



21 May 1998

Margaret Soper
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Crown Law Office
PO Box 5012
WELLINGTON

Dear Margaret

**CHRISTCHURCH CIVIC CHILDCARE CENTRE – OFFICIAL
INFORMATION REQUEST**

Thank you for your letter on the above matter received on 5 May 1998. In that letter you advised that the Solicitor-General had received a request under the Official Information Act which included material relating to a brief of evidence prepared by Bede Cooper of the Ministry of Education.

You have asked for the Ministry's views on the release of the information which you enclosed with your letter. Some of the information you attached has never been previously made available to the Ministry. In this regard I refer particularly to a letter from Buddle Findlay to the Solicitor-General dated 9 June 1995, an attachment to that letter prepared by Jo Appleyard, and the Solicitor-General's reply dated 8 November 1995.

I record my surprise that the Ministry was not informed of Buddle Findlay's letter given its contents, in particular the allegations against Bede Cooper personally and also against the Ministry. We would have liked the opportunity to respond directly.

You have asked whether the Ministry has any objections to the material being released. I have given a copy to Bede Cooper for his comment and he has informed me that he does object to the release of the Buddle Findlay letter and the Jo Appleyard memorandum.

Bede considers that the material raises issues of his own privacy – in particular relating to the accuracy of the information and the fact that he has never had any opportunity to refute it or correct it. I refer you to the Privacy Act 1993, IPP's 7 and 8. IPP 2 may also be relevant. I ask that you take into account Bede's concerns when you are considering the matter.

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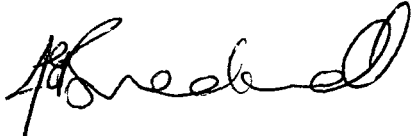
The Solicitor-General's reply to the Buddle Findlay letter does not refer to the allegations but is focused on the role of your office in the perception of the brief. We do not have the same concerns about that document. However, the fact that it does not deal with the allegations made about Bede Cooper and the Ministry exacerbates Bede's concern.

I realise that it is the decision of the Solicitor-General, to whom the request has been made, whether or not it will be released. If you decide that it should be released, the Ministry asks that Bede Cooper be given the opportunity to correct the information (or attach a statement to it). Our view is that, notwithstanding the rights given in the Privacy Act, natural justice would require that Bede be given an opportunity to respond to the allegations made about him.

In relation to Bede Cooper's brief of evidence, I can confirm that the Ministry has waived its privilege (which had been upheld by the Ombudsman) in respect of that document and any drafts of it and has, this week, released it on that basis. Therefore we have no objection to the release of the brief.

Thank you for consulting me and please do contact me if you wish to discuss the matter further.

Yours sincerely



Jan Breakwell
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