

Our ref 012743

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Joe

By email: fyi-request-27126-d7d8cc7d@requests.fyi.org.nz

Tēnā koe Joe

I understand you are:

- seeking information from the Ombudsman about the restriction of communication; and
- seeking an opinion from the Ombudsman about a specific situation.

Information about the restriction of communication

Please note that the Chief Ombudsman is not subject to the Official Information Act 1982 (OIA), and is generally precluded from releasing information due to the statutory obligations of secrecy and confidentiality set out in the Ombudsmen Act 1975. In saying this, we do our best to respond to information requests where possible (subject to these secrecy and confidentiality requirements).

As you are aware, the Ombudsman's unreasonable complainant conduct manual sets out the Ombudsman's general expectations and guidance for public sector agencies when considering whether to modify or restrict an individual's communication or access with it. This may include considering alternative service arrangements regarding email correspondence (please see page 99). The manual was based on original work by the NSW Ombudsman's office, and was refined through extensive consultation with a range of Ombudsman offices and complaint handlers, as well as with specialists and professionals from a range of disciplines. The manual also drew on academic research. You can read more about how the manual was developed, including lists of the publicly available resources that informed the guidance on page 3 (of the introduction) as well as on pages 14, 129, and 130 (in the body of the manual).

The Ombudsman has not produced or published specific guidance on 'email redirection'. However, the Ombudsman's position on whether an agency has acted reasonably in redirecting, modifying or restricting a complainant's email access will depend on the particular circumstances of the case (including any applicable legislative obligations). As mentioned below, the Ombudsman would not generally provide commentary on these matters outside of a formal complaint investigation.

While the Ombudsman is limited by the secrecy and confidentiality requirements mentioned above, you might find the Ombudsman's published opinion on a complaint involving email quarantining to be of interest. A link to this publication (published under the Ombudsmen Rules 1989) is [here](#).

Opinion about a specific situation

I understand you would like an opinion from the Chief Ombudsman about whether an agency's actions are reasonable. The Ombudsman is able to determine whether an agency's actions are reasonable, but only after a detailed investigation process. If you wish, you can start this process by completing the complaint form [on our website](#). Please include:

- A description of what has happened, including the specific act or decision of ACC that you are complaining about;
- A copy of your complaint to ACC, and its response; and
- An explanation about why you are not satisfied, and what might resolve your complaint.

Naku, noa nā



John Lindeman
Principal Advisor