

FREEDOM OF INFORMATION CASE NOTES

Information obtained from a business, commercial or financial undertaking -section 57(1)(b)

The Respondent's governing legislation required a business, commercial or financial undertaking to provide the Minister with a security, the calculation of the amount of which was to be done by the Minister. The Respondent submitted that it set the value of the security. On this basis the delegate of the Commissioner found that the amount was not information obtained by the Respondent from the business, commercial or financial undertaking and so the exemption in section 57(1)(b) had no application, and there was no need to consider public interest factors raised by the parties. There was therefore sufficient *prima facie* evidence to substantiate the complaint which was referred to mediation.