

From: Kristy Rusher  
Sent: Wednesday, 5 October 2016 2:24 p.m.  
To: [REDACTED]  
Subject: Response to Angela Ruske

Dear Angela,

Thank you for patience in waiting for a reply to your enquiry regarding the release of official information from the Dunedin City Council. We consider that we have complied with our legal obligations in respect of the matters you raise and set out our reasons below. However, we are happy to redact the address on the letter you have supplied. Please advise if you would like us to do so.

In reply to your specific questions:

"I understand Mr Richardson has access to the information because he applied for it via the Official Information Act. Please explain why this now means it is now on your website for public view? I understand he included it in a submission, but as he is the only one who has applied to see it, why is it that this now means the rest of the world can see it??? Please provide legal evidence that justifies this."

The Resource Management Act 1991 and the Local Government Official Information and Meetings Act 1987 require that all documents are made available to the public, unless they need to be withheld to avoid offence to Maori or other withholding grounds apply.

The documents that need to be available include submissions and any information the submitter relies on to make their point. Your letter to Sue Bidrose is also a public record, and there were no grounds for withholding it from the requestor. The relevant legislation is section 39(1), section 42(6)(a) and section 42(1) of the Resource Management Act 1991.

Our practice is to post as many documents as possible on our website to allow the public easy access to as much information as possible. It is common practice for all councils to do this. When it comes to weighing privacy interests against the need to be publicly accountable and transparent, we apply the advice of the chief ombudsman who has stated "Release of information in good faith under the Official Information Act will not breach any provisions of the Privacy Act." See this older editorial from the ombudsman for more information on this issue - [http://www.ombudsman.parliament.nz/ckeditor\\_assets/attachments/25/2-1.pdf](http://www.ombudsman.parliament.nz/ckeditor_assets/attachments/25/2-1.pdf)

"Alice Wouters included the letter I wrote to Dr Bidrose in her submission. As the author of the letter I would assume that I would be approached by the Council to seek my permission to publish this. Mrs Wouters didn't make her submission public, the DCC did, so I believe responsibility must also lie with the council. Please gain provide legal evidence that you have the power to public publish information that is not provided by the author."

Alice Wouter's submission is on page 154 of the hearing agenda, and we are required to make this agenda available to the public to comply with the Local Government Official Information and Meetings Act 1987. The author of the submission is the person responsible for its content, however there is no legal requirement that they obtain your permission before using your letter (which is also a public document). As the submission is a public document, the Council publishes the full submission for the reasons set out above.

"I note that on all of the submissions and my original letter to the Dr Bidrose that all addresses are blanked out. Can you please explain why my address is not blanked out on the letter from Dr Bidrose?"

Personal addresses and phone numbers are redacted (blanked out) to protect the private addresses of submitters, and we do this to meet our requirements under the Privacy Act 1993. We do not normally blank out the addresses of organisations or businesses, as the Privacy Act 1993 only applies to natural people. The address on the letter from Dr Bidrose to yourself was the address of Keep Halfway Bush Semi-Rural Inc. The person checking the letter before it went out was not aware that this was also your home address. As advised above, we will remove this address at your request.

You have the right to seek an investigation and review by the Ombudsman of our actions, or to contact the Privacy Commissioner.

Information about how to make a complaint to the ombudsman is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

The Privacy Commissioner can be contacted at <https://www.privacy.org.nz/your-rights/how-to-complain/>

Alternatively, if you wish to discuss this further with us, please feel free to contact me and arrange an appointment.

Yours faithfully,

Kristy Rusher

Kristy Rusher  
Manager Civic and Legal, Corporate Services  
Dunedin City Council/Kaunihera-a-rohe o Otepoti