

16 March 2023

Section (9)(2)(a)

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Our ref: OIA 102727

Tēnā koe Section (9)(2)(a)

Official Information Act request: Suppression of personal information

Thank you for your email, of 8 February 2023 to the Ministry of Business, Innovation and Employment requesting information about Tenancy Tribunal (Tribunal) suppressions orders under the Official Information Act 1982 (the Act).

As you are aware, parts 2, 4 and 5 of your request, were transferred to the Ministry of Justice on 17 February 2023. Your transferred requests and my responses are set out below.

“2. Is there a guideline on what qualifies something as being in the public interest or not, in the context of granting or rejecting a suppression application.

In response to this part of your request, section 95A the Residential Tenancies Act 1986 outlines the process for suppression orders in the Tribunal. The Ministry of Justice (the Ministry) does not hold guidelines on this decision making as these decisions are made by adjudicators as judicial officers that operate independently from the Ministry. I am therefore refusing your request under 18(g)(i) of the Act as the Ministry does not hold the information you have requested, nor are there grounds for believing that the information is held by any other agency subject to the OIA.

4. Who within the tribunal decides if suppression is applied?

In response to this part of your request, as provided above, Tribunal adjudicators are responsible for making decisions on suppression of information relating to Tribunal cases.

5. How many complaints about the suppression process/result have been made and what was the substance of those complaints?”

In response to this part your request, the Ministry has undertaken a search of the database it uses to record incoming correspondence, we were able to clearly identify three complaints received between 2021 and the current date about suppression in the Tenancy Tribunal. It is important to note that the search function within the database can only be used to search keywords in the subject line. For that reason it is possible there may be other complaints about suppression in the Tenancy Tribunal that were not captured by the search. To provide this information would require substantial review of all complaints received. I am therefore refusing this part of your request under section 18(f) of the Act as the information cannot be made without substantial collation or research.

It is also important to note that the Ministry does not hold copies of complaints about suppression orders that may have been made to the court location where the Tenancy case was heard as this information is held by the Tribunal, and the Tribunal falls outside the scope of the Act under section 2(6)(b).

If you require any further information, please contact Media & Social Media Manager Joe Locke at media@justice.govt.nz.

Please note that this response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/oia-responses/.

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā



Chris King

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