

## **FREEDOM OF INFORMATION CASE NOTES**

---

### **Cabinet exemption *Information Act* s.45(1)(a)**

The complainant sought access to information about the sites that had been identified as the potential location for a new public building. The organisation refused access on the basis of section 45(1)(a)(i) of the Act because it had been brought into existence for submission to, and consideration by, an Executive body. The organisation provided the Office with a Cabinet Decision requesting the Department to investigate certain options in relation to the potential location but the Deputy Commissioner did not accept that documents created before the date of that Cabinet Decision could be exempt under section 45(1)(a).

The Deputy Commissioner also refused to accept that information that was purely statistical, technical, scientific or factual material could be exempt. With the exception of five documents that were found to be exempt, the remaining documents were not. The Deputy Commissioner found that there was sufficient *prima facie* evidence to substantiate the complaint. The respondent organisation maintained its position that the information was exempt but decided to release the information to the respondent.