

19 November 2012

Our Ref No: Lex11955

Jeff

Email: fyi-request-600-83502c47@requests.fyi.org.nz

Dear Jeff

REQUEST FOR INFORMATION: INFRINGEMENT NOTICE 5274609

I refer to your telephone call with Shane Bruyns on 7th November 2012 requesting information in relation to the above.

Please be advised that your request has been considered under the provisions of the Local Government Official Information and Meetings Act (LGOIMA) and the Privacy Act 1993.

This letter responds to your request for the names of people who complained about the manner which your vehicle was parked in Hamilton Avenue.

Council decline to release the identify of complainants under the following provisions of LGOIMA:

1. Section 6(a) states that information can be withheld if making available the information would be likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences. Because it is important for the purpose of the detection of offences that members of the public are willing to advise the Council of possible breaches of the law, the Council does not release the names of complainants.

2. Section 7 (2)(a) states that information may be withheld if this is necessary to protect the privacy of nature persons.

In deciding to withhold information under LGOIMA the Council is required to consider whether there are any public interest considerations which outweigh the need to withhold the information requested. The Council has determined that there are no public interest considerations which out weigh the need to withhold the information in this case.

The Council also rely on Section 29(1)(a) of the Privacy Act 1993 as authority for withholding the identity of the complainants. Section 29 (1)(a) states that information requested may be withheld if releasing the information would involve the warranted disclosure of the affairs of another individual.

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I advise that under the provisions of the Local Government and Official Information and Meetings Act 1987, you have the right to request the office of the Ombudsmen to review the decision of the Council on the disclosure of the information requested.

In addition, under the provisions of the Privacy Act 1993 you have the right to request the Privacy Commissioner to review the decision of the Council.

Yours faithfully



Chris Gilbert
Solicitor
Manager Legal Services Unit

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