
REDACTION OF STAFF NAMES IN OFFICIAL INFORMATION REQUESTS

Guidelines

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VERSION 3

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Change record

Version	Description of change	Date	Updated by
1	Based on <i>Redaction of staff names policy</i> , June 2018	23 May 2019	Helen Rickerby
2	Based on <i>Redaction of staff names in Official Information Requests – Guidelines</i> , May 2019 and aligned with <i>Ombudsman Guide Names and contact details of public sector employees</i> (April 2020)	24 August 2020	Jurgita Klein
3	As above. Minor changes.	19 September 2023	Jurgita Klein

Purpose

This document provides guidance for Waka Kotahi NZ Transport Agency staff on how to decide whether staff names and contact information should be released or withheld under the Official Information Act 1982 (OIA). The policy also provides guidance on consideration of non-Waka Kotahi staff names that fall within scope of an OIA request.

Introduction

The guidance in this paper follows consideration of the requirements of the OIA, comments and guidance issued from the Ombudsman¹, and consideration of circumstances particular to Waka Kotahi.

The guidance recognises that staff act in their official capacity as representatives of Waka Kotahi and public sector employees, and the disclosure of their names promotes transparency and accountability which is a fundamental purpose of the OIA.

This guidance applies to current as well as former Waka Kotahi staff and is also relevant to Waka Kotahi direct contractors who are individuals (because they are public sector contractors).

The basic premise of the OIA is that official information shall be made available upon request unless there is 'good reason' for withholding it. This is often referred to as the 'principle of availability'.

- Some 'good reasons' for withholding official information, for example those set out in section 9 of the OIA, are subject to a 'public interest test'. This means that the reason for withholding (for example, that it is necessary to protect the privacy of individuals) needs to be balanced against the public interest in release. If the public interest in release weighs more heavily, the information must be released. If not, it can be withheld.
- Other 'good reasons', for example, those set out in section 6 of the OIA, are not subject to a 'public interest test'. The interests they protect are so important that they can never be overridden. If any of those reasons apply (for example, if making the information available would be likely to prejudice the maintenance of the law, or endanger the safety of any person), the information can be withheld.

Key principles

As a general guideline, each case where the staff names and/or contact details are within the scope of information requested under the OIA (whether because they appear in information that has been requested, or because they have been specifically requested), must be determined on its merits.

Staff names

- Release all Waka Kotahi staff names, unless the circumstances of the particular case require a different approach (refer to 'Good reasons for withholding' section below).

All such information normally disclosed is the fact of an individual's employment and what they are doing in that role.

The fact that a staff member is in a 'junior' or 'administrative' role is not, on its own, sufficient justification for withholding their name. The blanket non-disclosure of staff member names below a certain level of seniority cannot be justified under the OIA.

¹ [Names and contact details of public sector employees](#), April 2020

Work email addresses

- Release all Waka Kotahi staff email addresses, unless the circumstances of the particular case require a different approach (refer to 'Good reasons for withholding' section below).

Waka Kotahi email addresses follow a standard formula from which staff email addresses may be readily inferred, if their names are known. Email addresses also form part of staff email signatures, which are routinely sent outside Waka Kotahi.

Work Direct dial phone and work mobile phone numbers

- Withhold direct dial phone numbers and mobile phone numbers, unless the circumstances of the particular case require a different approach (refer to 'Good reasons for withholding' section below) or if they are already publicly available.

While there is a strong public interest in transparency of decision-making, and the identity of the person or persons who make decisions affecting members of the public, there is less of a public interest in direct, immediate and unfettered access to the decision maker by telephone (which could intrude on a staff member's personal time). In the great majority of cases the public interest can be met by the ability of the requester to contact the person in writing (including email) or to ring the Waka Kotahi 0800 number and ask to be put through to the person.

Personal contact details

- Withhold personal phone and personal mobile phone numbers, as well as personal addresses and personal email addresses, unless the circumstances of the particular case require a different approach.

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

Signatures

- Release signatures in the same way as names (ie release all Waka Kotahi staff signatures), unless the circumstances of the particular case require a different approach (refer to 'Good reasons for withholding' section below).

All such information normally discloses is the identity of the signatory and that they signed something in their official capacity.

Official signatures are an important part of a document because they convey that it has been duly authorised, and therefore give it credibility.

Releasing signatures does not necessarily facilitate identity fraud as it requires other personal information about the signatory to be known.

Good reasons for withholding

Information cannot lawfully be withheld for any reason other than those set out in the OIA (and outlined below). Decisions to withhold information must be clearly documented and material to support the proposition to withhold the names and/or contact details should be able to be provided.

Decisions to withhold staff names and/or contact details under the reasons specified below must be approved by the Group General Counsel, Legal and the National Manager Government Relations.

Safety

- Staff names and/or contact details can be withheld under **section 6(d)** of the OIA 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 needs to be more than a remote possibility of danger – there must be a serious or real and substantial risk to a person's safety.

Section 6(d) is primarily about **physical safety**. Because the ground is conclusive and not subject to a public interest test (because protecting personal safety is so important), 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.

Improper pressure or harassment

- Staff names and/or contact details can be withheld under section **9(2)(g)(ii)** of the OIA where it is necessary to maintain the effective conduct of public affairs through the protection of the relevant staff members from improper pressure or harassment.

This is subject to a public interest test, which means that 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.

Improper pressure can include aggressive or abusive language, offensive, derogatory or defamatory remarks, deliberate misrepresentation of the facts or trolling, used in order to make someone do something.

Harassment is a pattern of behaviour directed against someone that can include watching, following, stopping, or accosting a person, entering or interfering with the person's property, making inappropriate contact, giving offensive material or acting in a way that causes the person to fear for their safety.

In order to withhold under this ground, there must be a reasonable expectation that disclosing the name and/or contact details 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.

This particular ground does not apply to external contractors in relation to which the risk of harassment can be considered under the privacy withholding ground (please see 'Contracting parties' under the 'Non-Waka Kotahi staff names' section below).

Privacy

- Staff names and/or contact details can be withheld under **section 9(2)(a)** to protect the privacy of a natural person where release of the information would, in combination with other information, reveal something private or personal about the individual or in some other way intrude on their privacy.

Revealing something private or personal may include, for example, information about a staff member's employment relationship, health, finances, political views or associations, personality, preferences or performance in the workplace.

Release may intrude on a staff member's privacy where it would affect their mental or emotional wellbeing, damage their reputation, affect their chances of promotion, adversely affect their rights or

interests, or result in significant humiliation, loss of dignity or injury to their feelings.

This is subject to a public interest test, which means that there will only be good reason to withhold if the public interest in release does not outweigh the predicted harm to the individual's privacy.

Other withholding grounds may be relevant in specialised contexts, for example in relation to the maintenance of the law (including the prevention, investigation, and detection of offences – section 6(c) OIA).

Non-Waka Kotahi staff names

Waka Kotahi has a large number of third-party organisations with which it works closely. The approach to withholding their names and contact information depends on the nature of the engagement with the organisation they work for, and the nature of the work they undertake.

Contracting parties

Staff members of contracting parties are often mentioned in information released under the OIA. In general, Waka Kotahi should consult with contracting parties to determine the best approach.

In some cases, where the contracting party is carrying out Waka Kotahi work on our behalf, there may be public interest in that work equal to that which would apply if Waka Kotahi staff undertook the work themselves. By way of example only, information related to work undertaken by an agent of Waka Kotahi, acting in their official duties as an agent, is likely to be official information which must be considered as if it is Waka Kotahi's own information.²

Other government agencies/departments

Where Waka Kotahi is considering information for release that includes other departments' staff information, it should consult with those organisations on releasing their staff names and contact information.

Relevant legislation and regulations

Official Information Act 1982

Principle of availability

Section 5 of the OIA provides that information shall be made available unless there is a good reason for withholding it. This principle should be the starting point of any decision about whether to withhold information.

Withholding grounds – sections 6(d), 9(2)(a), 9(2)(g)(ii), and 9(1) OIA

- Section 6(d) of the OIA provides that official information may be withheld where the making available of that information would be likely to endanger the safety of any person.
- Section 9(2)(a) of the OIA provides that official information may be withheld if it is necessary to protect the privacy of natural persons, including that of deceased natural persons.
- Section 9(2)(g)(ii) of the OIA provides that official information may be withheld if it is necessary to maintain the effective conduct of public affairs through the protection of government ministers, members of organisations, officers, and employees from improper pressure or harassment.

² Section 2(5) of the OIA provides: 'Any information held by an independent contractor engaged by any department or Minister of the Crown or organisation in his capacity as such contractor shall, for the purposes of this Act, be deemed to be held by the department or Minister of the Crown or organisation.'

- Section 9(1) of the OIA provides that when considering withholding under the grounds set out in section 9, an agency must balance the interests being protected against other considerations which render it desirable, in the public interest, to make that information available. If the public interest grounds outweigh the withholding grounds, then the information must be released. The public interests in transparency of government policy and decision-making, and accountability of officials, are examples of public interests favouring disclosure of official information.

Further guidance

Related Waka Kotahi guidance:

- Guide to Official Information Act and Privacy Act requests.
- Names and contact details of public sector employees (Ombudsman's Guide) (which includes an example of factors to consider in deciding whether there is good reason to withhold).

Ombudsman opinions

Appendix 2 of the Ombudsman's new guide and case notes – *Names and contact details of public sector employees* sets out 25 relevant case notes, including Ombudsman's opinions, which were compiled in response to complaints by members of the public, following Ombudsman's investigation. These cases include previously released Ombudsman's opinions on the following cases: 320402, December 2012 (the 'PHARMAC opinion') and 295849, August 2015 (the 'Ministry of Health' opinion).

Contact

For further information about this policy please contact official.correspondence@nzta.govt.nz.