

Case CASE-001555, 607846 & 607853
Contact Tim Hope
13 October 2023



Mr Paul Thompson
Chief Executive
Radio New Zealand

By email: George.Bignell@radionz.co.nz

Tēnā koe Paul

**Final opinion under the Official Information Act 1982 (OIA)
Request for the audio recording and transcript of then Minister Hon Kiritapu Allan's
speech at her then partner Ms Māni Dunlop's farewell event**

I refer to my letter of 19 July 2023, setting out my provisional opinion on several complaints I am investigating about RNZ's decision to refuse OIA requests for a recording or transcript of then Minister Hon Kiritapu Allan's speech at her then partner Ms Māni Dunlop's farewell event. I also refer to Manager Tim Hope's letter of 9 October 2023, advising I had added Mr Chris Rennie's complaint (CASE-001555) to my investigation.

Thank you for providing RNZ's response to my provisional opinion.

I have now had an opportunity to consider all comments and relevant material in this case. Having considered all the issues raised, I have now formed the final opinion that RNZ was entitled to withhold the audio recording of the speech under sections 9(2)(a) and 9(2)(ba)(i) of the OIA, but that, with the exception of the names of several third parties, RNZ was not entitled to withhold a full transcript under either of these grounds.

I have **enclosed** my opinion, including my recommendation. Under section 32 of the OIA, a public duty to observe an Ombudsman's recommendation is imposed from the commencement of the 21st working day after the date of that recommendation. This public duty applies unless, before that day, the Governor-General, by Order in Council, otherwise directs. Please notify me by **3 November 2023** the steps that will be taken to give effect to my recommendation.

In accordance with the requirements of section 30(2) of the OIA, I have written to the Minister for Broadcasting and Media providing him with a copy of my opinion.

I have now completed my investigation of this complaint. For your information, it is my intention to publish my opinion in this case on the Ombudsman's website, in accordance with rule 2(1)(b) of the Ombudsmen Rules 1989. I am willing to consider any comments you may wish to make in this regard, provided I receive your comments by **Monday 16 October 2023**.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Peter Boshier'.

Peter Boshier
Chief Ombudsman

encl My opinion



Chief Ombudsman’s opinion under the Official Information Act 1982

Legislation	Official Information Act 1982, ss 9(1), 9(2)(a), 9(2)(ba)(i), 16(1)(a), 16(1)(d), 16(2)(c); Radio New Zealand Act 1995, s 13 (see appendix for full text)
Requester	Anonymous
Agency	Radio New Zealand (RNZ)
Request for Ombudsman	Recording/transcript of a speech by then Minister Hon Kiritapu Allan Peter Boshier
Case number(s)	607846, 607853 & CASE-001555
Date	13 October 2023

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Summary

Three people made requests to Radio New Zealand (RNZ) for audio recordings of a speech made by then Minister Hon Kiritapu Allan, in her personal capacity, at a farewell ceremony which RNZ organised for the Minister's then fiancée, Ms Māni Dunlop.

RNZ holds an audio recording of the speech. RNZ refused the requests under section 9(2)(a) of the Official Information Act 1982 (OIA), on the basis this was necessary to protect Ms Allan's privacy, the privacy of other individuals, and to protect *'the tikanga of RNZ and its kaimahi'*. However, RNZ released a transcript of two parts of Ms Allan's speech, as it considered there was a public interest in these, and Ms Allan had already publicly acknowledged them.

After I asked for further comment, RNZ also suggested it was entitled to withhold the information under section 9(2)(ba)(i) of the OIA, on the basis Ms Allan's comments were made in confidence, and the release of the speech would prejudice the future supply of information which is in the public interest.

When given a similar opportunity to comment, one of the requesters suggested they be given access to the audio recording on the condition they do not publish it.

Having reviewed the information in issue, and considered the various comments both for and against its release, I have formed the opinion that RNZ was entitled to withhold the audio recording of the speech (including giving conditional access to it) under sections 9(2)(a) and 9(2)(ba)(i) of the OIA, but that, with the exception of the names of several third parties, RNZ was not entitled to withhold a full transcript under either of these grounds.

Chief Ombudsman's role

1. I am authorised to investigate and review, on complaint, any decision by which a Minister or agency subject to the OIA refuses to make official information available when requested. My role in undertaking an investigation is to form an independent opinion on whether the request was properly refused under the relevant provisions of the OIA.

Background

2. On 4 April 2023, a journalist requested *'all audio recordings of speeches made at the RNZ farewell event for Māni Dunlop.'*
3. On 6 April 2023, another journalist requested the *'full audio recording of the minister's address'*.
4. RNZ made an audio recording of Ms Allan's speech. It is not immediately clear why this was done or how it aligns with RNZ's view that the speakers had an expectation of confidentiality. In any case, this is the information held by RNZ that is relevant to these requests, and which is at issue in this case.

5. On 8 May 2023, RNZ refused both requests under section 9(2)(a) of the OIA, citing the privacy interests of those who gave the speeches, as well as the need to protect the *'tikanga of RNZ and its kaimahi.'* However, RNZ did release a partial transcript of two parts of Ms Allan's speech. In doing so, it noted:

We acknowledge that additional considerations apply to these comments. There is a public interest in the comments made by the Minister about RNZ, a public institution, and which do not affect the privacy of any other person. We also note that a degree of disclosure has already been made to the public, and the Minister and Prime Minister have commented on the event.

6. On 8 and 9 May 2023, both journalists complained to me about RNZ's decision to withhold Ms Allan's speech. They both suggested there was a large public interest in the information, as the comments were made by a senior Government Minister.
7. On 10 May 2023, I notified RNZ that I was investigating its decision on the requests.
8. On 26 May 2023, I received a response from RNZ setting out its reasons for withholding the information. However, RNZ advised it was hesitant to provide me with the speech itself, as it had not prepared an *'authoritative transcript'*.
9. On 29 May 2023, RNZ provided me with copies of its consultations with Ms Allan and Ms Dunlop.
10. On 2 June 2023, following discussions with my staff, RNZ provided me with the audio recording of the speech, together with a recording of the introductory speech made at the start of the evening.
11. On 14 June 2023, RNZ provided me a document setting out its protocols for meetings and farewell events.
12. On 25 July 2023, while my investigation was underway, a third person requested *'the speech, and remarks or comments Kiri Allan made at the function for her partner's farewell.'*
13. On 8 August 2023, RNZ refused the request for identical reasons.
14. That same day, they complained to me about RNZ's decision, and I subsequently notified RNZ that I had added this complaint to my ongoing investigation.

Comments received during investigation

RNZ

15. In response to my request for comment, RNZ has raised several reasons why it considers any recording and/or written transcript of Ms Allan's speech should be withheld. It continues to assert it was entitled to withhold the information under section 9(2)(a) , and

has now also suggested it was also entitled to withhold it under section 9(2)(ba)(i) of the OIA.

16. RNZ advised that, before refusing the requests, it consulted with both Ms Allan and Ms Dunlop on the basis that it proposed to withhold the majority of the speech, other than the two parts contained in its decision letter of 8 May 2023. In response, both expressed their preference that a full transcript of the speech be released. While RNZ acknowledged their positions, it considered Ms Dunlop's support for full release to be '*entirely reluctant*', and only given on the basis that its tikanga had already been breached through media reporting on the event.
17. To support its refusal under both grounds, RNZ has provided contextual information about its wider protocols, and about the particular farewell event in question. It explained that Ms Dunlop's farewell event was conducted according to such protocols, whereby guests were invited to:

... kōrero to – hohou te rongo -, a cultural "cleansing of the air" where kaimahi, friends and whānau of Ms Dunlop gathered to share stories, express their opinions and reflections, both positive or negative. Attendees were aware that the floor was open to all who wanted to share their views, and they were encouraged to speak openly and honestly. Everyone's kōrero was followed by waiata.
18. In terms of section 9(2)(a), RNZ considers that while the event was an official farewell of a staff member from its organisation, the speech was made in Ms Allan's personal capacity (rather than as a Government Minister), and that the content of the speech was therefore inherently private, particularly in light of the expectation it claims to have set that the event was a '*safe space*', where attendees could speak openly and honestly.
19. In terms of section 9(2)(ba)(i), RNZ also asserts that its wider protocols, as applied in the event in question, established an obligation of confidence whereby attendees could voice their thoughts (apparently) without concern that their comments would be shared elsewhere. It considers that if the speech were released (even with the names of third parties redacted), then it would prejudice the willingness of its staff and their whānau to engage in similar events in the future, and there is a public interest in such events as they enable RNZ to fulfil and enhance its tikanga.
20. Furthermore, while RNZ acknowledges that Ms Allan and Ms Dunlop had advised they were comfortable with the release of a transcript, its position is that the views of one or two individuals cannot override its obligation of confidence to its staff in a collective sense, and that such a proposition is inconsistent with its own tikanga, and tikanga Māori in general. It considers that, if either a transcript or recording of the full speech were released due to the views of one or two individuals, then this would fundamentally undermine its tikanga to the extent that RNZ would be unable to conduct such events in the future.

Requesters

21. During my investigation, I also wrote to the requesters to advise them of my provisional opinion (now my final opinion) that RNZ was entitled to withhold the audio recording of the speech under sections 9(2)(a) and 9(2)(ba)(i) of the OIA, but that, with the exception of the names of several third parties, RNZ was not entitled to withhold a full transcript under either ground.
22. Two of the requesters advised they accepted my provisional opinion.
23. The other requester, a journalist, expressed a preference for the audio recording as they considered the tone and *'vein'* in which the speech was given was also of public interest. They suggested they be given the opportunity to listen to the audio, on the proviso they would not publish this.

Analysis and findings

Preliminary comments

24. At the outset, it is clear the speech was given in Ms Allan's personal capacity as Ms Dunlop's then partner, rather than in her role as a Government Minister. However, the fact is that the speech was made at an official government agency event, and information held by that agency is considered *'official information'* which can be requested under the OIA.
25. The OIA is governed by the principle of availability in section 5. This provides that, where a request for official information is made, the starting point is that it will be made available *'unless there is a good reason for withholding it.'* As the agency seeking to withhold the information, RNZ must therefore establish that there is a legal reason to do so under the OIA.

Reliance on *'RNZ's tikanga'* in this case

26. In this case, RNZ has said that withholding the information is necessary to protect *'the tikanga of RNZ and its kaimahi.'*
27. In referring to the *'tikanga of RNZ'*, it is my belief that, in the context, RNZ is referring to its internal practices and customs which are informed by Te Ao Māori, rather than a general or direct statement of tikanga Māori.
28. RNZ has referred to its practices and customs adopted for official farewell events. In inviting attendees to participate, I accept RNZ created an expectation that these practices and customs would be upheld as far as possible, including when dealing with requests for information under the OIA. As I have already noted, the fact RNZ recorded the event is somewhat inconsistent with what RNZ appears to have told attendees, and it would further appear that some attendees have publicly shared what was discussed. In

any case, the values underlying those Te Ao Māori practices and customs are, in my view, encompassed by the withholding grounds associated with sections 9(2)(a) and 9(2)(ba). I have assessed RNZ's decision to withhold information against those grounds of the OIA.

Section 9(2)(a) of the OIA – Privacy

29. Subject to any stronger public interest in release, section 9(2)(a) applies where it is necessary to withhold official information in order to:

... protect the privacy of natural persons...

30. The first step in determining whether section 9(2)(a) applies is to identify whether there is a privacy interest in the information. Broadly speaking, a privacy interest will exist where the information at issue contains personal information about an identifiable person which is not already in the public domain, or where release of the information will in some way intrude on their privacy.
31. The second step is to assess the relative strength of the privacy interests and determine whether it is 'necessary' to withhold the information in order to protect the individual's privacy. In making this assessment, it is important to consider a number of factors, including what it would reveal about the individual, the circumstances in which the information was obtained, the reasonable expectation of privacy, the views of the individual and the likely consequences of disclosure.
32. Having reviewed the speech, it is very clear to me that it was given in Ms Allan's personal capacity and not as a Minister. It contains repeated reference to Ms Dunlop's personality, relationships, and career, and these are comments which most would regard as relatively personal in nature. In terms of the context, while the speech was given by a person who also held the position of a Minister of the Crown at the time, in front of a number of people, I am satisfied that it was given in Ms Allan's personal capacity based on the information that RNZ has provided me for the purposes of considering the application of section 9(2)(a). I therefore consider there is a clear privacy interest in its content.
33. However, the views of the impacted parties are also an important consideration. In this case, both Ms Allan and Ms Dunlop were clear in their respective views that a full transcript should be released, rather than the excerpts which RNZ was proposing. I do not accept RNZ's position that these views were not genuine. I consider the timing is important. At the time of these consultations, the matter had been reported on in the media, and Ms Allan, in her official capacity as Minister, had already publicly acknowledged and apologised for comments deemed critical of RNZ. The Prime Minister had also commented publicly on the issue.
34. While it is clear from the correspondence that Ms Dunlop was not enthusiastic about a potential release of either the full speech or excerpts, it would appear her main frustration was with the fact that details of the speech had already been reported on by RNZ, for which she considered RNZ had breached its own tikanga. This having already

occurred, it would appear from both Ms Allan and Ms Dunlop's comments that they no longer considered the speech *needed* to be withheld to protect their own privacy.

35. However, in a technical sense, I note Ms Allan and Ms Dunlop were in favour of RNZ releasing a 'transcript', whereas the requests were for the 'audio recording'. While the views of those involved cannot be a 'veto' on release of information, a person's views are highly relevant in an assessment of any impact on their privacy. As neither supported the release of the audio recording, as was requested, I have therefore drawn a distinction between these two formats. I note that an audio recording is different from a transcript in that audio provides additional detail such as the tone and nuance of the speaker, and also includes some verbal responses from some of the attendees at the farewell function.
36. Based on the context in which the speech was given, as well as the personal nature of its content, I would generally be of the view that section 9(2)(a) would apply on such occasions. However, in light of Ms Allan's and Ms Dunlop's views, I do not consider it necessary to withhold a transcript of the speech in order to protect either of their privacy. At the same time, as support was only given for release of a transcript by Ms Allan and Ms Dunlop, my view is that it is still necessary to withhold the audio recording to protect their privacy, and that section 9(2)(a) applies in this respect.¹
37. However, I note some minor exceptions. In addition to Ms Allan and Ms Dunlop, the speech also contains reference to several other individuals who would be identifiable if the speech were released. Given the personal nature of the remarks in question, and in the absence of any agreement to release, I consider it necessary to withhold the identities of these individuals to protect their privacy.
38. As required under section 29B of the OIA, I have also consulted with the Privacy Commissioner on the application of this section. The Commissioner considers that the context in which the speech was made would normally attract a high privacy interest. However, given the views of Ms Allan and Ms Dunlop, he ultimately considers there to be a low privacy interest in the circumstances. The Commissioner also draws a distinction between Ms Allan and Ms Dunlop, and the other parties referred to in the speech. Based on the context in which the speech was made, and in the absence of them expressing any views on release, the Commissioner considers those parties would hold a medium to high privacy interest in the parts of the speech which relate to them.

Section 9(2)(ba)(i) of the OIA – Confidentiality – Whether release would prejudice the future supply of information that is in the public interest

39. Section 9(2)(ba)(i) applies where it is necessary to withhold official information in order to:

¹ I note here that section 16(2)(c) of the OIA provides RNZ must make the information available in the way preferred by the requester, unless doing so would prejudice an interest protected by section 9 (and there is no countervailing public interest in release).

*(ba) protect information which is subject to an obligation of confidence
... where the making available of that 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;*

40. This section recognises the importance of receiving information on a confidential basis, and that the public interest can be undermined where the release of such information is likely to inhibit the supply of similar information, or information from the same source, in future.

41. In order for this section to apply, the following criteria must be met:

- a. the information must be ‘confidential’ in nature, in that it is subject to an obligation of confidence;
- b. its release must be likely to prejudice the future supply of similar information, or information from the same source; and
- c. the continued supply of such information must be in the public interest.

42. Similar to my analysis of the background context when assessing the privacy concerns above, I am prepared to accept that the relevant comments were communicated in confidence. In particular, I again note RNZ’s explanation of its protocols for farewells, as well as how this applied to the event in question. Based on these circumstances, it appears there was a shared understanding that Ms Allan’s speech was made in confidence, on the expectation that the details would not be shared outside of the event in question. This is also supported by Ms Dunlop’s comments during the consultation process.

43. In terms of the future supply, RNZ states it has consulted with its staff, who have expressed views that release of the speech would severely undermine their willingness to communicate at similar functions in future, due to concern that any express or implied assurances of confidence will not be maintained.

44. In a general sense, I would be prepared to accept that release of a speech made in confidence at a similar farewell event would be likely to inhibit the willingness of future speakers to communicate their thoughts and feelings in an open and forthright manner. Again, however, the views of Ms Allan and Ms Dunlop are important considerations. As discussed, both supported release of a transcript, and Ms Allan subsequently confirmed, publicly, that:

... they [RNZ] were more than welcome to release the whole transcript but ultimately that’s a decision for them.

And:

I would have done it myself, but it was a little bit off the cuff ... so I don't have a copy.²

45. During my investigation, I have personally consulted with Ms Allan and Ms Dunlop, and both confirmed that, given RNZ had decided to release a partial transcript of the speech, their preference was that the entire transcript should be released. Neither provided agreement for release of the audio recording, and Ms Allan confirmed she objected to release of the audio recording as she was not aware her speech was recorded at all.
46. Given the clear views expressed, the publicity this matter has received, and Ms Allan's public statement, I would expect that any future speakers would be aware that any release of a transcript in this particular case was because the parties had agreed, and they would therefore not feel as constrained as suggested on similar future occasions.
47. Therefore, in these very specific circumstances, where it is clear that the impacted parties supported release of a transcript, I am simply not satisfied that release of a transcript would inhibit the future supply of similar information. In making these comments, I am highly mindful of RNZ's views on its tikanga, and how it considers this applies in a collective sense regarding future similar events. However, as I see it, any potential unwillingness by RNZ staff and their whānau to engage in such events in the future would be due less to the release of a transcript of a speech (where the impacted parties have agreed), and more due to what happened following the speech, in particular that many details of the speech have already been made public. In other words; it appears this prejudice raised by RNZ might arise regardless of whether the transcript is now released, due to the events that have already occurred.
48. As I do not consider there is a likely prejudice to future supply if a transcript were to be released in this particular case, my provisional opinion is that section 9(2)(ba)(i) of the OIA did not provide grounds to withhold a transcript. It is therefore not strictly necessary for me to further consider whether the final requirement has been met, that being a public interest in the future supply of similar information, or information from the same source. With that said, while I note this was a professional government agency event, I would recognise a general public interest in staff and their whānau feeling confident, on invitation, in appropriately sharing their thoughts and feelings at similar farewell events.
49. Similar to my analysis of section 9(2)(a) above, my opinion is that section 9(2)(ba)(i) of the OIA would apply in respect of the audio recording. However, as both Ms Allan and Ms Dunlop support release of a transcript, I do not consider that this section would apply to the speech in this transcript format, as I am not convinced that release would prejudice future supply in circumstances where the impacted parties are in favour.

² See article: <https://www.rnz.co.nz/news/political/489581/kiri-allan-says-rnz-more-than-welcome-to-release-full-speech>.

Section 9(1) of the OIA – The public interest

50. Before any of the withholding grounds under section 9(2) of the OIA can provide ‘good reason’ to withhold the information, section 9(1) requires that it is first necessary to consider whether:

... 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.

51. Common public interest considerations include increasing the accountability of public sector agencies and Ministers, increasing the transparency of decision-making, and increasing public participation in this decision-making.
52. In this case, because I do not consider that either of the above withholding grounds applied to a transcript of the speech (apart from the identities of third parties referred to in the speech), it is not strictly necessary for me to consider whether there is nevertheless a public interest in disclosure of the full transcript.
53. However, as required by section 16(2)(c) of the OIA, I have considered whether there is a public interest in release of the audio that would outweigh the need to withhold it.
54. Firstly, I note that section 13 of the Radio New Zealand Act 1995 is clear in that Ministers are to refrain from giving direction in relation to programming, allegations, and complaints, as well as the presentation of news and current affairs programmes, and the responsibility of standards under that Act. In this case, several of Ms Allan’s comments would appear to touch on RNZ’s operational matters.
55. In addition, I note the Cabinet Manual also sets out clear expectations of Ministers, whether they are acting in a ministerial, political, or personal capacity. Section 2.56 provides:

In all of these roles and at all times, Ministers are expected to act lawfully and behave in a way that upholds, and is seen to uphold, the highest ethical and behavioural standards. This includes exercising a professional approach and good judgement in their interactions with the public, staff, and officials, and in all their communications, personal and professional. Ultimately, all Ministers are accountable to the Prime Minister for their behaviour.

56. As discussed, several of Ms Allan’s comments were seen to be critical of RNZ. While she was speaking as Ms Dunlop’s then fiancée at her farewell function, Ms Allan should have been aware at all times of her role as a Minister when making such critical comments about a government agency. Ms Allan, while she was a Minister, publicly apologised for such comments, as she accepts they could have been ‘interpreted as me telling RNZ how to manage their staff or company. That was not my intent and it is certainly not my job.’³

³ See article: <https://www.rnz.co.nz/news/political/487320/cabinet-minister-kiri-allan-apologises-over-comments-at-rnz-farewell-for-fiancee-mani-dunlop>.

57. To the extent that the speech contained critical comments about RNZ, I consider there is a strong public interest in release of those parts of the speech.
58. However, RNZ has already acknowledged a general public interest in some of Ms Allan's comments, and released a transcript of the comments it deemed critical of RNZ. In doing so, I consider RNZ has adequately addressed the public interest in release, and there is no need in this respect to also release the relevant audio.
59. The remaining parts of the speech do not contain the same type of critical comments and, in my opinion, do not require release in the public interest.
60. It therefore follows that I do not consider there is an overriding public interest in the release of the identities of the third parties referred to in the speech, and there is good reason to withhold that information.

Section 16 of the OIA – The form and manner of release

61. Section 16 of the OIA provides that, where the information requested is in the form of a document (which includes audio recordings),⁴ the information can be made available in several different ways. This includes making the information available in the form of a written transcript.⁵
62. However, section 16(2) of the OIA requires that the information be made available in the form preferred by the requester, unless certain criteria apply. One of these is where releasing the information in the form requested would '*prejudice the interests protected by section 6 or section 7 or section 9 and (in the case of the interests protected by section 9) there is no countervailing public interest*'.⁶
63. The requesters specifically asked for the information in the form of an audio recording. However, as discussed, I consider that sections 9(2)(a) and 9(2)(ba)(i) of the OIA provide good reason to withhold the audio recording. As noted above, I do not consider the same considerations apply to a transcript, and RNZ should therefore have provided the information in the form of a transcript – pursuant to section 16(1)(d) of the OIA.
64. I have considered the journalist's suggestion that they be allowed to listen to, but not publish the audio recording. Under section 16(1)(a), information in the form of a document (which again includes audio recordings) can also be made available by giving a person a reasonable opportunity to inspect that document. However, in my opinion, both sections 9(2)(a) and 9(2)(ba)(i) would still provide good reason to refuse access to the audio in this form. While the impact on Ms Allan and Ms Dunlop's privacy would arguably be less than if the audio recording was published, it still follows that there is a

⁴ Under section 2 of the OIA, the definition of a document also includes '*any information recorded or stored by any means of any tape-recorder, computer, or other device; and any material subsequently derived from information so recorded or stored*'.

⁵ Section 16(1)(d) of the OIA refers.

⁶ Section 16(2)(c) of the OIA refers.

high privacy interest in this information, and neither have consented for the audio recording to be shared with any other party. As discussed above, the only reason I have formed the opinion that the transcript should be released is that Ms Allan and Ms Dunlop consented to this. The same is not true of the audio, whether it be released publicly, or to a single individual on the basis it not be further distributed.

Chief Ombudsman's opinion

65. For the reasons set out above, I have formed the opinion that:
- a. except to the extent relevant to determining whether any of the withholding grounds under the OIA may apply, RNZ's internal practices (described as its tikanga protocols) alone do not provide reason to withhold the speech;
 - b. RNZ was entitled to refuse the request made pursuant to section 16(2) for release of the information in the form of an audio recording, on the basis that it would prejudice the interests protected by sections 9(2)(a) and 9(2)(ba)(i) of the OIA;
 - c. with the exception of the names of third parties, RNZ was not entitled to withhold a transcript of the speech under either section 9(2)(a) or 9(2)(ba)(i) of the OIA, given Ms Allan and Ms Dunlop support such a release; and
 - d. there is significant public interest in the parts of Ms Allan's speech which are critical of RNZ, and this has been addressed by release of the relevant parts of the transcript.
66. I recommend that RNZ prepare and release a full transcript of the speech, while withholding the names of the various third parties who are mentioned. These references are very minor.

Peter Boshier
Chief Ombudsman

Appendix 1. Relevant statutory provisions

Official Information Act 1982

5 Principle of availability

The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is a good reason for withholding it.

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, 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, 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
...
 - (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

16 Documents...

- (1) Where the information requested by any person is comprised in a document, that information may be made available in 1 or more of the following ways:
 - (a) by giving the person a reasonable opportunity to inspect the document;
...
 - (d) in the case of a document by which words are recorded in a manner in which they are capable of being reproduced in the form of sound or in which words are contained in the form of shorthand writing or in codified form, by providing the person with a written transcript of the words recorded or contained in the document; ...

...

- (2) Subject to section 17, the ... organisation shall make the information available in the way preferred by the person requesting it unless to do so would—...
- (c) prejudice the interests protected by section 6 or section 7 or section 9 and (in the case of the interests protected by section 9) there is no countervailing public interest.

18 Refusal of requests

A request made in accordance with section 12 may be refused only for 1 or more of the following reasons, namely:

- (a) that, by virtue of section 6 or section 7 or section 9, there is good reason for withholding the information:

Radio New Zealand Act 1995

13 Ministers of the Crown not to give certain directions

- (1) No responsible Minister or any other Minister, and no person acting by or on behalf of or at the direction of a responsible Minister or any other Minister, may give a direction to the public radio company, or any Crown entity subsidiary of the company, or any director or officer or employee of the company or any such Crown entity subsidiary, in respect available of—
- (a) a particular programme or a particular allegation or a particular complaint; or
- (b) the gathering or presentation of news or the preparation or presentation of current affairs programmes; or
- (c) the responsibility of the company for programme standards.