

# Appendix 1: Relevant Provisions of the Official Information Act 1982

## 9. Other reasons for withholding official information –

- (1) Where this section applies, good reason for withholding official information exists, for the purpose of section 5 of this Act, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.
- (2) Subject to sections 6, 7, 10, and 18 of this Act, this section applies if, and only if, the withholding of the information is necessary to –
  - (a) Protect the privacy of natural persons, including that of deceased natural persons; or
  - (b) Protect information where the making available of the information –
    - (i) Would disclose a trade secret; or
    - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or
  - (ba) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, 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; or
  - (c) Avoid prejudice to measures protecting the health or safety of members of the public; or
  - (d) Avoid prejudice to the substantial economic interests of New Zealand; or
  - (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
  - (f) Maintain the constitutional conventions for the time being which protect –
    - (i) The confidentiality of communications by or with the Sovereign or her representative;
    - (ii) Collective and individual ministerial responsibility;
    - (iii) The political neutrality of officials;
    - (iv) The confidentiality of advice tendered by Ministers of the Crown and officials; or

- (g) Maintain the effective conduct of public affairs through –
  - (i) 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; or
  - (ii) The protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment; or
- (h) Maintain legal professional privilege; or
- (i) Enable a Minister of the Crown or any Department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable a Minister of the Crown or any Department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.