

OIR: 2324/883

8 May 2024

[REDACTED]

Tēnā koe [REDACTED]

Request for Information under the Local Government Official Information and Meetings Act 1987 (the Act) (the LGOIMA)

Thank you for your email of **11 April 2024** requesting the following information:

- 1. The number of non-disclosure agreements signed by staff leaving the organisation in each of the years ending 30 June 2023, 2022, 2021 and 2020, and the number of non-disclosure agreements signed in the 2024 financial year to date.***

There were 23 non-disclosure agreements signed by staff leaving the organisation in the period between July 2019 to the current date.

Given the low number of non-disclosure agreements entered into, we have not been able to break down the numbers by year as that may lead to the identification of individuals involved, resulting in a breach of their privacy (section 7(2)(a) of the LGOIMA refers). In Council's view the reasons for withholding these details are not outweighed by public interest considerations in section 7(1) favouring their release.

- 2. The template standard template for non-disclosure agreements signed by exiting staff members.***

The Council does not have a standard template for non-disclosure agreements and on that basis I must decline this part of your request as the documents alleged to contain the information requested does not exist, or despite reasonable efforts to locate them, they cannot be found, section 17(e) of the LGOIMA refers.

However, we have included examples of the language typically used in settlement agreements below for your information. This is the type of wording that would form the basis of non-disclosures agreements that are drafted and tailored to the individual situation as required.

Please note that any information provided in response to your request may be published on the Council website, with your personal details removed.

Example one:

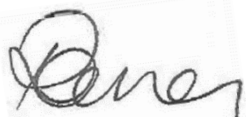
“The existence and terms of this Agreement, including the payment of any sums in this Agreement, will be confidential to the parties and will not be disclosed, copied or transmitted to any other person in any circumstances whatsoever, except with the prior written consent of the other party or as required by law (ie the requirement under the Local Government Act 2002 for the Employer to disclose any severance payment made). The parties are permitted only to tell any other person that the Employee's employment ceased by way of resignation to pursue other opportunities.”

Example two:

“The existence and terms of this Agreement, including the payment of any sums in this Agreement, will be confidential to the parties and will not be disclosed, copied or transmitted to any other person in any circumstances whatsoever, except with the prior written consent of the other party or as required by law (including as required under the Local Government Act 2002 and/or the Local Government Official Information and Meetings Act 1987 for the Employer to disclose any severance payment made).”

You have the right to request the Ombudsman to review this decision. Complaints can be sent by email to info@ombudsman.parliament.nz, or by post to The Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi,



Rach Wells

Group Manager People and Capability
Kaiwhakahaere Rōpū - Tangata me te Āheitanga