

36 (Complaint ground: 36)
Contact E
28 February 2017



Mr

By email: @yahoo.co

Dear Mr

**Official Information Act investigation
Ministry of Social Development
Request for the salaries of advisors to MSD.**

I refer to earlier correspondence in respect of your complaint about the decision of the Ministry of Social Development to refuse your request for the salaries of specific advisors to the Ministry.

As you are aware, Professor Paterson stepped down from his role as Ombudsman from 1 August last year and I assumed responsibility for your complaint. I sincerely regret the delay in progress of this investigation but I am now in a position to inform you of my opinion. In forming this opinion I have reviewed the file on your complaint, including your original request, the information at issue, the report provided by the Ministry, the comments from the Privacy Commissioner and the provisional opinions formed by my predecessor, Professor Paterson.

In short, it is my opinion that section 9(2)(a) of the OIA applies to the information you requested and justifies the Ministry's decision to refuse your request. I set out the reasons for my opinion below.

Relevant Background

On 11 June 2013 you requested the *'individual annual before tax salaries, plus any additional bonuses...for Dr David Bratt..., Anne Hawker... and Dr David Rankin...'*

The Ministry refused this request under section 9(2)(a) of the OIA to protect the privacy of these individuals.

You complained to this office, explaining your view that the roles held by these individuals were of such a high level of responsibility that the public interest in accountability through transparency of this information outweighed their privacy interests.

Privacy of an individual's salary information

An individual's actual salary information is information to which a very strong privacy interest will attach. The general approach in this Office is that there is no countervailing public interest in disclosure of an individual's precise remuneration below Chief Executive level.

I agree with that approach. In this case, where the exact remuneration of advisors has been requested, I am of the opinion that disclosure would infringe their privacy and that is not outweighed by any public interest considerations favouring release.

I therefore consider the Ministry's refusal to release this information to you to be justified.

Other information

In communication with staff from this Office you indicated that while your request to the Ministry was for precise remuneration, information about the salary ranges of the individuals concerned may partially resolve your complaint. I have consulted with the Privacy Commissioner who has raised concerns about release of individualised salary range information in this case where the individuals concerned are clearly identifiable. The Privacy Commissioner has proposed release of alternative information in a form aimed at protecting the individual's privacy while improving transparency. The Privacy Commissioner's suggestion is for release of aggregated information relating to the three individuals that protects their personal privacy but provides a measure of transparency and accountability. Specifically, he has proposed aggregating the salaries and releasing them with a band of \$20,000 applied.

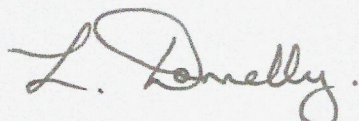
In your email of 23 August 2016, you confirmed that the information you really want is the precise remuneration information about the three specific individuals that you requested. You said that only if you cannot have that precise remuneration information would you 'settle for' salary range information.

In all the circumstances, I have decided to:

- Confirm my final opinion that the Ministry's decision to refuse your request for the precise remuneration details of the three named individuals was justified under section 9(2)(a); and
- Write to the Ministry to advise it of my provisional opinion that the public interest in disclosure is best met by release of aggregate information in the form proposed by the Privacy Commissioner.

I will write to you again when I have received a response from the Ministry.

Yours sincerely



Leo Donnelly
Ombudsman