



10 May 2013

Jock Anderson
Chief Reporter
NBR Online
janderson@nbr.co.nz

Dear Jock

Official Information Act request

I refer to your questions to MBIE on Wednesday 8 May 2013 relating to Aaron Gilmore's work for MBIE.

I have considered your questions under the provisions of the Official Information Act and my response follows.

Aaron Gilmore was engaged through a professional contracting company by the former Department of Building and Housing, now part of the Ministry of Business, Innovation and Employment on a fixed term contract from 9 May to 30 November 2012.

Mr Gilmore was engaged on a contract for services to perform the role of Senior Policy Analyst in the housing area. He was not an employee of MBIE.

His contract ended on 30 November as scheduled. He is not currently contracted by MBIE.

On 22 November 2012, I was alerted to email correspondence between Mr Gilmore and a staff member at another agency.

Mr Gilmore was advised verbally that in the public sector context the tone of his emails was inappropriate. Mr Gilmore was also advised that his contract would not be extended. No further action was taken as Mr Gilmore's contract was already due to end within a few days.

The email correspondence did not contain any sexually explicit material.

I verbally briefed MBIE Chief Executive David Smol. Neither Mr Smol nor I briefed any Government Ministers on this complaint. Mr Smol did give an informal 'heads-up' to the Prime Minister's Chief of Staff that Mr Gilmore had finished his contract with MBIE, and MBIE would not be renewing it because there had been an issue, following the 'no surprises' principle, but he did not detail the complaint or the issue of inappropriate emails with him.

As an interim response to your Official Information Act request, I have considered the emails concerned for release under the OIA.

I have considered whether there are grounds under the Official Information Act to withhold information to protect the privacy of the contractor/principal relationship, or whether this is outweighed by other considerations under section 9 (1) of the Act which render it desirable, in the public interest, to make that information available.

I have concluded that on balance, the withholding of information for privacy reasons is outweighed by the public interest. Factors taken into account include that Mr Gilmore is a sitting MP and there is strong public interest in the actions and conduct of people in public office.

However I have withheld the name of the staff member who was the subject and recipient of some of the emails and the names of other staff members mentioned incidentally under section 9(2)(a) (privacy), 9(2)(f) (iii) (political neutrality) and 9 (2)(g)(ii) (protection from improper pressure or harassment) of the Official Information Act.

Information about the subject under discussion that was not directly relevant to your request has not been included in this release.

The emails are attached.

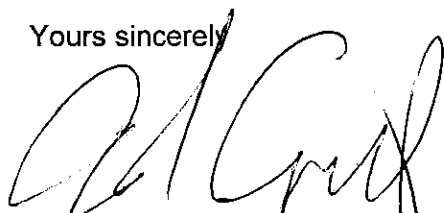
You will notice a typographical error in the first paragraph of the first email, where I typed "appropriate" when I meant "inappropriate", as is clear from the context and the rest of the email.

You have the right under section 28(3) of the Act to ask the Ombudsman to investigate and review my decision to withhold information. The relevant contact details are:

The Ombudsman
Office of the Ombudsman
PO Box 10 152
WELLINGTON 6143

Ph 0800 802 602
www.ombudsman.parliament.nz

Yours sincerely



Andrew Crisp
Deputy Chief Executive
Infrastructure and Resource Markets Group
Ministry of Business, Innovation and Employment