

Work sheet for processing requests for names of public sector employees

The Ombudsman's general position is that there is usually no basis for withholding staff names if all that would be revealed is what they did in their official capacity. However, withholding staff names may be justified in particular circumstances.

This work sheet will help you to decide whether those circumstances are present in a particular case. It covers the withholding grounds most likely to be relevant in this context. More detailed information is available in our [Names and contact details of public sector employees](#) guide.

1. Consider whether there would be a harm if the names were released

- These factors can be considered in deciding whether there would be a harm if the names were released:
 - the nature and content of the associated information;
 - whether the names are already known to the requester;
 - whether the names are in the public domain;
 - the seniority of the staff;
 - the degree of their responsibility;
 - the nature of their role;
 - their views;
 - the potential for further dissemination;
 - previous conduct by the requester or others to whom there is a reasonable chance the information will be disclosed; and
 - the likely use of the information.
- If you think release would:
 - endanger the safety of the staff, go to [step 2](#);
 - lead to improper pressure or harassment, go to [step 3](#);
 - infringe staff privacy, go to [step 4](#).

<p>2. Safety—section 6(d)</p>	<ul style="list-style-type: none"> • Section 6(d) of the OIA (section 6(a) of the LGOIMA) applies if release <i>‘would be likely ... to endanger the safety of any person’</i>. • There must be a real and objective risk to a person’s safety, as a result of disclosure of their name to the requester. • Look for evidence to support the likelihood of harm such as actual threats, or facts supporting a reasonable perception of a threat, like a history of physical violence by the requester, or others to whom there is a reasonable chance the information may be disclosed. • If section 6(d) applies, the request can be refused. There is no need to consider the countervailing public interest in release. • If section 6(d) doesn’t apply, you must release the names (or consider whether another withholding ground applies—see step 3 or step 4). • Go to step 6.
<p>3. Improper pressure or harassment—section 9(2)(g)(ii)</p>	<ul style="list-style-type: none"> • Section 9(2)(g)(ii) of the OIA (section 7(2)(f)(ii) of the LGOIMA) applies where withholding is <i>‘necessary to maintain the effective conduct of public affairs ... through the protection of [Ministers, members, officers or employees of agencies] from improper pressure or harassment’</i>. • There must be a reasonable expectation that disclosing the name would lead to improper pressure or harassment that would have a detrimental impact on the relevant staff, and therefore the agency’s ability to do its job. • Improper pressure is the use of persuasion or intimidation that is not in accordance with accepted standards of morality or honesty. It may include aggressive or abusive language, offensive, derogatory or defamatory remarks, or deliberate misrepresentation of the facts. • Harassment is a pattern of behaviour directed at a person, which includes things like following them or giving them offensive material, including by publishing it on the internet. • Look for evidence to support the expectation of harm, like previous conduct by the requester, or others to whom there is a reasonable chance the information may be disclosed, and personal representations from the staff members concerned. • If section 9(2)(g)(ii) applies, go to step 5. • If section 9(2)(g)(ii) doesn’t apply, you must release the names

	<p>(or consider whether another withholding ground applies—see step 2 or step 4).</p>
<p>4. Privacy—section 9(2)(a)</p>	<ul style="list-style-type: none"> • Section 9(2)(a) of the OIA (section 7(2)(a) of the LGOIMA) applies if withholding is ‘<i>necessary to protect the privacy of natural persons</i>’. • It is not usually necessary to withhold staff names in order to protect their privacy. However, the privacy withholding ground may apply in limited circumstances, where release would: <ul style="list-style-type: none"> - reveal something private or personal about the staff (like their health, finances or performance in the workplace); or - in some other way intrude on their privacy (for example, by affecting their mental or emotional wellbeing or damaging their reputation). • Supporting material might include personal representations from the staff members concerned about the predicted impact on their personal lives. • If section 9(2)(a) applies, go to step 5. • If section 9(2)(a) doesn’t apply, you must release the names (or consider whether another withholding ground applies—see step 2 or step 3).
<p>5. Apply the public interest test</p>	<ul style="list-style-type: none"> • Identify any public interest considerations in favour of disclosure, for example, the public interest in the transparent and accountable conduct of public affairs. • Read our guide if you need more information about the public interest test. • If the public interest in disclosure outweighs the need to withhold, the names must be released. If not, the request can be refused. • Go to step 6.
<p>6. Make a decision on the release of staff names</p>	<ul style="list-style-type: none"> • Make and communicate your decision on release of staff names to the requester. See our Template letter 6: Letter communicating the decision on a request.