Example 2

A contractor has been providing us with some technical Building Code related advice on a complaint made to the Licensed Building Practitioners Board about a builder who is accused of doing building work which is not up to the Standard of the Building Code. When providing the advice the contractor also mentions that they know the builder personally, and have said that they think the builder is "a fool" and "a complete idiot who likes to drink and doesn't know a screw driver from a hammer". The Ministry did not ask the contractor for this type of advice.

A member of the press has asked us for all the information relating to this complaint and the investigation. The Builder is happy for us to release all the information to the media as he believes he has nothing to hide. The contractor wants their comments withheld. Do we withhold the comments?

Section 9(2)(g)(i): you can withhold information to "maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty"

Example 3

Someone working at a small business has told us that their employer has been bullying and harassing them and has come to us to seek advice. They have sent us an email outlining the various situations they have been in. As it is a small business the complainant hasn't decided yet whether they want to take any further action. Someone (not necessarily the same employee) from the same business also contacted the media regarding this particular employer, and a story was published about this employer's bullying and harassment in the workplace.

The employer has now contacted us and asked for any information that relates to their business or staff. Do we release the information?

Section 9(2)(ba) we can withhold information to "protect information which is subject to an obligation of confidence...where the making available of the information:

(i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or

(ii) would be likely otherwise to damage the public interest