Our ref 42 2 (Complaint ground: 42. 6)
Contact C L
21 September 2017

Ombudsman
Fairness for all

Mr
By email: [redacted]@yahoo.co

Dear Mr

Official Information Act investigation
Health and Disability Commissioner
Request for letters dated 29 January 2015 and 4 June 2015

Thank you for your letter of 11 September 2017, concerning your complaint about the decision of the Health and Disability Commissioner (HDC) to refuse your request for copies of correspondence with the Medical Council of New Zealand (MCNZ) dated 29 January 2015 and 4 June 2015.

I have now had an opportunity to consider your comments. You have accepted my provisional opinion that HDC was entitled to withhold the official information about persons other than yourself contained in the letters under section 9(2)(a) of the Official Information Act 1982. I confirm it is my final opinion that HDC was entitled to refuse your request on that basis.

You have sought my opinion as to whether HDC was entitled to withhold the personal information about you contained in the letters, especially in circumstances where that information was later released to you by MCNZ. As you are aware an Ombudsman does not have jurisdiction to consider complaints about interference with privacy, including refusals to release personal information. Section 17A of the Ombudsmen Act 1975 allows for the referral of a matter to the Privacy Commissioner. However, in circumstances where you have been provided with the personal information at issue, first in summary by HDC and later in full by MCNZ, and where you have already pursued matters directly with the Privacy Commissioner, no question of referral under section 17A arises.

I have concluded my investigation and advised HDC accordingly.

Yours sincerely

L. Donnelly

Leo Donnelly
Ombudsman

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