

4 December 2017

Mr Ross Francis

By email: fyi-request-6691-ac147bf1@requests.fyi.org.nz

Dear Mr Francis

**Request for information under the Official Information Act
Our Ref: OIA353/1**

Our letter dated 6 November 2017 provided an answer to the first part of your request for information under the Official Information Act.

The second part of your request asked for “*Crown Law’s submission to the Ministerial Inquiry into the Ellis case*” and “*all internal and external communication in regards to the preparation of Crown Law’s submission and its choice of nominated experts*”.


Crown Law maintains the above information is Law Officer material generated as part of the Office’s Law Officer role, and should not be released. In saying this we rely on the particular facts of this case, and the role Crown Law undertakes in such cases.

We consider these views are supported by previous Ombudsman case notes on the Law Officer role.

For completeness we note that even if the Official Information Act did apply to the information requested we consider good reason would exist under that Act for withholding much if not all of the information in question, as withholding is necessary to protect the privacy of natural persons, (s 9(2)(a)), and the material, or substantial parts of it, is subject to legal professional privilege (s 9(2)(h)). Nor would we consider any considerations in the public interest render it desirable to make that information available.

You may if you wish complain to an Ombudsman about this response to your request.

Yours faithfully
Crown Law



Peter Gunn
Team Manager