

Guidelines and procedures on releasing or withholding staff names and work contact details when responding to an Official Information Act (OIA) request

1. Ombudsman's position

The Ombudsman has ruled that:

"the names of officials should, in principle, be made available when requested", and "[a]nonymity may be justified if a real likelihood of harm can be identified, but it is normally reserved for special circumstances such as where safety concerns arise."

2. LINZ policy

The LINZ policy is that a staff member's name and work contact details can only be withheld if a real likelihood of harm can be identified, such as safety concerns.

3. Steps when preparing information for release

When preparing information for release under the Official Information Act, all proposed releases of a staff member's name and work contact details **must** be considered on a case-by-case basis. This will require considering the information that is being released and any special circumstances relating to that information.

Before a staff member's name and work contact details are released, the affected staff member **must** be:

- Informed that LINZ has received an Official Information Act request for XXX;
- Advised that, in response to the request, it is proposed to release documentation that includes their name and work contact details;
- Given the opportunity to make a submission for their name and work contact details to be withheld if, due to personal circumstances, the release would result in a real likelihood of harm, such as safety concerns. Such submissions should be made, in confidence, to:
 - Their leader; or
 - Their HR Business Partner.

4. Potential grounds for redacting staff details

Section 9(2)(g)(ii): *"the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment"*

For section 9(2)(g)(ii) to apply, there must not only be a reasonable likelihood of improper pressure or harassment, but a link must be made between the anticipated behaviour, the impact upon the person to whom it is directed, and the effective conduct of public affairs.

The section will only apply if the improper pressure or harassment is so serious that it will place the effective conduct of public affairs at risk. Improper pressure or harassment is something more than ill-considered or irritating criticism or unwanted publicity.

Section 9(2)(a): *"protect the privacy of natural persons, including that of deceased natural persons"*

In some cases, section 9(2)(a) may operate as an alternative or supplement to section 9(2)(g)(ii) such as where a staff member's name and work contact details need to be withheld due to personal circumstances.

A staff member's name and work contact details will not be released without them being informed and given the opportunity to make a submission for their details to be withheld.

Contact with the staff member should be made as soon as possible after the documentation for the request has been compiled as their response may impact on the information that may need to be withheld.

5. Steps for leaders or HR when a submission is made

When a staff member makes a submission for their name and work contact details to be withheld their leader or HR Business Partner **must**:

- Acknowledge receipt of the staff member's request; and
 - Advise them that their request is being considered;
 - Confirm that they will be advised of the decision on their submission;
 - Confirm that, in the interim, their details will not be released.
- Advise the person processing the Official Information Act request that a staff member has made a request for their details to be withheld and this is currently being considered. Therefore, the staff member's details are not to be released until they are advised of the outcome;
- Discuss, in confidence, the staff member's request with the Manager of Legal Services to establish whether there are grounds under the Official Information Act to withhold their details;
- Advise the staff member of the decision on their request for their details to be withheld and the reasons for that decision;
- Inform the person who is processing the Official Information Act request whether the staff member's details should be withheld or released.

6. Support for staff who are contacted inappropriately

Your safety is our priority. If you are contacted inappropriately:

- Advise your leader immediately.
- Call the Manager Wellbeing and Safety as soon as possible on [s 9(2)(a)]
- Log the details using the orange button on the inLINZ homepage when you are able to. This will help us to identify any patterns of behaviour or issues.

For more guidance see our [Dealing with suspicious or threatening behaviour guidelines](#).