



4 July 2023

Tēnā koe

On 6 June 2023, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Any materials used by the Ministry of Social Development (MSD) to process OIA requests, including internal documents that contain relevant policies, principles, rules, guidelines or templates.*
  - a) *I note that section 22 of the OIA specifically makes such documents accessible.*
  - b) *Please exclude any Ombudsman guidelines that are already publicly available.*
- *Any additional information on how MSD makes decisions under the OIA when the information requested has a Māori or Te Tiriti o Waitangi aspect.*
- *If and when any of the materials that fall within the scope of (1) or (2) are due to be reviewed.*

*For clarity: I am seeking information about MSD's OIA procedures, rather the content of any particular OIA requests that MSD might have received. My purpose for this request is academic research.*

The Ministry will respond to each part of your request in turn:

- *Any materials used by the Ministry of Social Development (MSD) to process OIA requests, including internal documents that contain relevant policies, principles, rules, guidelines or templates.*
  - *I note that section 22 of the OIA specifically makes such documents accessible.*
  - *Please exclude any Ombudsman guidelines that are already publicly available.*

The Ministry takes its obligations under the Official Information Act 1982 (the Act) very seriously and is constantly working to ensure the highest possible level of performance in this area. The Ministry has a centralised unit for responding to requests for official information, where the information cannot be made readily available.

The Act reflects the democratic principles of New Zealand government. Our responsibilities under the Act are included in the Ministry's Code of Conduct that all Ministry staff sign. The code of conduct for the Public Sector can be found on the Te Kawa Mataaho | Public Service Commission website using this link: <https://www.publicservice.govt.nz/guidance/integrity-and-conduct/>

Please see **Appendix One** for information on the templates and guidance forms that the Ministry use to process requests under the Act.

Please see **Appendix Two** for information on the standard lines the Official Information Team refer to when responding to requests under the Act. This is a living document, and the standard lines are updated and amended accordingly when policies and practices are updated.

**Appendices One** and **Two** contain templates used when writing a response or correspondence regarding a request made under the Act to ensure consistency when responding to a requestor.

Routinely for each response, an '*OIA Report and Risk Assessment CE/MIN*' is used to record the decision we are making on a request. The relevant business units that have provided information will complete this assessment and identify any risks relevant to responding to the specific request, such as identifying where consideration needs to be given for withholding information.

Please note, the names in **Appendix One** indicate the abbreviation '*CE*' however, the Chief Executive has delegated the appropriate Deputy Chief Executives, General Managers, or Managers to sign this on their behalf.

Please see **Appendix Three** for guidelines for managing complex or frequent official information requests.

Please see **Appendix Four** for the *Introduction to MaES* (Ministerial and Executive Services) presentation, as at 28 June 2023. This is used across the Ministry for routine training and informing staff about the basic principles of the Act and its processes.

Please see **Appendix Five** for the *OIA – Advanced workshop* presentation, as at 28 June 2023. This is used across the Ministry for routine training, building on the information from the *Introduction to MaES* presentation. It provides a deeper understanding of how different sections of the Act work, and what considerations are relevant when making decisions under the Act.

The Ministry provides a mandatory online module about the Act for all new staff to complete as part of the induction process. The information contained in this module is provided within **Appendix One** under the '*Releasing Information Under the Official Information Act*' heading, and within **Appendices Four** and **Five**.

The Ministry also has publicly available information about the Act on our webpage, at the following link: [Official Information Act 1982 \(OIA\) - Ministry of Social Development \(msd.govt.nz\)](https://www.msd.govt.nz/official-information-act-1982)

- *Any additional information on how MSD makes decisions under the OIA when the information requested has a Māori or Te Tiriti o Waitangi aspect.*

Following Office of the Ombudsman guidance, the Ministry treats all requests under the Act equally. We strive to uphold the Ministry's commitment to Te Tiriti o Waitangi in all of our work.

- *If and when any of the materials that fall within the scope of (1) or (2) are due to be reviewed.*

Ministerial and Executive Services, who house the Official Information team, is currently reviewing all internal guidelines and templates about the Act, and an updated guidance document is planned this year.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

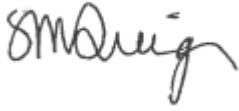
- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter and attachments on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response regarding Ministry OIA processes, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

A handwritten signature in black ink, appearing to read 'S Quigan', with a stylized flourish at the end.

Sarah Quigan  
**Manager**  
**Official Information**



# Appendix One

## *Contents:*

- Releasing Information Under the Official Information Act
- Charging Letter Template
- Commissioning Email Template
- Extension Letter Template
- Extension Memo Template
- Minister's Office Consultation Memo Template
- Minister's Office Ministerial OIA Memo Template
- Notification of Decision Template
- OIA Acknowledgement – Transfer Template
- OIA Acknowledgement Template
- OIA Decisions Timeframes
- OIA Release of Staff Names Assessment Guidance and Form
- OIA Report and Risk Assessment CE/MIN Template
- OIA Response Draft for CE Template
- OIA Response Draft for Minister – Minister Sepuloni's preferences Template
- OIAs Involving Ministers Guide – 2022
- Flow Chart of the OIA Process
- OIA QA Allocation Template

# Releasing Information Under the Official Information Act

## Who can help me with requests?

---

As soon as you receive an Official Information Act 1982 (OIA) or Privacy Act 2020 request, talk to your manager about how to handle it.

Depending on whether the request is made under the OIA (an OIA request) or the Privacy Act, different teams will be able to assist you.

All **Official Information Act (OIA)** requests are handled at National Office by the Ministerial and Executive Services (MaES) team, and because we only have a limited time to respond to them, they must be sent straight to:

[OIA\\_requests@msd.govt.nz](mailto:OIA_requests@msd.govt.nz)

**Privacy Act** requests are usually handled by frontline staff directly. Regions can also contact their Legal teams if there are concerns about releasing certain information. The Information Privacy and Sharing team is available to provide advice when help is needed:

[privacyofficer@msd.govt.nz](mailto:privacyofficer@msd.govt.nz)

If you're unsure about whether a request for information has been made under the Official Information Act or the Privacy Act, contact the Privacy team for guidance in the first instance.

## What's the difference between an Official Information Act (OIA) request and a Privacy Act request?

---

An **OIA** request is when someone asks for information about:

- Government policy, Ministry operations, or a topic or issue of particular interest.
- Other people (not the person requesting the information).
- A provider or contractor who has received government funding to provide a service or advice to the Ministry or Minister.

Requests made under the OIA can be made to the Chief Executive or Minister of the Crown for a response, and the legislative timeframes for responding to OIAs mean they should be referred promptly to Ministerial and Executive Services (MaES).

A **Privacy Act** request is when someone asks:

- whether the Ministry has personal information about them, or
- for access to any personal information that we hold about them.

Sometimes, Privacy Act requests are made on someone's behalf by an authorised party (such as a lawyer, advocate, or family member).

People don't have to give us a reason for asking for access to their information. If it's about them they're entitled to get it, unless the law allows us to say no.

Requests under the Privacy Act can be made to any part of the business for response. The request does not have to be in writing, but it should be clear what the requester wants.

## What is 'personal information'?

---

Personal information is any information about an individual that could be used to identify who they are, even if details like their name are not included.

It doesn't have to be sensitive or private – anything that can identify them is personal information. This includes opinions and facts, and it doesn't have to be correct.

A person doesn't need to be named for the information to be "personal information". If it tells us something about them, and our systems can link it back to them (that is, that it's possible to identify them) then it is personal information.

It only covers information about living human beings – information about deceased people or companies is not personal information.

## What must I do when I get a request?

---

Requesters don't always mention the Privacy Act or OIA when they ask for information and sometimes they get it wrong. It doesn't matter, it's up to us to know which law applies and how to deal with the request.

Requests can easily be for information about the requester AND official information. If that's the case, you need to think about both Acts, and contact the MaES team or the Privacy team for assistance.

If it's an **OIA** request, send it straight to:

[OIA\\_requests@msd.govt.nz](mailto:OIA_requests@msd.govt.nz)

## How long do I have to respond to a request?

---

Under the OIA and the Privacy Act, we are required to make a decision about whether to provide the information requested as soon as reasonably practicable.

The decision must be made within a maximum of 20 working days, unless there is a good reason to extend (eg if there's an unusually large amount of information involved) – so it's important to get onto the request quickly.

Send **OIA** requests straight to:

[OIA\\_requests@msd.govt.nz](mailto:OIA_requests@msd.govt.nz)

If you think you might need more time, don't leave it until day 20 to request this. Contact the requester as soon as it becomes apparent you need more time, and let them know when they can expect to hear from you.

## What if an OIA request isn't responded to within 20 working days?

---

How government agencies respond to requests for information under the OIA is monitored by the Office of the Ombudsman. A failure to comply with a time limit may be the subject of a complaint to the Ombudsman. Information on timeliness and the number of complaints received about government agencies is also published.

## What if the Ministry doesn't hold the information that has been requested?

---

We can't provide information that we don't hold, so that's a good reason to refuse a request – we just have to let the requester know that we don't have it.

If we think the information is held by another agency, the request should be transferred to that agency and the requester advised that this is what we have done. Transfers have to occur within 10 working days of receiving the request.

## What if the information we have has come from another agency?

---

It's really the other agency's decision whether to release the information rather than ours, because it's more closely connected with what they do than with what we do. Examples of this might include information that's been sent to us for consultation.

If we think the information requested has come to us from another agency, the request should be transferred to that agency and the requester advised that this is what we have done. Transfers have to occur within 10 working days of receiving the request.

## What can I do to make it easier for others and ensure we get it right?

---

It isn't always easy to find the information that someone has requested, but with careful handling of our information we're better able to respond quickly, accurately and completely.

You can help yourself and others do this by:

- Saving and storing the right information in the right place
- Using our repositories and tools (e.g. EDRMS, TRIM, CYRAS) in the right way
- Being consistent in your practices when you're working with information

## *Charging Letter Template:*

[Date]

[Name and address of requester]

Dear [name]

### **Official information request for [brief detail of the subject matter of the request]**

I refer to your official information request dated [date] for [quote or set out detail of request].

#### **[Use if granting the request in full and charging]**

We have decided to grant your request. However, given the amount of resource required to process your request, we have decided to charge for making the requested information available.

We estimate that the maximum charge will be [amount]. [A discount of [1–100] percent has been applied in recognition of the public interest and/or potential hardship]. Any unused component of the maximum charge will be refunded to you. For details of how this charge has been calculated refer to the enclosed estimate of costs [see [sample estimate of costs](#)].

Before we proceed further with your request, please confirm your agreement to the charge [and pay the full amount / [amount] as a deposit, with the balance to be paid on release of the information]. [Specify how payment should be made]. We will send you the information within [time period] of your payment.

#### **[Use if granting the request in part and charging]**

We have decided to grant your request in part, namely information which relates to [describe information to be released in sufficient detail to enable requester to decide whether to pay the charge]. We have also decided to refuse your request for information which relates to [describe information withheld] under section [detail relevant section(s)] of the [OIA/LGOIMA], as release would [describe relevant harm].

Given the amount of resource required to process your request, we have decided to charge for making part of the requested information available. We estimate that the maximum charge will be [amount]. [A discount of [1–100] percent has been applied in recognition of the public interest and/or potential hardship]. Any unused component of this charge will be refunded to you. For details of how this charge has been calculated refer to the enclosed estimate of costs [see [sample estimate of costs](#)].

Before we proceed further with your request, please confirm your agreement to the charge [and pay the full amount / [amount] as a deposit, with the balance to be paid on release of the information]. [Specify how payment should be made]. We will send you the information within [time period] of your payment.

**[Use in all cases]**

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact [details of contact person]. [Contact person] will be able to assist you should you wish to change or refine your request in order to reduce or remove the need to charge.

Yours sincerely

[Name]

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

*Commissioning Email Template:*

<b>OIA Number</b>	
<b>Requester Name and title (Where are they from)</b>	
<b>Details of the request</b>	
<b>Background of Requester (what do we think has prompted request?)</b>  <b>Previous similar requests by requester</b>  <b>Previous relevant OIA's on subject (attached to email)</b>  <b>Recent news articles or Ministry Media statements on the topic</b>  <b>Other relevant information</b>	
<b>Proposed approach (if any at this stage)</b>  <b>Risks</b>	
<b>Meeting required? (who else needs to be invited?)</b>	
<b>Information Due by</b>	
<b>Agreed Approach</b>	
<b>Tasks &amp; Timeframes</b>	
<b>Sign out delegation</b>	

## *Extension Letter Template:*

Mr / Ms Name of Requestor

Address 1

Address 2

ADDRESS 3 POSTCODE

Tēnā koe / Dear *Mr / Ms Requestor Last Name*

On *date* you emailed the *Ministry/My Office* requesting, under the Official Information Act 1982, the following information:

This letter is to advise you that the *Ministry/I has/have* received your request, however requires more time to respond to this request. In accordance with section 15(1) and 15A of the Official Information Act, the *Ministry's/my* decision will be with you no later than *date*.

The reason for the extension is that...

*...your request is for a large quantity of information and it will take longer than the 20 working day time limit to collate the material you have requested and assess whether any interest might be prejudiced by its release. [Please explain in the Extension Memo why the request would unreasonably interfere with the operations of the Ministry]*

**OR**

*...the Ministry/ I need(s) further time to consult with other parties on the release of the information you have requested. These other parties may be affected by the release of the information and I need to provide them with an opportunity to identify any prejudice that might arise from its release before I make a final decision. [Please explain in the Extension Memo who needs to be consulted and why]*

**OR**

*The reason for the extension is that consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.*

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz)

I will respond to you sooner if I am able to.

Ngā mihi nui

**Manager, Official Information  
Ministerial and Executive Services**

*OR*

**Private Secretary, Office of the Minister for Social Development**

*OR*

Yours sincerely

Hon [Minister's name]

**[Portfolio]**

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT





# Extension Memo

**Official Information Act Request: Last name, first name (Where are they from) – Title [CE/MIN]**

**File ref:**

## **Due Date**

- 1 The response to the requestor was initially due on DATE. The time required to make a decision has been extended. A decision is now due on or before DATE.

## **Reason for extension**

- 2 Are we extending because of a large volume of information or because of necessary consultations? Provide some detail about the volume of docs or who you need to consult with.

## **Background context**

- 3 What factors have informed the extension timeframe?
- 4 For example, are there a limited number of people in the SME team? Is there illness or increased workloads? List all contextual factors for the extension here.

## **Basic timeline**

- 5 Outline the basic timeline of the request once extended. For example, have you factored in 2 weeks for consultations and 2 weeks to assess and draft?.

Minister's Office Consultation Memo Template:



MINISTRY OF SOCIAL  
DEVELOPMENT  
TE MANATŪ WHAKAHIA TO ORA

# memo

**To:** *Name*, Private Secretary Social Development  
**From:** *Advisor Name*, Advisor, Official and Parliamentary Information  
**Date:** 4 July 2023  
**Security level:** UNCLASSIFIED

---

## OIA Request:

**Action:** For Information

Please find enclosed a copy of an Official Information Act request from *requestor name* regarding *request*.

This file is being provided to you, in accordance with the Ministry's consultation agreement with your office.

We are expecting this to be signed and sent by *date*.

Should you have any queries, please feel free to contact me on *your phone number*

Regards

*Name*

File ref: **OIA//**



# memo

**To:** *Name*, Private Secretary Social Development  
**From:** *Advisor Name*, Advisor, Official and Parliamentary Information  
**Date:** 4 July 2023  
**Security level:** UNCLASSIFIED

---

## Ministerial OIA Request:

**Action:** For Information

Please find enclosed a copy of an Official Information Act request from *requestor name* regarding *request*.

We are expecting this to be signed and sent by *date*.

Should you have any queries, please feel free to contact me on *your phone number*

Regards

*Name*

File ref: **OIA//**

## *Notification of Decision Template:*

Mr / Ms Name of Requestor

Address 1

Address 2

ADDRESS 3 POSTCODE

Dear *Mr / Ms Requestor Last Name*

On *date* you emailed the Ministry requesting, under the Official Information Act 1982, the following information:

### **[Use if granting the request in full and releasing information at a later date]**

The Ministry has decided to grant your request. However, it will take some time to prepare the information for release. [The information will be sent to you by *[date]*.] **OR** [The information will be sent to you as soon as possible]

### **[Use if granting the request in part and releasing information at a later date]**

The Ministry has decided to grant your request in part, namely information which relates to *[describe information to be released]*. However, it will take some time to prepare this information for release. The information will be sent to you by [The information will be sent to you by *[date]*.] **OR** [The information will be sent to you as soon as possible]. The Ministry has also decided to refuse your request for information which relates to *[describe information withheld]* under section *[detail relevant section(s)]* of the Official Information Act. [Describe relevant harm, and consideration of the public interest in release, if applicable].

### **[Use if including contextual information]**

In order to provide you with further context in terms of the information you have requested, please note that *[set out or refer to contextual information to be provided]*.

### **[Use if releasing information in a different form to that explicitly asked for by the requester]**

You asked for the information to be released to you *[specify form of release asked for by requester]*. However, the Ministry cannot release the information in that form as *[this would impair efficient administration / be contrary to our legal duty to [specify legal duty] / prejudice the interests protected by section [detail relevant section(s)] of the Official Information Act]*. [Describe relevant harm, and consideration of the public interest in release, if applicable]. The Ministry has therefore decided to release the information to you *[specify form in which information will be released]*.

### **[Use if refusing the request in full]**

The Ministry has decided to refuse your request under section *[detail relevant section(s)]* of the Official Information Act. [Describe relevant harm, and consideration of the public interest in release, if applicable].

If you wish to discuss this decision with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz)

If you are not satisfied with this decision, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Yours sincerely

**Official and Parliamentary Information team** | **Ministerial and Executive Services**

**Ministry of Social Development**

**Our Purpose:**

We help New Zealanders to be safe, strong and independent.  
Manaaki Tangata, Manaaki Whānau.

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

## *OIA Acknowledgement – Transfer Template:*

Tēnā koe XX,

Thank you for your request regarding xxxx transferred from AGENCY on XX 2021, under the Official Information Act 1982. Your request has been forwarded to the appropriate officials at National Office to respond. You may expect a decision regarding your request to be sent to you as soon as possible.

Nā mātou noa, nā

**Official and Parliamentary Information Team | Ministerial and Executive Services**

**Ministry of Social Development**

### **Our Purpose:**

We help New Zealanders to be safe, strong and independent  
Manaaki Tangata, Manaaki Whānau

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

## *OIA Acknowledgement Template:*

Tēnā koe XXXX,

Thank you for your email received XXXX, under the Official Information Act 1982. Your request has been forwarded to the appropriate officials at National Office to respond. You can expect a decision as soon as reasonably practicable, and in any case not later than 20 working days after the day on which the request was received.

The information you have requested will likely contain Ministry employee names and contact details. We need to consult relevant Ministry employees before deciding whether we can release this information to you, and this will take additional time and effort.

If you do not need the names of Ministry employees who are below tier 4 and/or who are not decision-makers, please advise us as soon as possible and we will treat your request as amended accordingly.

In any event, the Ministry will make and communicate to you a decision on your request as soon as reasonably practicable, and within the statutory maximum time limits – including the extension of time limits (Section 15A of the Act).

Nā mātou noa, nā

**Official and Parliamentary Information Team | Ministerial and Executive Services**

**Ministry of Social Development**

### **Our Purpose:**

We help New Zealanders to help themselves to be safe, strong and independent  
Ko ta mātou he whakamana tangata kia tū haumarū, kia tū kaha, kia tū motuhake



# Memo

**To:** Official and Parliamentary Information Team  
**From:** Magnus O'Neill, General Manager Ministerial and Executive Services  
**Date:** 12 November 2021  
**Security level:** IN CONFIDENCE

---

## Official Information Act 1982 timeframes for decisions

1. Under the Act, the Ministry must:
  - a. make a decision and communicate it to the requester '*as soon as reasonably practicable*' and no later than 20 working days after the request is received (per section 15(1)); and
  - b. make available any official information it has decided to release without '*undue delay*' (per section 28(5)).
2. Where necessary in a particular case, the Ministry may:
  - a. request clarification of a request within 7 working days, if the amended request is to be treated as a new request (sections 15(1AA) and (1AB));
  - b. transfer a request to another agency promptly, and no later than 10 working days, after the request is received (section 14); or
  - c. extend the maximum time limits to make a decision or transfer a request, within 20 working days after the day on which the request was received (section 15A).
3. The Ministry's primary legal obligation is to advise the requester of the decision on the request '*as soon as reasonably practicable*'. The reference to 20 working days is not the goal but the absolute maximum (unless it is extended appropriately).
4. If a decision is made to release information, then the Ministry must not unduly delay in making it available (section 28(5)). In some cases, the Ministry may be justified in providing the information to the requester later, **after the decision is made**.
5. Generally, I expect that information is made available at the same time the decision is made. If the information is to be provided after the decision is made:
  - a. The decision letter must include a date by which the information will be released; and
  - b. That date should be no later than two weeks after the decision date.





# 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. [MaES to insert Employee's name]			
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
<b>Releasing the employee's name would endanger the safety of employees</b>	Section 6(d) of the OIA applies if the release <i>'would be likely ... to endanger the safety of any person'</i>	<b>Would the release of the person's name pose a real and objective risk to their safety?</b> <ul style="list-style-type: none"> <li><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)</li> </ul>	Do you think Section 6(d) applies? <b>YES / NO</b> If yes, please provide evidence (attach to reply email to MaES) If no, check to see if other withholding grounds may apply
<b>Releasing the employee's name would lead to improper pressure or harassment</b>	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>	<b>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?</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Improper pressure may include aggressive or abusive language, offensive, derogatory or defamatory remarks, or deliberate misrepresentation of the facts</li> <li><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</li> <li><input type="checkbox"/> Look for evidence to support the expectation of harm</li> </ul>	Do you think Section 9(2)(g)(ii) applies? <b>YES / NO</b> If yes, please provide evidence (attach to reply email to MaES) If no, check to see if other withholding grounds may apply
<b>Releasing their name would infringe the employee's privacy</b>	Section 9(2)(a) of the OIA applies if withholding the name is <i>'necessary to protect the privacy of natural persons'</i>	<b>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)</b>	Do you think Section 9(2)(a) applies? <b>YES / NO</b> If yes, please provide evidence (attach to reply email to MaES) If no, check to see if other withholding grounds may apply



## The Public Interest test

When considering the above "Questions for consideration", it is important that you identify any public interest considerations in favour of releasing a 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 Decision*

#### **YES / NO**

If yes, release the employee's name.

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

*OIA Report and Risk Assessment CE/MIN Template:*

**MINISTRY OF SOCIAL  
DEVELOPMENT**

TE MANATŪ WHAKAHIATO ORA

# OIA assessment

**Date:** 4 July 2023

**Security Level:** IN-CONFIDENCE

**To:** Official and Parliamentary Information Team

---

**Official Information Act Request: Last name, first name  
(Where are they from) – Title [CE/MIN]**

The Ministry of Social Development has received a request for information under the Official Information Act 1982. Your business unit holds information relevant to the request. The request is for:

*Request*

Ministerial and Executive Services will work with you to develop a suitable approach and coordinate the response on your behalf. Please complete the following steps:

- Bring together the information relevant to the request and read it. The information may include documents, reports, data, recordings, or emails. **(NB. If you think the request is too broad, discuss with MaES before starting any work).**
- List the information and complete both tables:
  - Group information by distinct items where possible.
  - Email threads should be consolidated.
  - Keep the numbering consistent across Table 1 and Table 2.
- Return this memo, and information, to the MaES advisor.

File ref: File reference [MIN] File reference [CE]

**This assessment [page 4 onwards] must be completed by any business unit contributing to the request, where that contribution is more than minor.**

**For MaES use only [will be completed as part of the sign-out process]:**

**Recommended actions**

It is recommended that you:

- 6 **Note** the contents of this OIA assessment.
- 7 **Sign** the attached letter to Requestor.
- 8 **Note** that the response letter will be published on the Ministry's website.

[delete this signature section if not for Minister  
sign out]

Insert DATE

---

Hon Carmel Sepuloni

---

Date

Minister for Social Development and Employment

OR

Hon Priyanca Radhakrishnan

Minister for Youth

OR

Hon Poto Williams

Associate Minister of Housing (Public Housing)

OR

Hon Dr Ayesha Verrall

Minister for Seniors

Insert DATE

---

Sarah Quigan

---

Date

Manager

Official Information Team

## Due Date

[20-working day response]

- 9 A decision is due to the requestor on or before DATE.

[Extension]

- 10 The response to the requestor was initially due on DATE. The time required to make a decision has been extended. A decision is now due on or before DATE.

[Extension and notification]

- 11 The response to the requestor was initially due on DATE. The time required to make a decision has been extended. A decision was then due on or before DATE. On DATE, the requestor was notified of the decision and advised that a response would be provided on or before DATE.

- 12 [Notification]

- 13 The response to the requestor was initially due on DATE. On DATE, the requestor was notified of the decision and advised that a response would be provided on or before DATE.

## Background

[CE]

- 14 This is the requestor's X'th request for official information from the Ministry.

[MIN]

- 15 This is the requestor's X'th request for official information to you.

- 16 Who is the requestor? (You may copy content from previous OIA reports, if applicable)

- 17 What prompted the request? (Did the requestor give any reason for making the request? Has the issue been reported on by the media? Etc.)

- 18 Has MSD received previous relevant requests from this requestor or other requestors? Please drag and drop previous PDF responses here.

- 19 Has MSD processed relevant WPQs?

- 20 Is there further relevant information: News articles? Media responses? Correspondence?

## Suggested Response

- 21 What information are we providing to the requestor and why? (have we interpreted their request in a specific way?)

- 22 What sections of the Act are we withholding information under? What considerations have been made for the public interest?

- 23 If we are refusing any aspects of the request under section 18(f) then use the Suggested Response to outline the considerations under 18A and 18B



**Internal consultations**

Business unit	FYI/consulted	Comments worth noting
Media		
Legal		
CE's office		
Other [please specify]		

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

**Table 1: Document table: information relevant to the request**

- Complete the section in green. Use a separate line for each distinct piece of information (examples are given to help). When reviewing the information look for references to other reports which may also need to be assessed and included.
- Provide a general indication of the reason for withholding, or otherwise note your concerns. Explain if there is any other information that could be provided to be helpful. MaES will advise whether this is justified under the Act. Common reasons include:
  - ✓ It is already publicly available
  - ✓ Protecting people's privacy (note our standard approach to [staff names](#))
  - ✓ Protecting the ability of Ministers to reach decisions effectively
  - ✓ Maintaining the effective conduct of public affairs
  - ✓ Protecting against unreasonable commercial harm
  - ✓ Maintaining legal professional privilege
- Explain if any third-party consultations are needed, such as with individuals, companies, or other government agencies.

No.	Date created	REP number (if available)	Document type (e.g., Cabinet paper, report, aide-memoire, email etc.)	Title	Release or withhold [include page numbers]	Reason & relevant context	Were external consultations necessary and what was the result?	Were internal consultations necessary?	MaES advice
1.									
2.									
3.									

Please create further rows, if needed

**Table 2: Risk Assessment**

- Complete the section in green, using the [business risk framework](#). Use a separate line for each document. Think about the story which the information tells. Risks in releasing or withholding information often arise where:
  - ✓ It would have a negative impact on public trust and confidence in the Minister or MSD.
  - ✓ We have not done what we said we would.
  - ✓ It would cause confusion or be misused.
  - ✓ It is topical, with likely significant media and public interest.
- MaES may add and assess additional risks, such as those associated with refusing the request, consistency with earlier responses, potential publication and so on. MaES will check the overall risk rating based on your assessment and might discuss the accuracy of that rating with you. Where you identify different ratings across the various documents, MaES will apply the highest rating to the entirety of the request.

Please create further rows, if needed

No.	Risk description	Risk assessment		Risk rating pre-mitigations	Planned mitigations	Risk rating post-mitigations
		Consequence	Likelihood			
	<ul style="list-style-type: none"> <li>- Cause: what could trigger this risk?</li> <li>- Risk: what could happen?</li> <li>- Effect: what would happen if the risk eventuated?</li> <li>- Owner: who owns the risk?</li> </ul>	<ul style="list-style-type: none"> <li>- Routine</li> <li>- Minor</li> <li>- Moderate</li> <li>- Major</li> <li>- Severe</li> </ul>	<ul style="list-style-type: none"> <li>- Rare</li> <li>- Unlikely</li> <li>- Possible</li> <li>- Likely</li> <li>- Almost Certain</li> </ul>	<ul style="list-style-type: none"> <li>- Very low</li> <li>- low</li> <li>- Medium</li> <li>- High</li> <li>- Very High</li> </ul>	<ul style="list-style-type: none"> <li>- What could be put in place to reduce or manage this risk?</li> <li>- Who would be responsible for the planned mitigations and timeframe?</li> </ul>	<ul style="list-style-type: none"> <li>- Very low</li> <li>- low</li> <li>- Medium</li> <li>- High</li> <li>- Very High</li> </ul>



### Appendix 3: Authorisations framework

As above, MSD's risk rating tools are used to determine whether the risk is: very high; high; medium; low; or very low. The risk rating can be reassessed at any stage. The final risk rating will determine the sign-out process, as set out below.

	MaES <sup>1</sup>	Business Unit	Comms	DCE	OCE	Minister's Office
<b>Very High</b>	Approval	Approval	Consult	Approval (*)	Approval	FYI
<b>High</b>	Approval	Approval (*)	Consult	Approval	FYI	FYI
<b>Medium</b>	Approval	Approval (*)	FYI	FYI		
<b>Low</b>	Approval	Approval (*)	FYI			
<b>Very Low</b>	Approval	Approval (*)	FYI			
(*) indicates preferred signatory.						

Additionally, any responses that are likely to come into the public domain – e.g., media; political parties; bloggers; public advocacy groups – irrespective of risk rating – will be reviewed by the media team.

All Written Parliamentary questions will be assessed by MaES as 'medium' risk upon receipt. Once commissioned, the business unit or DCE office, may amend the risk to 'high' or 'very high', which will then require the corresponding sign-out process.

Any OIA decisions involving multiple business units, GM MaES will determine the appropriate signatory on a case-by-case basis. In such cases the Manager OPI Team or GM MaES may be designated as the signatory.

Where subsequent approvals result in significant changes to content, the signatory should consider whether it should be resubmitted to MaES for review.

Business units involved on an 'FYI' basis should advise MaES immediately if they wish to comment or seek changes to the response.

<sup>1</sup> All work is first peer reviewed in MaES. Senior Advisors may sign 'very low' risk refusals. Manager OPI Team may sign 'low' risk refusals. GM MaES approval is required for any 'high' or 'very high' risk work.

*OIA Response Draft for CE Template:*

[Date]

Mr / Ms Name of Requestor

Address 1

Address 2

ADDRESS 3 POSTCODE

Tēnā koe

On *date*, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter **and attachments (only if relevant)** on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact [OIA\\_Requests@msd.govt.nz](mailto:OIA_Requests@msd.govt.nz).

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

(Name)

**Deputy Chief Executive**

*OIA Response Draft for Minister – Minister Sepuloni's preferences:*

FIRST NAME LAST NAME

Title and organisation

Email

4 July 2023

Tēnā koe FIRST NAME LAST NAME

On DATE, you emailed my office requesting, under the Official Information Act 1982 (the Act), the following information:

- Text of request

[...]

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or 0800 802 602.

Ngā mihi nui

Hon Carmel Sepuloni

Minister for Social Development and Employment

## OIAs Involving Ministers Guide – 2022:

### Official Information Act requests involving Ministers

This guide is to be used for Chief Executive Official Information Act requests involving Ministers and the Ministry of Social Development and is based off the Ombudsman's Model Protocol.<sup>1</sup>

More detailed information about OIA requests involving Ministers is available on the Ombudsman's website at:

<https://www.ombudsman.parliament.nz/resources/model-protocol-dealing-oia-requests-involving-ministers>  
[08/OIA%20requests%20involving%20Ministers%20August%202019.pdf](https://www.ombudsman.parliament.nz/resources/model-protocol-dealing-oia-requests-involving-ministers/08/OIA%20requests%20involving%20Ministers%20August%202019.pdf)

#### 1. Principle

a. The principle of the Official Information Act (OIA) is *availability*, meaning that information should be made available unless there is a good reason not to.

#### 2. Notification of requests

a. The Ministry of Social Development (the Ministry) will notify the Minister's office, of any *OIA request involving the Minister*, including where the requested information:

- relates to their Ministerial functions or activities or delegated functions or activities
- could impact on the Minister's functions or activities or delegated

functions or activities

- was generated by or on behalf of a Minister
- is sensitive or controversial
- is likely to be published in the news media, or
- debated in the House.

#### 3. Transfer

a. The Ministry will transfer all or part of an OIA request to the Minister's office, when the requested information is not held by the Ministry but is believed to be held by the Minister's office, or when the requested information is more closely connected with the functions of the Minister's office.

b. The Minister acknowledges that, in the absence of these circumstances, transfer is not permitted and responsibility for deciding on the request rests with The Ministry.

---

<sup>1</sup> The Ministry services a number of different Minister's offices but for the purpose of this guidance, we will refer to the 'Minister's office' in singular.

c. The need for transfer will be determined on the facts of the particular case, with regard to the specific information at issue.

d. The Minister's office will likewise transfer all or part of an OIA request to the Ministry when that is required under [section 14](#) of the OIA.

#### 4. Consultation

a. The Ministry will work with the Minister's office to identify requests requiring consultation. The Minister's office will be consulted when the request is covering reports which were prepared for the Minister, and on other requests as agreed – the criteria listed under 'notification of requests' *may* be reasons for consultation.

b. The Ministry will provide the Minister's office with all information necessary for informed consultation. The Ministry will allow five working days for consultation to take place, unless a different timeframe has been agreed for a particular request.

c. The Minister's office will respond to all consultations as expeditiously as possible. The Minister's office will let the Ministry know if more time is required, so that the Ministry can consider whether it is necessary to extend the maximum 20 working days for making a decision on the request.

d. The Minister's office will provide appropriate input in response to the Ministry requests for consultation. Appropriate input means comments and suggestions regarding:

- the proper application of the withholding grounds and the public interest test
- the release of additional information, to place the information that is being released in its proper context
- the proactive release of the same information to others, provided there is no undue delay in providing that information to the requester.

e. The Minister's office will not provide inappropriate input, such as raising irrelevant considerations (like political embarrassment) or asking or instructing the Ministry to act in a way that would be contrary to the requirements of the OIA, including withholding or delaying release of official information without any proper statutory basis.

f. The Ministry will consider the input of the Minister's office on an OIA request in good faith and with an open mind, before deciding whether that input provides a reasonable basis for changing its proposed decision on the request. The Ministry may proceed to make a decision on an OIA request if the Minister's office does not respond to the consultation or advise that further time is required.

g. Following appropriate consultation with the Minister's Office, the final decision on whether to release information or not remains the responsibility of the Ministry.



## 5. Informing the Minister's office about OIA decisions ('fyi')

a. The Ministry will work with the Minister's office to identify decisions requiring the Minister's office to be informed about a decision. This may be required when the requested information is, for example:

- sensitive or controversial in nature, or
- likely to be published in the news media or debated in the House.

Informing the relevant Minister's office will be done in parallel with the Ministry's final sign-out process, unless a different timeframe has been agreed for a particular request.

b. The Ministry will discuss and agree with the Minister's office if they wish to receive a final version of the OIA response if there are any significant changes in the sign-out process.

c. The Ministry will be clear, through naming of email subject lines for example, if a request was sent to the Minister's office for 'consultation' or as an 'FYI'.

## 6. Record keeping

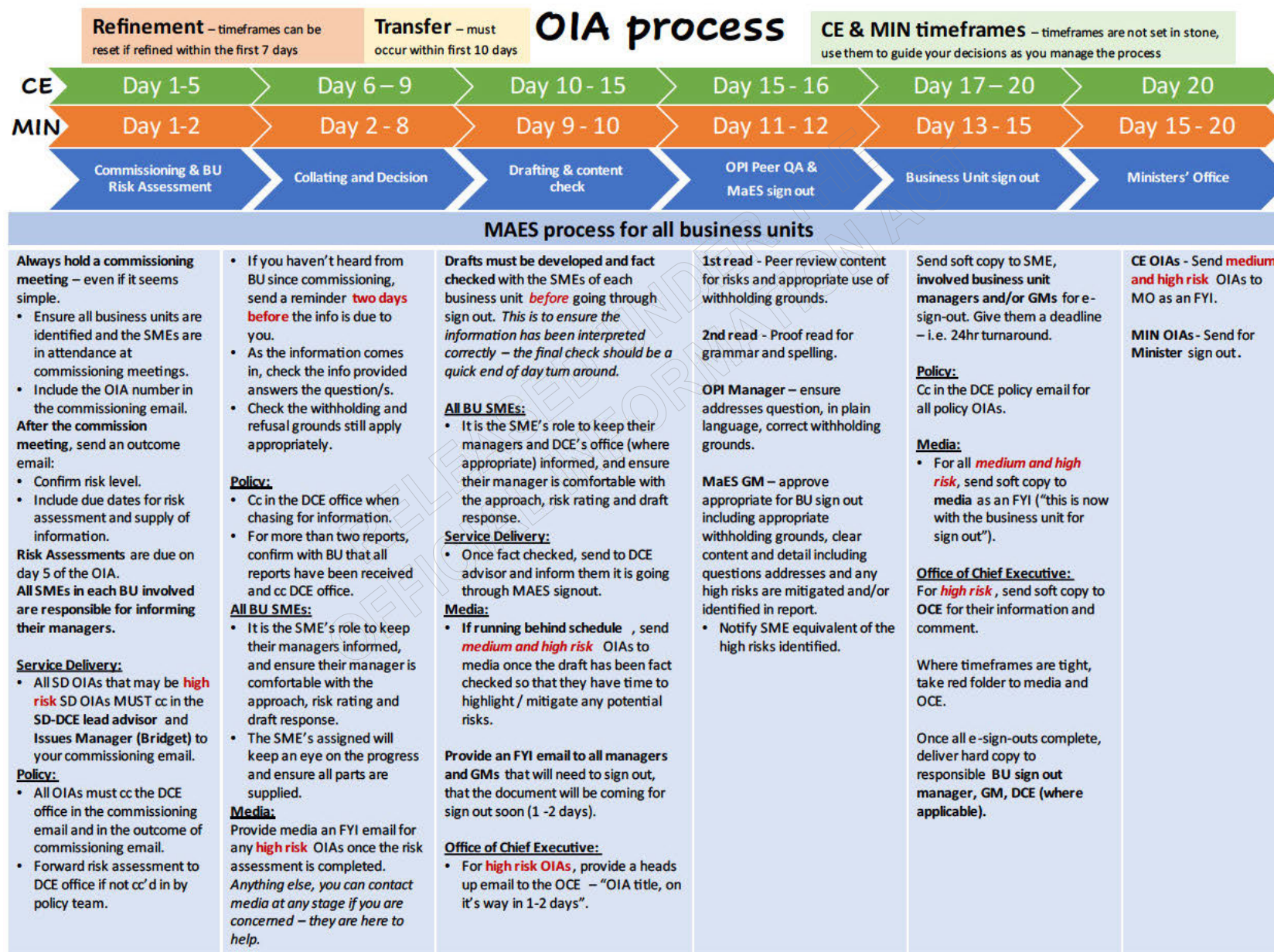
a. The Ministry and the Minister's Office will keep full and accurate records of interactions in relation to OIA requests, as required by [section 17\(1\)](#) of the Public Records Act 2005.

## 7. Disputes

a. Where an escalation is required regarding the proper application of the OIA, or where there is lack of clarity or questions, please contact the General Manager, Ministerial and Executive Services.

For any other assistance, please contact the Ministry's OIA team at [OIA\\_requests@msd.govt.nz](mailto:OIA_requests@msd.govt.nz).

## Flow Chart of the OIA Process:



*OIA QA Allocation Template:*

[illegible]

Senior Advisor	QA Allocated (Date)	QA Allocated (Date)	QA Allocated (Date)	QA Allocated (Date)	QA Allocated (Date)	QA Allocated (Date)	QA Allocated (Date)	QA Allocated (Date)	QA Allocated (Date)	QA Allocated (Date)

**Extension Memo QAs – Advisor memos to be reviewed by Senior Advisors**

## Standard lines and guidance for responses

### Greetings

Tēnā koe (Hello)

Ngā mihi nui (Sign off/ Kind regards)

---

### Apology

I would like to extend my apologies for the delay in responding to your request for information.

---

### Transferred from Minister's Office

Your request was transferred to the Ministry of Social Development as the information to which your request relates is operational. Your questions are addressed as below.

---

### Refusal and Withholding Grounds

#### *Preventing improper gain or improper advantage:*

You will also note that some information has been withheld under section 9(2)(k) of the Act, in order to prevent the disclosure or use of official information for improper gain or improper advantage. This is because information released under the Act may end up in the public domain, for example, on websites including the Ministry's own website.

#### *Active Consideration:*

Some information is withheld under section 9(2)(f)(iv) of the Act to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials. The release of this information is likely to prejudice the ability of government to consider advice and the wider public interest of effective government would not be served.

#### *Free and Frank:*

This information is withheld under section 9(2)(g)(i) of the Act to protect the effective conduct of public affairs through the free and frank expression of opinions. I believe the greater public interest is in the ability of individuals to express opinions in the course of their duty.

### *Privacy of another:*

#### Individual

Your request for this information is refused in full under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

#### Data/Redactions

You will note that the information regarding some individuals is withheld under section 9(2)(a) of the Act in order to protect the privacy of natural persons. The need to protect the privacy of these individuals outweighs any public interest in this information.

### *Legal Professional Privilege:*

Some information is withheld under section 9(2)(h) of the Act in order to maintain legal professional privilege. The greater public interest is in ensuring that government agencies can continue to obtain confidential legal advice.

### *Commercial and Industrial Negotiation:*

Some information is withheld under section 9(2)(j) of the Act to enable the Ministry to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). The greater public interest is in ensuring that government agencies can continue to negotiate without prejudice.

### *Commercially Sensitive:*

Some information is withheld under section 9(2)(b)(ii) of the Act as, if released, it would be likely to prejudice the commercial position of the person who supplied or who is the subject of the information. The greater public interest is in ensuring that the commercial position can be maintained.

### *Obligation of Confidence:*

Some information is withheld under section 9(2)(ba)(i) of the Act as it is subject to an obligation of confidence, and if released, could prejudice the supply of similar information in the future. The greater public interest is in ensuring that such information can continue to be supplied.

### *Publicly Available:*

Your request for this information is refused under section 18(d) of the Act on the basis that the information requested will soon be publicly available. This information will be published as soon as possible this year.

***Maintenance of the Law:***

A small amount of information has been withheld, from the following document, under section 6(c) of the Act where making that information available would be likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences.

***Information not held:***

I am refusing your request under section 18(g) of the Act as the information you had requested is not held by the Ministry and I have no grounds to believe that the information is either held by or closely connected to the functions of another department, Minister of the Crown or organisation.

***Document does not exist:***

Your request for this information is refused under section 18(e) of the Act as this document does not exist or, despite reasonable efforts to locate it, cannot be found.

***Substantial Manual Collation:***

Your request for all information is very broad, and substantial manual collation would be required to locate and prepare all documents within scope of your request. As such, I refuse your request under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

**Held in notes:**

I am unable to provide you with this information as it is held in notes on individual case files. In order to provide you with this information, Ministry staff would have to manually review a substantial number of files. As such, I refuse your request under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

**Divert personnel**

In order to provide you with this information, the Ministry would need to divert personnel from their core duties and allocate extra time to complete this task. The diversion of these resources would impair the Ministry's ability to continue standard operations and would be an inefficient use of the Ministry's resources. As such, your request is refused under section

18(f) of the Act, requires substantial collation. The greater public interest is in the effective and efficient administration of the public service.

I have considered whether the Ministry would be able to respond to your requests given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

*Policy Development Process:*

I believe that in this case the public interest does not outweigh the necessity to protect the policy development process. The release of this information would likely prejudice the equality and impartiality of reports and advice generated, and the wider public interest of effective Government would not be served.

*Request for opinions:*

For the Official Information Act 1982 to apply, the information must already be held by the agency concerned. With the exception of providing a response to a request for a statement of reasons about the request decision itself, there is no obligation on an agency to form an opinion or create information to answer a request in the form of questions or interrogatory. In accordance with this advice from the Office of the Ombudsman, the agency is not required to answer this part of your request, as it does not specifically qualify as a request for official information.

*Change in reporting*

Due to complexities in internal reporting involved with monitoring multiple transfers to and from the Domestic Purposes Benefit, we cannot provide this information. In addition, this is not standard reporting for the Ministry and substantial manual collation would be required generate to the data. As such I refuse your request under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

OR

The introduction of Welfare reforms in July 2013 redefined benefit categories which lead to complicating the complexities in the Ministry's reporting. We cannot provide this information and substantial manual collation would be required to create and generate the reporting parameters required to produce accurate data. As such I refuse your request under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

*Out of Scope*

To expedite a response information not concerning [scope of request] has not been included. Please contact the Ministry if this was not the intent of your request and you would like this information.



### *Section 18B (Consideration before decision to refuse under 18(e) or (f).)*

As per section 18(B) of the Act, I have considered whether the Ministry would be able to respond to the request following consultation with the requestor. I have concluded that due to the specificity of the request, my decision to refuse this request would still stand.

### **Where a summary is more suitable:**

I am providing you with as much information as possible. Where I have decided to grant your request, I have done so by providing you with a summary of the relevant documents (section 16 of the Act refers). This has been done to ensure **XYZ** remain protected, whilst also ensuring sufficient information is provided to address any transparency and accountability reasons favouring release of the information.

I explain this further below, and then respond to each of your questions in turn.

---

### **Data**

#### *Where information is suppressed and replaced by an "S" (for data tables)*

In order to protect client privacy, some values are suppressed and are represented by 'S'. The Ministry is unable to provide you with the exact number as releasing this information is likely to risk identifying the individuals concerned. As such, this information is withheld under section 9(2)(a) of the Act. The need to protect the privacy of these individuals outweighs and public interest in the information.

#### *Main Benefit explanation (for data tables)*

Please note, "main benefit" includes Unemployment Benefit, Unemployment Benefit – Hardship (includes Unemployment Benefit – Student Hardship), Youth Payment, Young Parent Payment, Domestic Purposes Benefit – Sole Parent, Domestic Purposes Benefit – Care of Sick or Infirm, Domestic Purposes Benefit – Women Alone, Sickness Benefit, Sickness Benefit – Hardship, Emergency Maintenance Allowance, Invalid's Benefit, Widow's Benefit, and Emergency Benefits.

#### *Ethnicity reporting lines:*

From December 2021, we have changed our ethnicity reporting to an approach called 'total response'. Making this change means we recognise all aspects of someone's ethnicity. This change reflects our clients more accurately, aligns our approach with Statistics NZ's reporting and reflects best practice. Ethnicity is about people's identity and sense of belonging.

Ethnicity measures cultural affiliation, rather than race, ancestry, nationality, or citizenship. Ethnicity is self-perceived and people can identify with more than one ethnic group. Previously, we reported ethnicity using an approach called 'prioritised ethnicity'. 'Prioritised ethnicity' means that we allocate people to a single ethnic group in an order of priority. The priority used by MSD previously was Māori, Pacific Peoples, Other and NZ European.

For more information about 'total response' for ethnicity reporting, please see: <https://www.msd.govt.nz/about-msd-and-our-work/tools/how-we-report-ethnicity>.

### *Random Rounding and Suppression of Data*

To protect confidentiality, the Ministry uses processes to make it difficult to identify an individual person or entity from published data. These data tables have had random rounding where, values have been randomly rounded to the nearest multiple of 3. This is applied to all cell counts in the table. The impact of applying random rounding is that columns and rows may not add exactly to the given column or row totals. The published counts will never differ by more than two counts.

Cells with 'S' are those where data has been suppressed to protect identification of individuals and is applied to values less than 6.

---

## Policy

### *Welfare Reform*

You may be aware that from 15 July 2013, New Zealand's welfare system changed to better help people prepare for employment. The focus is on what people can do to achieve a better future for themselves and their family. Three benefits replaced most of the previous benefit types, including the types you requested information for. These are:

- **Jobseeker Support** – Replaced the Unemployment Benefit, Sickness Benefit, Domestic Purposes Benefit (Women Alone, Sole Parent if youngest child is aged 14 and over) and the Widow's Benefit (without children, or if youngest child is aged 14 and over). Jobseeker Support is available to people who can usually work full-time. It also includes people who can only work part-time or can't look for work at the moment, for example because they have a health condition, injury or disability.
- **Sole Parent Support** – Replaced the Domestic Purposes Benefit (Sole Parent if youngest child is aged under 14) and the Widow's Benefit (if youngest child is aged under 14). Sole Parent Support is available to sole parents caring for children under the age of 14 who are available for or are ready to prepare for part-time work.
- **Supported Living Payment** – Replaced the Invalid's Benefit and Domestic Purposes Benefit (Caring for Sick or Infirm). The Supported Living Payments is available to people who are severely

restricted or unable to work on a long-term basis because of a health condition or disability, and for people who are caring for someone who needs significant care.

---

## Service Delivery – Benefits and Grants

### *Hardship Assistance blurb*

The Ministry of Social Development, through Work and Income, provides recoverable and non-recoverable financial assistance to help people meet an immediate need for essential items such as food, health costs, power and other costs.

These payments are available to any person as long as they meet the income and asset test, and they are unable to meet the cost for an essential need from any other source.

Work and Income ensures that people receive their correct entitlement to any other financial assistance as part of the application and assessment process.

Work and Income assists people to manage their costs in the longer term, not just with immediate and urgent assistance. It is important to understand why the client cannot meet these costs, to provide the most appropriate form of assistance. The applicant also has an obligation to manage their own finances with the help of Work and Income. This may include seeking financial advice from budgeting services.

Further information about financial assistance and eligibility can be found on the Work and Income website: [www.workandincome.govt.nz/individuals/a-z-benefits/index.html](http://www.workandincome.govt.nz/individuals/a-z-benefits/index.html).

### *“Other” as an SNG/ADV/RAP Grant or Decline Reason Code*

You will notice that the category “Other” is listed as the main reason for declining Special Needs Grants in **Table 2**. This is because in most cases more than one specific reason exists for declining an application. Detailed descriptions of the reason for decline are held for case management purposes but are recorded as text notes only and are therefore not electronically collated.

### *Improved Services at Work and Income*

Work and Income, a service line of the Ministry, provides hardship assistance to help people pay for essential items or services they need urgently. Hardship assistance includes Special Needs Grants (SNGs) which provide non-taxable, one-off recoverable or non-recoverable financial assistance to people to meet immediate needs, such as a food grant. In most cases SNGs for food do not have to be paid back.

Over this time, the Ministry has worked to improve the accessibility of assistance, including SNGs for food being granted by our Contact Centre or through our online service, MyMSD. People no longer need to wait at a service centre for this emergency assistance.

More information about food grants is available on Work and Income's website at: [www.workandincome.govt.nz/eligibility/urgent-costs/food.html](http://www.workandincome.govt.nz/eligibility/urgent-costs/food.html).

---

## Housing

### *Trends – include if data shows significant increase in housing need*

There is a high demand for housing – emergency, transitional and public housing – across the country, which is reflected in the enclosed data. The Ministry has strong relationships with local government, non-government and other community organisations working together to support people who present with housing needs, as well as offering other wrap-around services people may need.

### *Emergency Housing General Information*

Demand for housing across New Zealand is growing and many people are experiencing a severe and immediate need. This demand is generated by a shortage of affordable housing driving up house prices and rents. People on low incomes are most affected by rising housing costs and many seek financial help through the Ministry.

The Emergency Housing Special Needs Grant (EH SNG) is available to people who cannot remain in their usual place of residence, if any, and do not have access to other accommodation which is adequate for them or their family's needs. The Ministry pays EH SNGs directly to the accommodation supplier and assistance is generally granted for up to seven nights but can be extended dependant on individual circumstances.

After these seven nights Work and Income arrange another appointment with the client to discuss their housing situation and if another grant is required. The Ministry works hard to support people in emergency housing to secure a long-term housing solution, either through public housing or private rental accommodation. Other options including transitional housing can also be explored as an option depending on availability and the individual's circumstances.

The Ministry recognises that motels are not a long-term solution or the solution that we want to deliver for people who are potentially in a vulnerable situation. They provide a short-term solution while more sustainable options are progressed. More information about EH SNGs is available at the following link: [www.workandincome.govt.nz/housing/nowhere-to-stay/emergency-housing.html](http://www.workandincome.govt.nz/housing/nowhere-to-stay/emergency-housing.html)

Some people may struggle to access suitable housing due to a lack of available supply or they simply may not be able to meet the high cost of housing which may result in them receiving EH SNG support for an extended period of time.

For people with high and complex needs, it can sometimes be challenging to identify suitable long-term housing, which can lead to longer stays in emergency housing. Work and Income work closely with these people to see what can be

done to ensure that once they have a home of their own, they have the skills to sustain it, and the support they need to keep it.

### *There is no 'contract' between Ministry and suppliers for Emergency Housing*

It is important to note that the Ministry does not contract directly to Emergency Housing suppliers (except in Rotorua). In order to receive an Emergency Housing Special Needs payment, an accommodation supplier must register with the Ministry as a supplier. The Ministry can only pay into the bank accounts of businesses who are registered as suppliers, and this registration does not create a contractual relationship between the Ministry and the accommodation supplier.

### *Damages (lines as of 16 March 2023 KT)*

Where the Ministry is paying an EH SNG for accommodation, they can also facilitate the cost of a security deposit. A security deposit helps safeguard the supplier from loss or damage caused by the client or anyone staying with the client. Security deposits need to be agreed to by the clients and the supplier of the accommodation, and approved by the Ministry, before a client can stay with a supplier.

The security deposit is generally the equivalent of 7 nights' accommodation for EH suppliers. The security deposit is recoverable, and clients are required to pay this back to the Ministry at a rate that does not cause them hardship.

The security deposit can only be used to cover costs such as:

- any breakages or damages caused by the client or anyone staying with them (such as any breakages or damage to the property whether intentional or accidental)
- losses relating to failure of the client not meeting their obligations to the supplier/provider under their agreement for stay
- any loss of accommodation costs that the client fails to pay.

The security deposit does not cover the cost of refurbishing units when tenants move out or the property ceases provision of emergency accommodation or general wear and tear.

Before a security deposit payment can be made to the supplier on the client's behalf, the supplier must first discuss these costs with the client. If the client does not agree, we will not pay the security deposit on the client's behalf. If the client fails to check out or notify the supplier that they are leaving the property, the supplier is not required to discuss the costs with the client, and we can pay the costs to the supplier/provider on the client's behalf.

The Ministry provides information on its website to property owners, landlords and providers of emergency and public housing, here: [www.workandincome.govt.nz/providers/housing-providers/index.html](http://www.workandincome.govt.nz/providers/housing-providers/index.html)

More information on how security deposits work is available here: [www.workandincome.govt.nz/providers/housing-providers/security-deposit.html](http://www.workandincome.govt.nz/providers/housing-providers/security-deposit.html)

## **Evidence of Damages**

The Ministry is unable to provide you with evidence of damages including footage of clients damaging emergency housing properties as this information would be held by the property. As such, I am refusing this part of your request under section 18(g) of the Act as the information you have requested is not held by the Ministry and I have no grounds to believe that the information is held by another department or Minister of the Crown or organisation.

## ***Records of Emergency Housing <2016***

The Emergency Housing Special Needs Grant (EH SNG) was introduced on 1 July 2016 in order to fund temporary accommodation at places such as hostels and motels to meet people's immediate housing needs. Prior to the 2016 December quarter, emergency housing grants were coded in the Ministry's IT system as 'other emergency grants', which includes hardship grants for various other emergency reasons. The Ministry cannot disaggregate emergency housing hardship payments from other types of assistance granted under the 'other emergency grants' category and any information regarding emergency housing grant payments prior to the December 2016 quarter is recorded in notes on individual case files. As such, information relating to the value of emergency housing prior to December 2016 is refused under section 18(f) of the Official Information Act. The greater public interest is in the effective and efficient administration of the public service.

## ***Emergency Housing TLA Data Tables***

Regarding the tables provided, please note that the TLA is estimated based on the clients' address at the time of the grant. This TLA may not be the same as the address of the emergency housing supplier. Where the client address is not recorded, the location of the Ministry's service centre case managing the client has been used to approximate which TLA a client resides in. However, as the Ministry has switched to working from national queues, EH SNGs and other hardship grants could be granted by a case manager working anywhere in New Zealand. Therefore, in such cases, the TLA may not reflect the actual client address or location. Due to the transient nature of some people receiving EH SNGs, the recorded address for a client may also be that of a trusted family member or friend who receives mail on their behalf.



**Include these lines when the request is for EH SNG data in ROTORUA ONLY**

You may be familiar with the Rotorua Temporary Housing Dashboards published by the Ministry of Housing and Urban Development (HUD). Please note, the datasets in the Dashboards are made bespoke to Rotorua to track progress on agreed actions. The information in the Dashboards is collated through a combination of operational data and regional on the ground intelligence, meaning the data in Dashboards is attributed to the Rotorua TLA based on where the suppliers are located rather than the primary client's latest recorded address. As such, the data in the Dashboards will differ to the data provided to you in this response.

**Include these lines when the request is for a list of EH suppliers in a certain area:**

You have requested a list of accommodation suppliers available in the X area. The Ministry is unable to provide a list of EH suppliers in a certain area as businesses may provide a registered address that is different to the physical address of their service (for example, a PO Box). The Ministry can instead provide a list of EH suppliers that have received an EH SNG on behalf of a client with a registered address in the X area.

**Table title for the above situation:**

List of suppliers receiving at least one Emergency Housing Special Needs Grant (EH SNG) paid on behalf of a client with a registered address in the X TLA

You will notice that the lists of registered emergency housing suppliers provided include suppliers from outside of the Wellington region. This is likely to be for payments made in arrears for a previous period of accommodation, or payments for a future period. A number of clients may have recently moved, but their address details have not yet been updated.

Please note that the registered supplier name is the name of the parent company of the accommodation supplier, and not necessarily the name of the accommodation itself. One registered supplier may provide accommodation across multiple premises in different locations or trading names, receiving payment through the single supplier record.

Further, reference to I-Sites as suppliers may be reflective of payments in respect of council accommodation. Other suppliers may be listed due to a coding error when a client receives multiple assistance payments at one point in time, for example for petrol or groceries. For example, Caltex Porirua.

Some of the emergency housing suppliers may have received an incorrect payment which has been refunded. For example, in some of the tables, the Ministry of Social Development is listed as receiving payment as a supplier. This is due to an incorrect payment being made to a supplier, and that payment being returned to the Ministry in order to correct this error.

***Transitional Housing General Information***

Transitional Housing provides warm, dry, short-term accommodation housing for people and families who don't have anywhere to live. It includes support services to help people secure a longer-term home and get back on their feet so that they're in a stronger position to stay housed. Families and individuals stay in Transitional Housing for an average of 12 weeks or more. In most cases, they

receive a further 12 weeks support once they've found a more permanent place to live.

Transitional Housing places are contracted by the Ministry of Housing and Urban Development (HUD) and are managed by specialists who are skilled in providing a range of social and tenancy-related support. The Ministry of Social Development's Regional Contract Managers manage the contract. Transitional Housing suppliers are registered as suppliers to Work and Income. This process includes providing evidence that the entity registering is the owner of the property or is authorised to act as the owner.

More information about transitional housing is available here: [www.hud.govt.nz/community-and-public-housing/increasing-public-housing/transitional-housing/](http://www.hud.govt.nz/community-and-public-housing/increasing-public-housing/transitional-housing/)

### ***Reporting***

The Ministry introduced a new hardship grant category for security deposits in December 2021. Special Needs

### ***Children or Household Composition***

INSTRUCTION:

WORDING:

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT



# Memo



**MINISTRY OF SOCIAL  
DEVELOPMENT**  
TE MANATŪ WHAKAHIATO ORA

**To:** Official and Parliamentary Information Team; Private Secretary  
MaES

**From:** Magnus O'Neill, General Manager Ministerial and Executive  
Services

**Date:** 24 March 2022

**Security level:** IN CONFIDENCE

---

## Guidelines for managing complex or frequent official information requests

### Background

1. We receive both complex and frequent requests for official information. Some of these requests require a significant investment of time and resource, which can unfairly limit the amount of time we have available to attend to other legitimate requests. To help manage these requests, and their impact, I have set out guidelines for how they should be identified and managed.

### Principles

2. These guidelines must always follow the following principles:
  - a. The public has a right to request information from the Ministry, and to be given that information unless there is a valid reason for not to.
  - b. All requests, and requestors, are to be treated with fairness and respect.
  - c. All requests are to be considered on their merits, and consistently with our obligations under the Official Information Act 1982 (the Act).

### Guidelines

3. The following guidance is not exhaustive, and will not cover all possible scenarios, but it should be followed where appropriate. If you are unsure whether a request should be managed in accordance with these guidelines, please discuss that with the team Manager or me.

Manaaki tangata, manaaki whānau

We help New Zealanders to be safe, strong and independent

## Identifying

4. Requests may be considered complex where:
  - a. They are broad in scope. This may be indicated by the requestor asking for 'all information' or where the request covers a significant period or appears to overlap with other requests from the same requestor; or
  - b. They are unclear about what information is being requested; or
  - c. They have multiple limbs and questions, which may also include requests for us to explain or justify things.
5. Requests may be considered frequent where:
  - a. The requestor has repeatedly requested information about the same topic or issue; or
  - b. The requestor has made several requests, not necessarily about the same topic or issue, but in quick succession; or
  - c. The requestor has made a significant number of requests over time.

## Managing

6. Once a request or requestor has been identified as being appropriate for management in accordance with these guidelines, the following steps should be taken:
  - a. A management plan will be formulated. This will occur at the weekly Monday triage meeting (to be diarised). That meeting will be co-chaired by the team Manager and myself, and relevant team members will be present. A meeting minute will be kept (using the template attached) which will record:
    - the decision taken;
    - the reasons for that decision;
    - the assigned case manager(s); and
    - the maximum amount of time that will be afforded to managing the request(s).
  - b. Once a decision has been made, requests will be held by the OIA inbox advisor, and assessed at the weekly triage meeting.
  - c. Where the requests appear complex, that is, too broad or unclear or appear to overlap with other requests made, the case manager will seek amendment or clarification from the requestor. Any amendment or clarification may then be treated as a new request (section 15(1AA) of the Act refers).
  - d. In seeking amendment or clarification, the case manager may ask the requestor to do one or more of the following:
    - specify the precise information they are interested in (that is, the actual issue or detail that they are after);
    - refine the date ranges which the information covers; or

- to specify documents (sections 12, 13 and 18B of the Act refer).
- e. Where the requestor does not respond to a request for amendment or clarification, we will decide the original request. In those situations, the case manager should consider whether collating and researching the information requested would have a significant and unreasonable impact on our ability to carry out other operations. Where it appears that this may be the case, before refusing the request under section 18(f) of the Act, the case manager should consider whether fixing a charge or extending the time limit would enable the request to be granted (section 18A of the Act refers).
- f. Should the work required to manage the request exceed the maximum time allotted, the case manager may ask the requestor to prioritise their requests or parts of their request. The case manager should then prioritise making and communicating a decision on those requests which the requester indicates are most important to them.
- g. For those requests which cannot be addressed within the allotted hours, the case manager should consider extending the timeframe for responding or fixing a charge. They should also look at other options for responding to requests which are more administratively efficient, such as:
  - providing a written summary or excerpt; or
  - making a time to speak with the requestor to furnish oral information about the content (section 16 of the Act refers).

As these guidelines simply follow the steps available to us under the Act, coupled with focussed case management, we will not normally need to advise requestors that we are managing their requests in this way.

However, there may be situations where advising them would be appropriate and help us manage a difficult situation. For example, where frequent requests become unmanageable or unreasonable. This will be considered at the weekly triage meeting.

Where a requestor, whose requests we are managing in line with these guidelines, asks for information about how we are managing their requests; a copy of this memorandum and relevant decision record should be made available to them.

I will review these guidelines periodically to ensure they remain fit for purpose.

## Weekly Triage Meeting: complex or frequent official information requests

Meeting Date	Requester Name	Request ID	Reasons for management plan	Case Manager(s)	Maximum weekly hours	Advice letter required?
			Complex/Frequent [details]			Yes/No

Manaaki tangata, manaaki whānau

We help New Zealanders to be safe, strong and independent

# **An introduction to Ministerial and Executive Services and the OIA**

December 2022

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT



# Overview of today's session

---

## Purpose:



Give you an understanding of how MaES can support you and your team and who to contact for help.

## Presentation:



- Introduction to what MaES do and why
- Written parliamentary questions
- The Official Information Act
- General question time

# MaES



# Our why

---

1

Transparency

2

Accountable

3

Trust



# Written and oral questions

---

What are they?

Why are they important?

What is the role of the Ministry?



A shiny, metallic bell, likely a service bell, sits on a reflective surface in the foreground. The background is a blurred office environment with warm lighting and a window. A faint, diagonal watermark reading "OFFICE UNDER THE INFORMATION ACT" is visible across the middle of the image.

# Public Sector Context

## Executive

Governor  
General

Ministers of the  
Crown

Public Sector,  
Crown Entities

## Legislature

House of  
Representatives

Members of  
Parliament

## Judiciary

Judges and  
courts

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

## Executive

Governor  
General

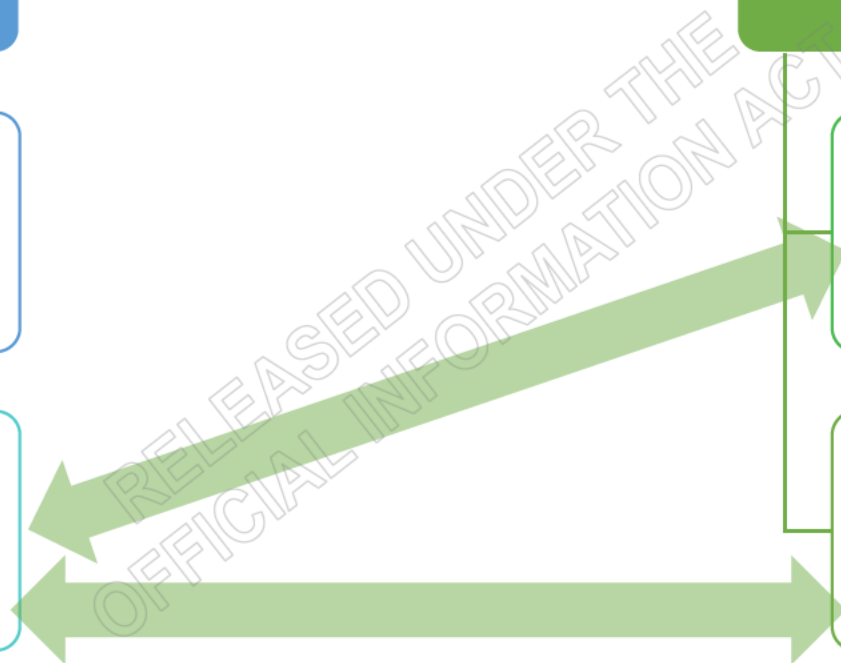
Ministers of the  
Crown

Public Sector,  
Crown Entities

## Legislature

House of  
Representatives

Members of  
Parliament





# What is the Official Information Act 1982?

---

- Allows people to request information
  - the **rules** for how we should handle requests
  - **right to complain** to the Ombudsman
- 



# Why do we need the OIA?

---

- Officials Secrets Act 1951
- 1978: Government sets up a Committee (Danks Committee)
- 1980: Report of the Danks Committee published, *Towards Open Government*
- Official Information Act 1982



# Principle of Availability

*[...] information shall be made available unless there is good reason for withholding it.*



# Who can make an OIA and how?

Any **eligible** person can make a request for information.

There is **no set way** a request must be made.







RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

# 3 main reasons for refusing requests

# Administrative reasons

- information is, or will soon be, publicly available
- document does not exist or cannot be found, despite reasonable efforts to locate it
- information cannot be made available without substantial collation or research
- information requested is not held by the agency, and is believed to not be held by any other department

# Section 6

Identifying whether release of the information would prejudice one of the interests protected by section 6, including:

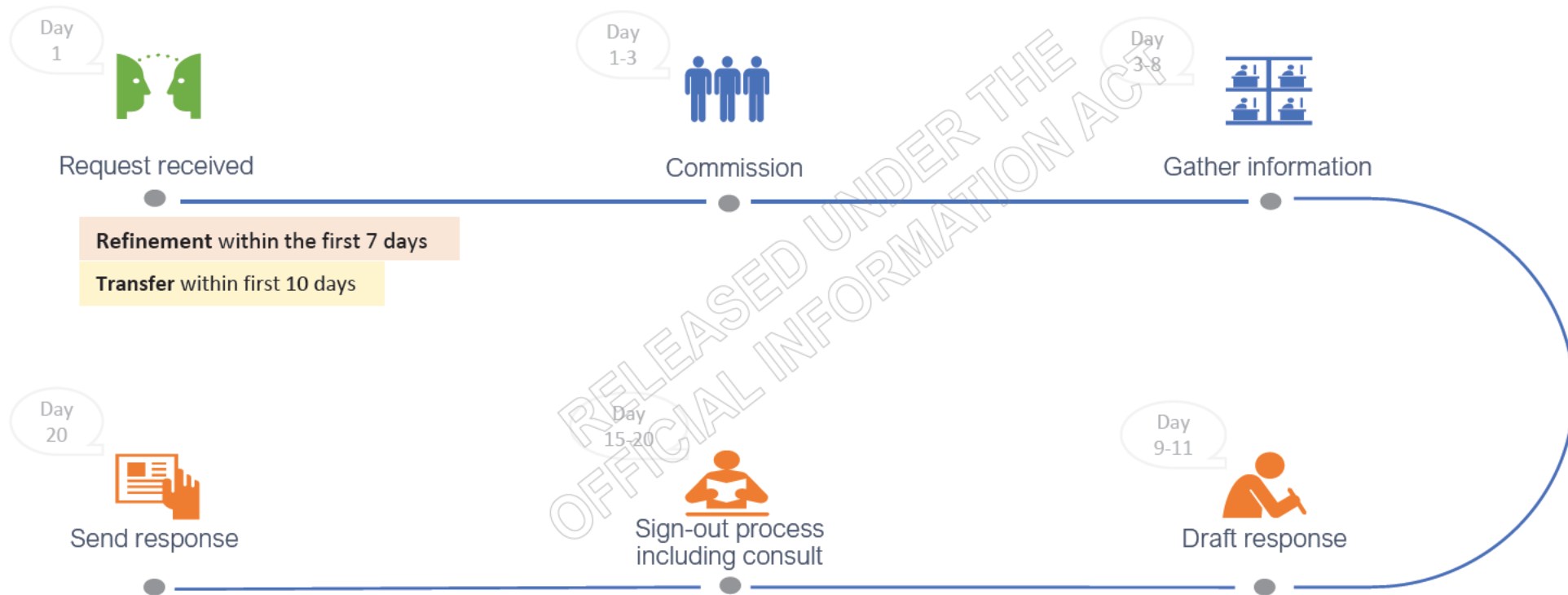
- the security or defence of New Zealand
- New Zealand's international relations
- the maintenance of the law
- personal safety
- New Zealand's economy

# Section 9

Whether any identified harmful effect would prejudice one of the interests protected by section 9, including:

- privacy
- commercial activities
- information subject to an obligation of confidence
- constitutional conventions of confidentiality
- free and frank opinion
- legal professional privilege

# MSD's process – what to expect



# Risk assessment

## OIA Risk Assessment

**Step 1:** Document table – of the information identified, what is the harm of releasing?

No.	Risk description  - Cause: what could trigger this risk? - Risk: what could happen? - Effect: what would happen if the risk eventuated? - Owner: who owns the risk?	Risk assessment		Risk rating mitigations	Planned mitigations  What could be put in place to reduce or eliminate this risk? Who is responsible for the planned mitigations?
		Consequence	Likelihood		
		- Routine - Minor - Moderate - Major - Severe	- Rare - Unlikely - Possible - Likely - Almost - Certain		

**Step 2:** In assessing risk, what is the risk to the Ministry?

No.	Date created	REP number (if available)	Document type (e.g., Cabinet paper, report, aide-memoire, email etc.)	Title	Release or withhold [include page numbers]	Reason & relevant context	Were consultations necessary and what was the result?	MaES advice

# Who signs out what?

- Risk rating tools are used to determine the level of risk
- Level of risk dictates who signs out what

	MaES	Business Unit	DCE	OCE	Comms
Very High	Approval (GM)	Approval (GM/GGM*)	Approval (DCE*)	Approval	Consult
High	Approval (GM)	Approval (GM/GGM*)	Approval	FYI	Consult
Medium	Approval (Team Manager)	Approval (Team Manager*)	FYI (**)	FYI (**)	FYI
Low	Approval (Team Manager)	Approval (Team Manager*)			FYI
Very Low	Approval (Team Manager)	Approval (Team Manager*)			FYI

# Further resources and key contacts

## Training resources

- For refreshers, there is **online training** available – you can access it via MyHR - MyLearning
- Further MaES training is available for booking directly into sessions on doogle: [Upcoming training: Ministerial and Executive Services \(MaES\) - Doogle \(ssi.govt.nz\)](https://ssi.govt.nz/upcoming-training-ministerial-and-executive-services-maes)
- Further Information Management training is available on doogle: [Information management training and resources - Doogle \(ssi.govt.nz\)](https://ssi.govt.nz/information-management-training-and-resources)

## Key contacts

- Information Group: [infohelp@msd.govt.nz](mailto:infohelp@msd.govt.nz)
- Ministerial and Executive Services Group: [MAES Enquiries@msd.govt.nz](mailto:MAES.Enquiries@msd.govt.nz)
- Parliamentary and Ministerial Relations team (for written Parliamentary Questions): [Parliamentary Questions@msd.govt.nz](mailto:Parliamentary.Questions@msd.govt.nz)
- Official Information team (for OIA requests): [OIA Requests@msd.govt.nz](mailto:OIA.Requests@msd.govt.nz)



Pātai?



# A deep dive into the Official Information Act

December 2022



# Overview of today's session

---

## Purpose:



A workshop aimed at helping our staff to strengthen their knowledge of the Official Information Act 1982 and building maturity and capability across the Ministry by testing approaches in their own work context with other skilled colleagues in the OIA space.

## Presentation:



We will cover the following in this session:

- An overview of Ministerial and Executive Services functions and roles
- The OIA and common grounds used for refusing requests
- Case studies and discussion.

# Ministerial and Executive Services (MaES)

Who we are:

MaES GM

Correspondence  
team

Official  
Information  
team

Parliamentary  
and Ministerial  
Relations

Client Advocacy  
and Review  
team

Our purpose:

1

Promoting  
transparency in our  
work

2

Ensuring we remain  
accountable for our  
actions and decisions

3

Building and maintaining  
trust and confidence in  
our work

# Principle of Availability

*[...] information shall be made available unless there is good reason for withholding it.*





# Common reasons the Ministry refuses requests

RELEASED UNDER THE  
OFFICIAL INFORMATION ACT

# Substantial collation or research

*Section 18(f) of the OIA*

- Accessibility of the requested information
  - i.e. cannot physically be made available without substantial collation or research
- **Research** means finding the information
- **Collation** means bringing it together

# Free and Frank

## Applies when:

- release of the information at issue would inhibit the future exchange of free and frank opinions; and
- that inhibition would prejudice the effective conduct of public affairs

*Section 9(2)(g)(i) of the OIA*



# Have you thought about the public interest?

*Every time we consider withholding information for a reason under section 9(2) of the OIA, we must apply the **public interest test**.*



# Confidentiality

Protecting confidential information where release would be likely to:

- prejudice the future supply of information that is in the public interest; or
- damage the public interest in some other way.

*Section 9(2)(ba) of the OIA*

Confidential  
advice to  
Government

*"to maintain the constitutional  
convention protecting the  
confidentiality of advice tendered by  
Ministers and officials"*

*Section 9(2)(f)(iv) of the OIA*



Let's workshop  
some scenarios

---

Pātai?

