



Release of employees' names and contact details assessment and guidance form

For People Managers

The following MSD employee's name(s) fall within scope of the OIA request from: [MaES to insert requester name, Media / Company / Individual, subject of request]

Attached to this email is the information in scope of the OIA request that has an employee named. The information is to be released in the Ministry's OIA response to the requestor. This form seeks your assessment as to whether you recommend an employee's name and contact details be released or withheld.

If you have any questions in relation to completing this form, please contact your assigned MaES advisor: [MaES advisor name and DDI]

Actions for Manager

- Complete form for all named employees.
- Use the attached '*Guide to Applying Withholding Grounds*' to assist with identifying a relevant ground to apply, if any. Your assigned MAES advisor can help you at any stage during this process.
- More than one withholding ground under the OIA may be applicable, please note all that are relevant.
- Contact details include the person's position title and their work email.
- Please talk with all named employees so they are part of the process.
- If a named employee is no longer employed by MSD, please advise your MaES advisor and note this next to the former employee's name – including any known contact details. If we are unable to contact the former employee, the name will be withheld, unless they were Tier 4 or above and/or their name is already in the public domain and connected to their previous job title or professional role.

Manager to complete and sign this form and return to MaES by [*MaES to insert due date*], along with supporting evidence where applicable:

Employee's name	Position/job title	Release employee's name and details (tick or write 'OK for release')	Withhold employee's name and contact details (Note relevant withholding ground(s); attach evidence)
1. [<i>MaES to insert Employee's name</i>]			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Assessment approved by:

[Manager name]
[Position]
[Business unit]

Date

Next steps:

- MaES will consider your completed form and accompanying evidence to apply the relevant withholding grounds, if any, from the Official Information Act 1982. This will be incorporated into the OIA response, as appropriate. The OIA response will then progress through the normal sign-out process.
- If an employee's name is included, before the release of the OIA response MaES will ensure the named employee and manager are aware the OIA response with their names included, is to be released.

Guide to applying withholding grounds

A number of grounds in the Official Information Act could be relevant when deciding whether there would be harm if an employee's name is released. Please consider the following Questions for consideration:

- What is the nature and content of the associated information?
- Are the employees' names already known to the requester?
- Are the employees' names in the public domain?
- What is the seniority of the employees?
- What degree of responsibility do they have and what is the nature of their role?
- What are their views?
- Is there potential for further distribution of the information?
- Previous conduct by the requester or others to who there is a reasonable chance the information will be disclosed to
- What is the likely use of the information?

Follow the below descriptors to assess what withholding grounds apply, if any

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Description	Withholding ground	Factors and questions for consideration	Outcome
<p>Releasing the employee's name would endanger the safety of employees</p>	<p>Section 6(d) of the OIA applies if the release <i>'would be likely ... to endanger the safety of any person'</i></p>	<p>Would the release of the person's name pose a real and objective risk to their safety?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Look for evidence such as actual threats, facts supporting a reasonable perception of a threat (eg history of physical violence or psychological abuse of the requester) 	<p>Do you think Section 6(d) applies? YES / NO</p> <p>If yes, please provide evidence (attach to reply email to MaES) If no, check to see if other withholding grounds may apply</p>
<p>Releasing the employee's name would lead to improper pressure or harassment</p>	<p>Section 9(2)(g)(ii) of the OIA applies if withholding the name 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></p>	<p>Would the release of the person's name lead to improper pressure or harassment that would have a detrimental impact on them, and therefore the agency's ability to do its job?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Improper pressure may include aggressive or abusive language, offensive, derogatory or defamatory remarks, or deliberate misrepresentation of the facts <input type="checkbox"/> Harassment is a pattern of behaviour directed at a person, which could include things like following the employee or giving them offensive material, including publishing it on the internet <input type="checkbox"/> Look for evidence to support the expectation of harm 	<p>Do you think Section 9(2)(g)(ii) applies? YES / NO</p> <p>If yes, please provide evidence (attach to reply email to MaES) If no, check to see if other withholding grounds may apply</p>
<p>Releasing their name would infringe the employee's privacy</p>	<p>Section 9(2)(a) of the OIA applies if withholding the name is <i>'necessary to protect the privacy of natural persons'</i></p>	<p>Would the release of the person's name reveal something private or personal about them (ie their health, finances or performance in the workplace) or intrude on their privacy (ie affect their mental or emotional wellbeing or damage their reputation)</p>	<p>Do you think Section 9(2)(a) applies? YES / NO</p> <p>If yes, please provide evidence (attach to reply email to MaES) If no, check to see if other withholding grounds may apply</p>

The Public Interest test

If you answer 'yes' to any of the withholding grounds, it is important that you also consider any public interest considerations in favour of releasing an employee's name.

The following **public interest test** is used when assessing the release of a name. Will the release:

1. Enable people to understand and debate issues or participate in decision making processes that affect them?
2. Promote accountability of Ministers, agencies and people working in central government for how they:
 - make decisions and perform their functions?
 - spend public money?
 - take appropriate action when things go wrong?
 - promote the administration of justice, for instance, by:
 - enabling people to pursue their legal rights and remedies?
 - ensuring procedural fairness?
3. the public informed about risks and dangers to, or measures to promote, public health and safety or the environment?
4. Does the public interest in disclosure of the employee's name outweigh the need to withhold?

Final Recommendation to MaES

YES / NO

If yes, release the employee's name.

If no, the employee's name can be withheld.