Welcome - Haere Mai

OIA Forum for Practitioners

Monday 20 August 2018

Agenda

10.15	**Introduction** Lucy Alcock, Director Government Services, Department of Conservation - Facilitator
10:20	**Welcome and opening remarks** Catherine Williams, Deputy Commissioner, Integrity Ethics and Standards, SSC
10:30	**Proactive release and publishing responses to OIA requests** Erik Koed, Assistant Commissioner, SSC
10:45	**Case study: Releasing weekly reports** Tracy Plane, Manager Executive Relations, Ministry for the Environment
11.00	**Redacting done right** Adrian MacGregor, Principal Advisor, Ministerial and Executive Services, Ministry of Defence
11:25	**Small group discussion and report back**
11.55	**Next steps, feedback, close.**

Welcome

- ACC
- Arts Council of New Zealand / Creative NZ
- Broadcasting Commission / NZ on Air
- Broadcasting Standards Authority
- Canterbury DHB
- Capital & Coast DHB
- Central TAS
- Commerce Commission
- Crown Law
- Wairarapa DHB
- New Zealand Defence Force
- Te Puni Kōkiri
- Department of Conservation
- Department of Corrections
- Department of Internal Affairs
- Department of the Prime Minister and Cabinet
- Earthquake Commission
- Education NZ
- Education Review Office
- Electoral Commission
- Electricity Authority
- Fire and Emergency New Zealand
- Real Estate Agents Authority
- Te Reo Whakapuaki Irirangi / Te Māngai Pāho
- Guardians of NZ Superannuation
- Health and Disability Commissioner
- Health Quality and Safety Commission
- Heritage NZ (Pouhere Taonga)
- Hutt Valley DHB
- Inland Revenue Department
- Land Information New Zealand
- Law Commission
- Maritime NZ
- Ministry for Children, Oranga Tamariki
- Social Investment Agency
- Te Taura Whiri I Te Reo Māori
- Ministry for Culture and Heritage
- Ministry for Pacific Peoples
- Ministry for Primary Industries
- Ministry for the Environment
- Ministry for Women
- MBIE
- Ministry of Defence
- Ministry of Education
- Ministry of Foreign Affairs and Trade
- Ministry of Health
- State Services Commission
- Tertiary Education Commission
- Ministry of Justice
- Ministry of Social Development
- Museum of NZ Te Papa Tongarewa Board
- New Zealand Antarctic Institute
- New Zealand Police
- New Zealand Security Intelligence Service
- New Zealand Transport Agency
- NZ Film Commission
- Office of Film and Literature Classification
- Pharmaceutical Management Agency / PHARMAC
- Statistics New Zealand
- The Treasury

STATE SERVICES COMMISSION
Te Komihana O Ngā Tari Kāwanatanga

Welcome and opening remarks

Catherine Williams

Deputy Commissioner, Integrity Ethics and Standards, State Services Commission

STATE SERVICES COMMISSION
Te Komihana O Ngā Tari Kāwanatanga

OIA Forum – Proactive Release

Erik Koed, Assistant Commissioner
20 August 2018

New Zealand Government

Official information work programme

Our aim – to lift agency performance in three areas

- Compliance with the letter and spirit of the Act
- Proactive release of information
- Building capability

Expectation: CEs of agencies covered by the OIA drive the changes needed to improve compliance with the letter and spirit of the Act.

Strong, coordinated leadership from the State Services Commissioner and the Chief Ombudsman, supported by CEs, is critical for driving up system performance.

Overview of recent activity

2017 – Minister Clare Curran 1st Associate Minister of State Services (**Open Government**)

- Increasing proactive release, for example some Ministers, including Minister Curran are proactively releasing their weekly reports

2017 – Cabinet Manual

- Generally expected that Cabinet material (Cabinet and Cabinet committee papers and minutes) on significant policy decisions will be released proactively.
- Ministers may release Cabinet material online following a request for information under the Official Information Act.

2013 New Zealand joined the Open Government Partnership
New Zealand's National Action Plan 2016-18

- Commitment 2: Improving official information practices

2011- Declaration on Open and Transparent Government

- Open Government Data and Re-use programme

Increasing calls for more openness

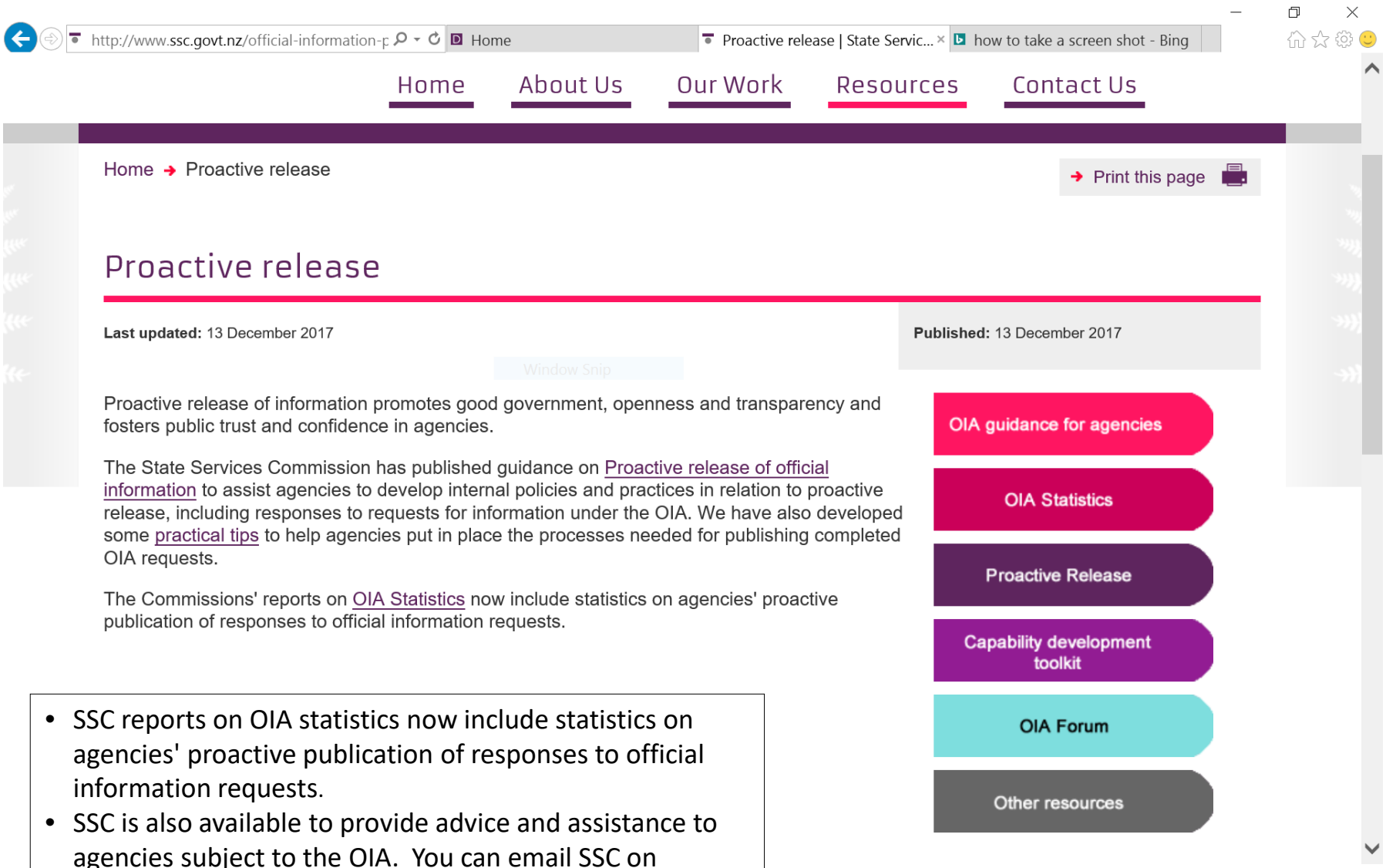
Why a focus on proactive release?

- A global trend of falling trust in government and its institutions.
- Increasing numbers of New Zealanders believe that the system is (or could be) failing them.
- The reasons for this may be many and varied.
- One response is to increase proactive release to:
  - enable the public to understand decision-making
  - strengthen the accountability of decision makers and advisors
  - increase participation to keep our democracy strong

What is proactive release and how does it relate to the OIA?

- Proactive release - is when agencies publish information of their own accord and make it available on their website.
- Different from responding to an OIA request:
  - Information is published to a wider audience
  - Can release anything your agency wants to release
  - The withholding grounds when you remove information as per an OIA request don't apply.
- Releasing information proactively means that the protections of section 48 of the OIA don't apply, even if the information has previously been released to a requester under the OIA.
- Agencies need to do a risk assessment on any information they are considering proactively releasing.

How SSC is supporting proactive release and OIA more generally



- SSC reports on OIA statistics now include statistics on agencies' proactive publication of responses to official information requests.
- SSC is also available to provide advice and assistance to agencies subject to the OIA. You can email SSC on oiaforum@ssc.govt.nz

Proactively releasing responses to OIA requests

OFFICIAL INFORMATION
PUBLISHING RESPONSES TO OFFICIAL INFORMATION ACT REQUESTS ON AGENCY WEBSITES

STATE SERVICES COMMISSION
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The principle of availability underpins the proactive release of responses to OIA requests

One of the key purposes of the Official Information Act is to make information more freely available, which promotes good government and trust and confidence in the State services. Proactively releasing completed OIA requests that may be of interest to the wider public is easy to do. It helps reduce the need for individuals to make requests for information and it can reduce the work for agencies in responding to requests.

This information sheet is to help you get ready to publish information that has already been released to an individual requester under the OIA. It supports the high level guidance we issued in 2017.

Did you know the SSC website has information for OIA requesters that your agency website can link directly to?

http://www.ssc.govt.nz/official-information-act-requests

OIA request received

Acknowledge OIA request
- Advise requester the response may be published. (See suggested wording on page 2)

Process OIA request
- When preparing the OIA response, consider its suitability for publication.
- See guidance on assessment on page 2.

Publish on website
- Publish on an easily accessible webpage (e.g. as ready or according to a predetermined publication schedule).

Prepare response for publication
- Make any additional redactions and check they can't be reversed.

Send OIA response
- Advise requester whether the response will be published. (See suggested wording on page 2)

Reduce time and effort by preparing for proactive release in the processing of the OIA request

If considering proactive release separately from processing the OIA request
- Assess the response for any risks of releasing it more widely (see page 2).
- Good record keeping is important, particularly for any additional redactions as this makes it easier to verify what was done and why in the future. Also remember to update the security classification of any documents and internal records where the classification has changed.

Remember
- Also consult with agencies on any information that relates to them as they will need to do their own assessment.
- If a complaint to the Ombudsman has changed the OIA response, update the information that was proactively released.

Assessment

- Protections in section 48 of the OIA do not extend to the proactive publication of information - you need to undertake a careful assessment before releasing official information.
- A response to an OIA request already takes into account the withholding grounds in the OIA, but still needs to be assessed before releasing it more widely.
- Focus on the areas that may create legal risks: e.g. copyright, privacy, commercial in confidence, legally privileged, defamation.
- Include a covering statement when information has been redacted noting the grounds that have been used for the reasoning behind the redactions.
- If a request is made for an unredacted copy of a document it needs to be treated as an OIA request.

What do the statistics show?

- 28 out of 112 agencies published OIA responses in January to June 2018.
- 1.8% of all completed OIA requests were published on agency websites during this period.
- 50% of published responses were from 4 agencies.
- The number of OIA responses published on websites ranged from 0 to 62.

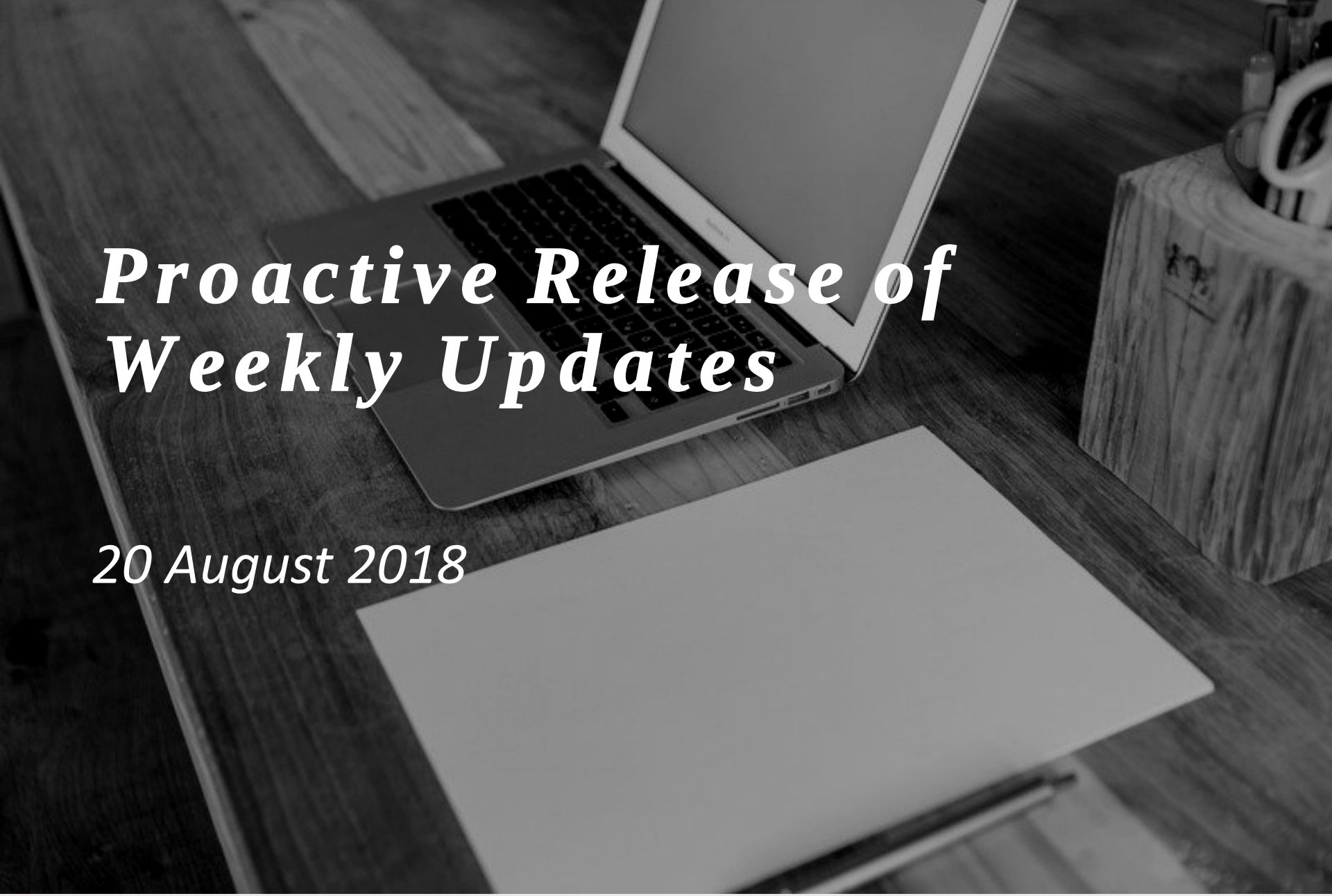
In the December 2018 statistics, we expect to see a significant increase in the number of agencies with proactive release policies and practices in place for publishing OIA responses and other official information.

What's working, what's not working in your agency?

- Do you have a policy?
- Do you have guidance?
- Who acts as oversight in the organisation?
- How do you intend to communicate this to all staff now and in the future?
- Are you tracking how many people are looking at the release on your website?

Here to help

- More workshops on developing a proactive release policy
- If you need advice or assistance contact the team on OIAForum@ssc.govt.nz



Proactive Release of Weekly Updates

20 August 2018

Proactive release

Releasing official information on our website that we wouldn't have otherwise published

Weekly updates to Ministers

Batches of information on topics of interest

OIA responses

WHO
HOW
WHAT
WHEN
WHERE
WHY

MfE Context

- Aiming to be leaders in transparency
- 350 staff, four Ministers
- Large increase in OIAs since the election
- High public interest in environmental issues

Key principles

- Increasing the amount of official information online
- Information should be accessible to all
- Reducing time spent on OIA requests

Why weekly updates?

- They form part of a wider package
- Ministers supported release
- Numerous OIA requests for these reports
- To create a consistent process for review and release

Publishing weekly updates

- Reports released when three months old
- Material assessed against the OIA
- No ‘bring up’ system
- Redactions will be reviewed if requested under OIA

The process

- Coordinated centrally
- Managers review
- Consult externally
- Director approval
- Minister office review
- Final redactions
- Publish online

Briefings, weekly updates and cabinet papers

This list captures material which the Ministry for the Environment has provided to Government Ministers. In many cases a copy of the briefing note is available by clicking the title. If you are interested in a paper which is not available you can request it under the Official Information Act.

In some cases material may have been withheld in full or in part, these withholds have been agreed with Ministers.
Displaying 1 - 60 of 403

Portfolio - Any -

To Ministers - Any -

CC Ministers - Any -

Title keyword

Date of briefing

Date published

Legislation type - Any -

Search Reset

DATE OF BRIEFING	TITLE	PORTFOLIO	TO MINISTERS	CC MINISTERS	DATE PUBLISHED	LEGISLATION TYPE	REFERENCE NUMBER
Monday, March 19, 2018	Weekly update - March 2018	Climate Change	Hon James Shaw		June, 2018		
Monday, May 28, 2018	Impact summary: National Planning Standards	Environment			June, 2018	Regulatory impact statement	

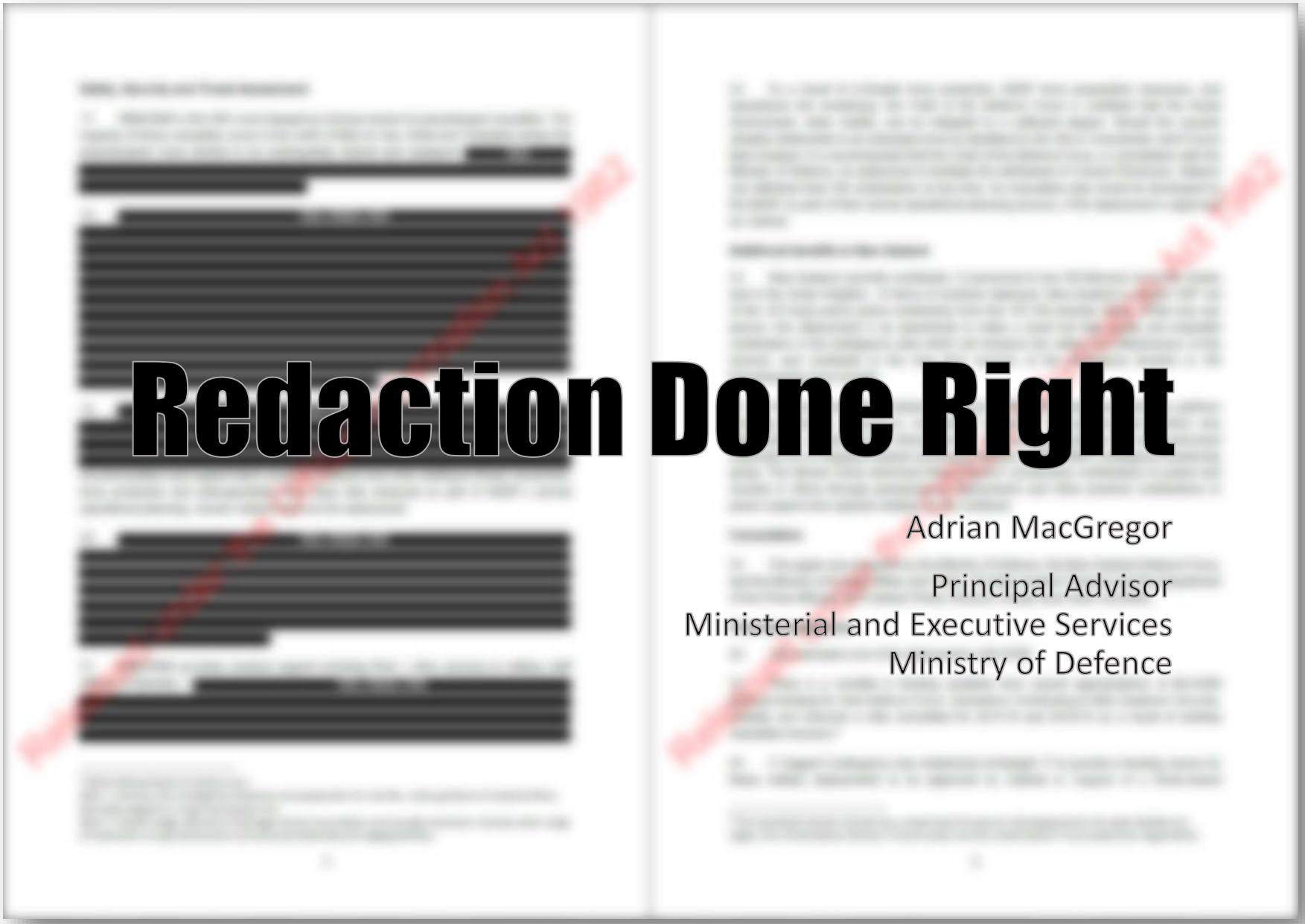
Challenges

- Getting buy-in from different levels
- Time spent vs benefit achieved
- Concerns around free and frank

What's next?

- Streamlining the review process
- Looking at the structure of weekly update reports
- Measuring benefits
- Expand proactive release programme

Questions...



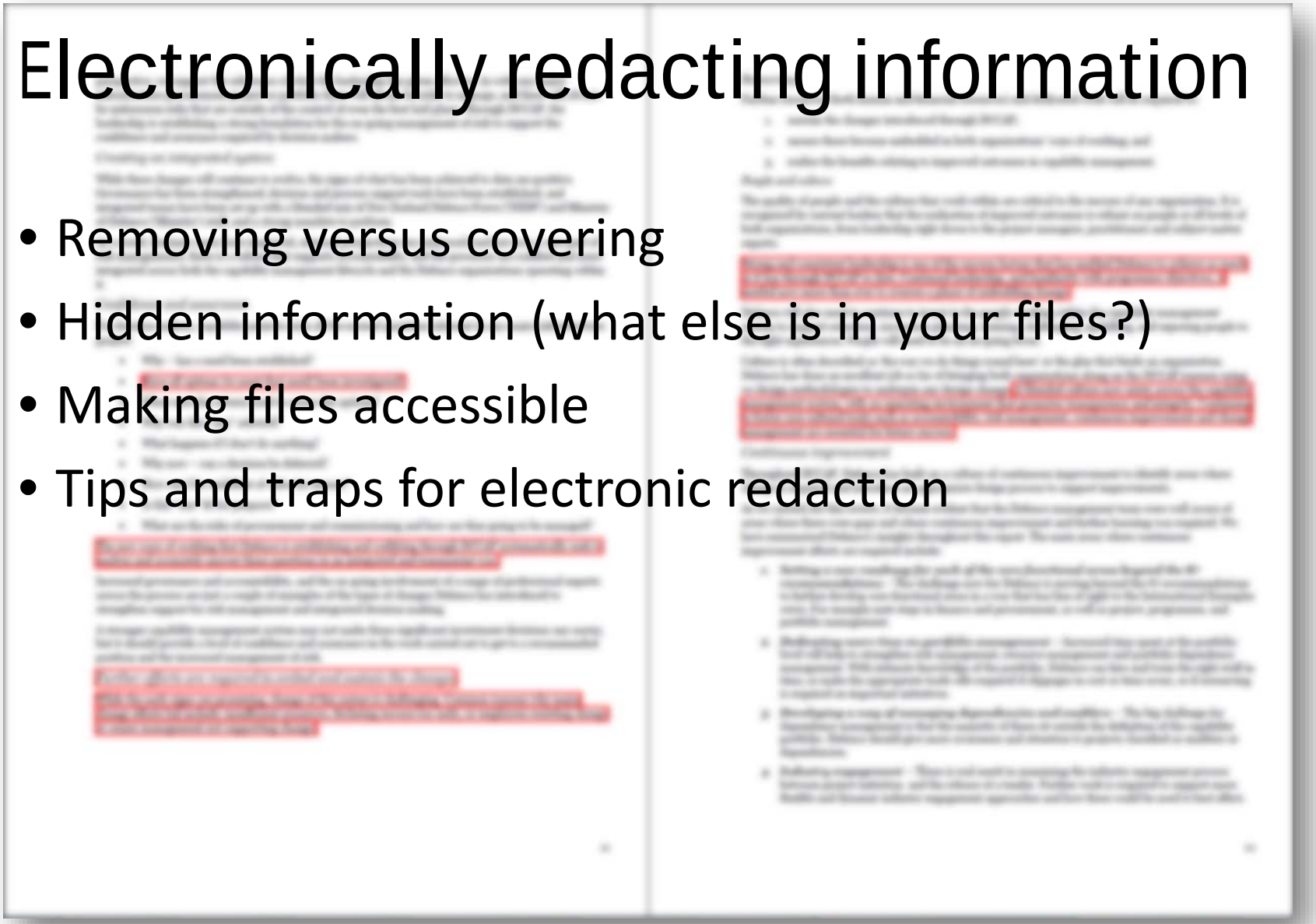
Redaction Done Right

Adrian MacGregor

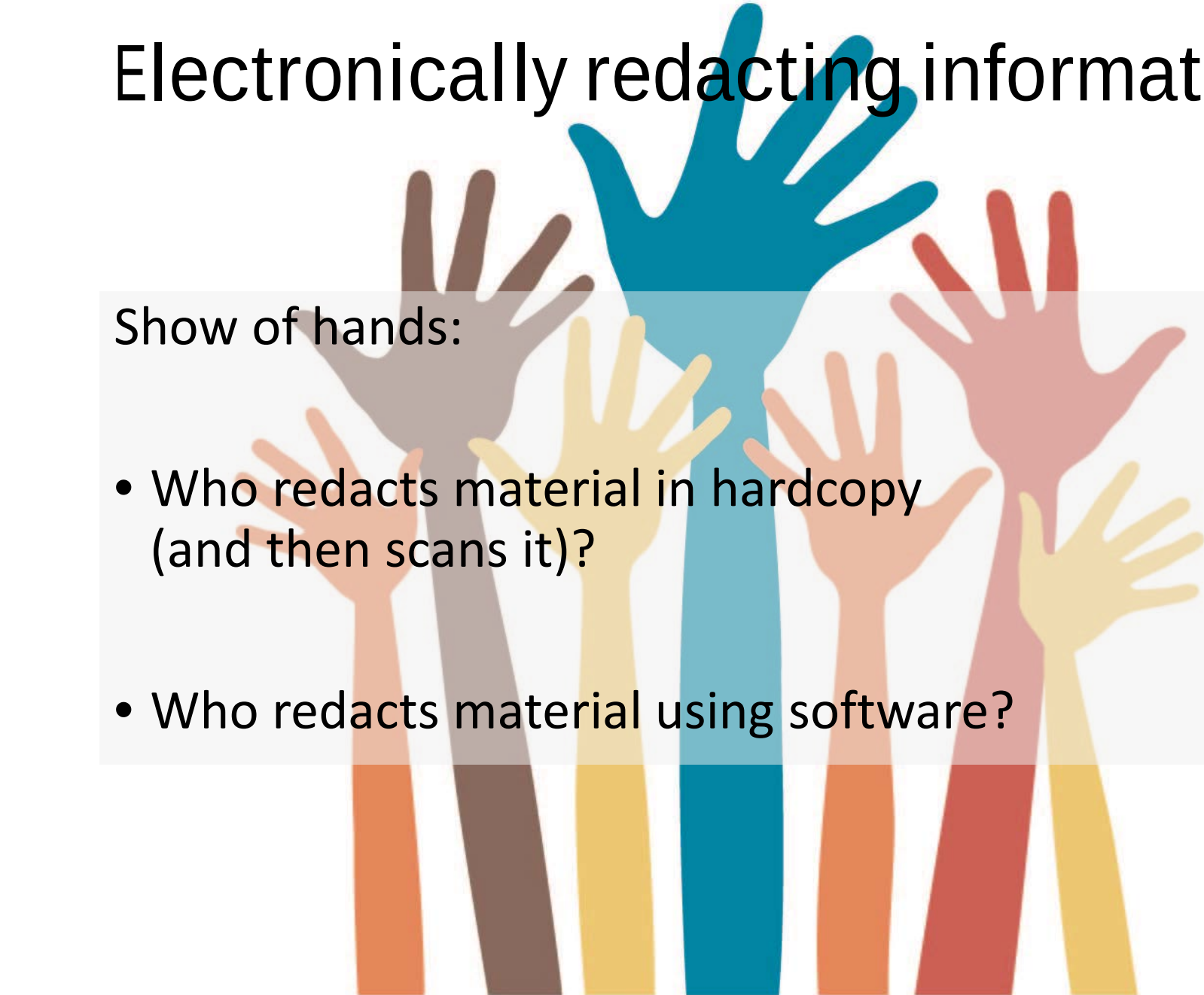
Principal Advisor
Ministerial and Executive Services
Ministry of Defence

Electronically redacting information

- Removing versus covering
- Hidden information (what else is in your files?)
- Making files accessible
- Tips and traps for electronic redaction



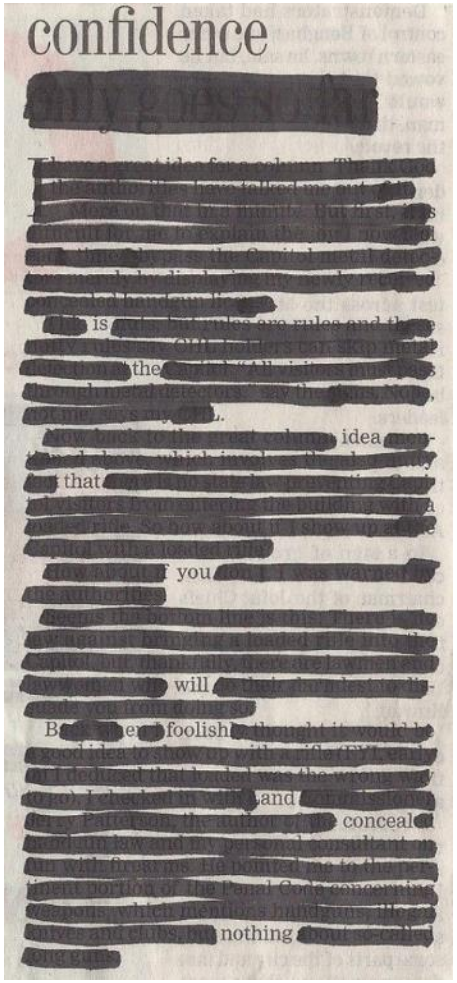
Electronically redacting information



Show of hands:

- Who redacts material in hardcopy (and then scans it)?
- Who redacts material using software?

Removing versus covering



Source: NewspaperBlackout.com

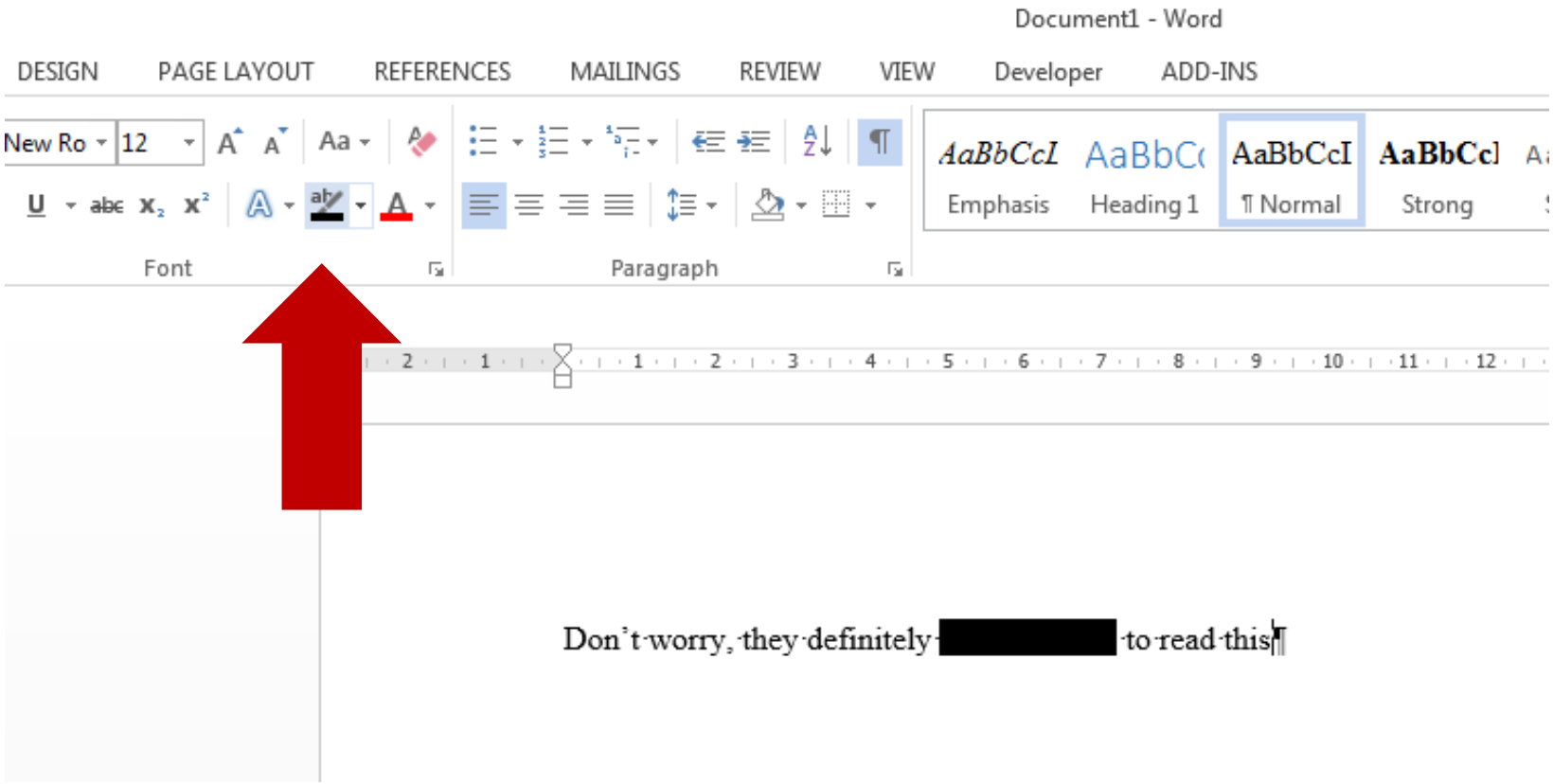
Obscuring ≠ Removing

When electronically redacting:

- understand what works and what doesn't
- redactors need an eye for detail
- peer review needs to look at the content **and the process**

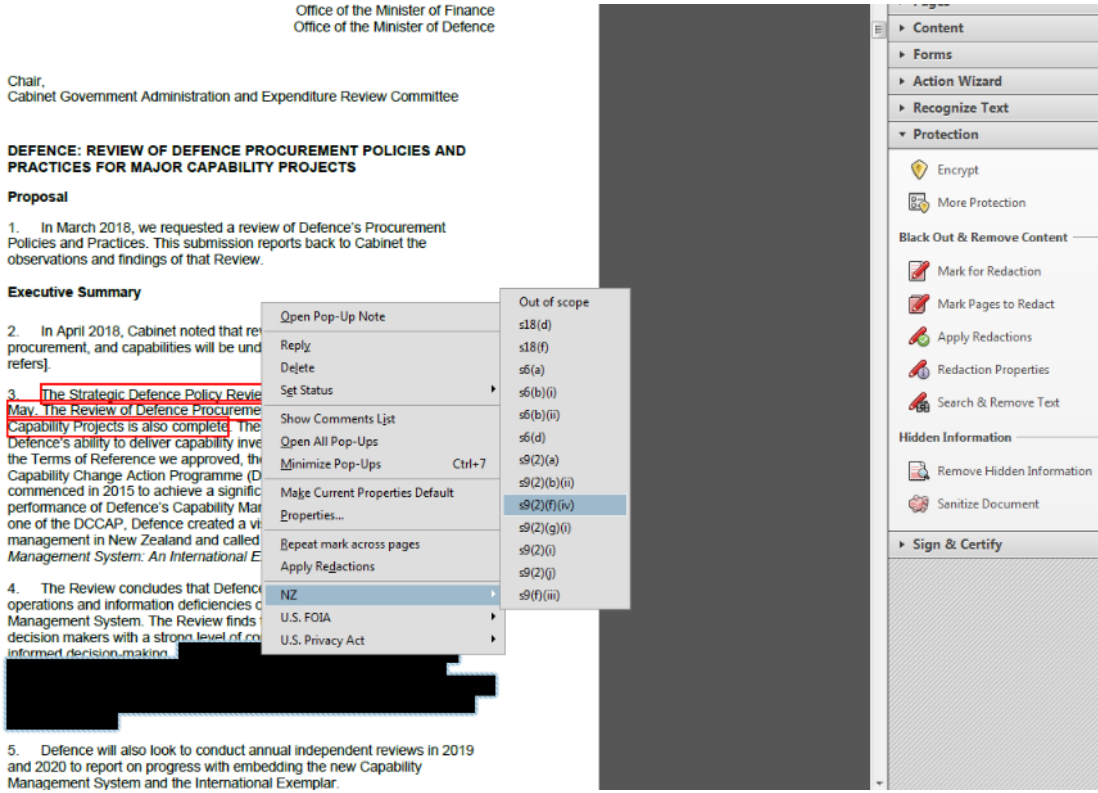
Removing versus covering

Never use the highlighter to ‘remove’ text



Removing versus covering

- Use software that **removes** text
- Staff need to understand how to use the software and you need a confirmed process
- Benefits: efficiency, version control and easier changes to redactions



Hidden information

IRAQ – ITS INFRASTRUCTURE OF CONCEALMENT, DECEPTION AND INTIMIDATION

This report draws upon a number of sources, including intelligence material, and shows how the Iraqi regime is constructed to have, and to keep, WMD, and is now engaged in a campaign of obstruction of the United Nations Weapons Inspectors.

Part One focusses on how Iraq's security organisations operate to conceal Weapons of Mass Destruction from UN Inspectors. It reveals that the inspectors are outnumbered by Iraqi intelligence by a ratio of 200 to 1.

Part Two gives up to date details of Iraq's network of intelligence and security organisations whose job it is to keep Saddam and his regime in power, and to prevent the international community from disarming Iraq.

Part Three goes on to show the effects of the security apparatus on the ordinary people of Iraq.

While the reach of this network outside Iraq may be less apparent since the Gulf War of 1990/1991, inside Iraq, its grip is formidable over all levels of society. Saddam and his inner circle control the State infrastructure of fear.

January 2003

- 1 -

Source: Richard M. Smith, 30 June 2003
(rms@computerbytesman.com)

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January 2003

- 1 -

Microsoft Word used to include a Revision Log:

Rev. #1: "cic22" edited file "C:\DOCUME~1\phamill\LOCALS~1\Temp\AutoRecovery save of Iraq – security.asd

Rev. #2: "cic22" edited file "C:\DOCUME~1\phamill\LOCALS~1\Temp\AutoRecovery save of Iraq – security.asd

Rev. #3: "cic22" edited file "C:\DOCUME~1\phamill\LOCALS~1\Temp\AutoRecovery save of Iraq – security.asd

Rev. #4: "JPratt" edited file: "C:\TEMP\Iraq – security.doc"

Rev. #5: "JPratt" edited file: "A:\Iraq – security.doc"

Rev. #6: "ablackshaw" edited file: "C:\ABlackshaw\Iraq – security.doc"

Rev. #7: "ablackshaw" edited file: "C:\ABlackshaw\A; Iraq – security.doc"

Rev. #8: "ablackshaw" edited file: "A:\ Iraq – security.doc"

Rev. #9: "MKhan" edited file: "C:\TEMP\Iraq – security.doc"

Rev. #10: "MKhan" edited file: C:\WINNT\Profiles\mkhan\Desktop\Iraq.doc"

CIC= Communications Information Centre, a unit of the British Government

P. Hamill = Foreign Office Official

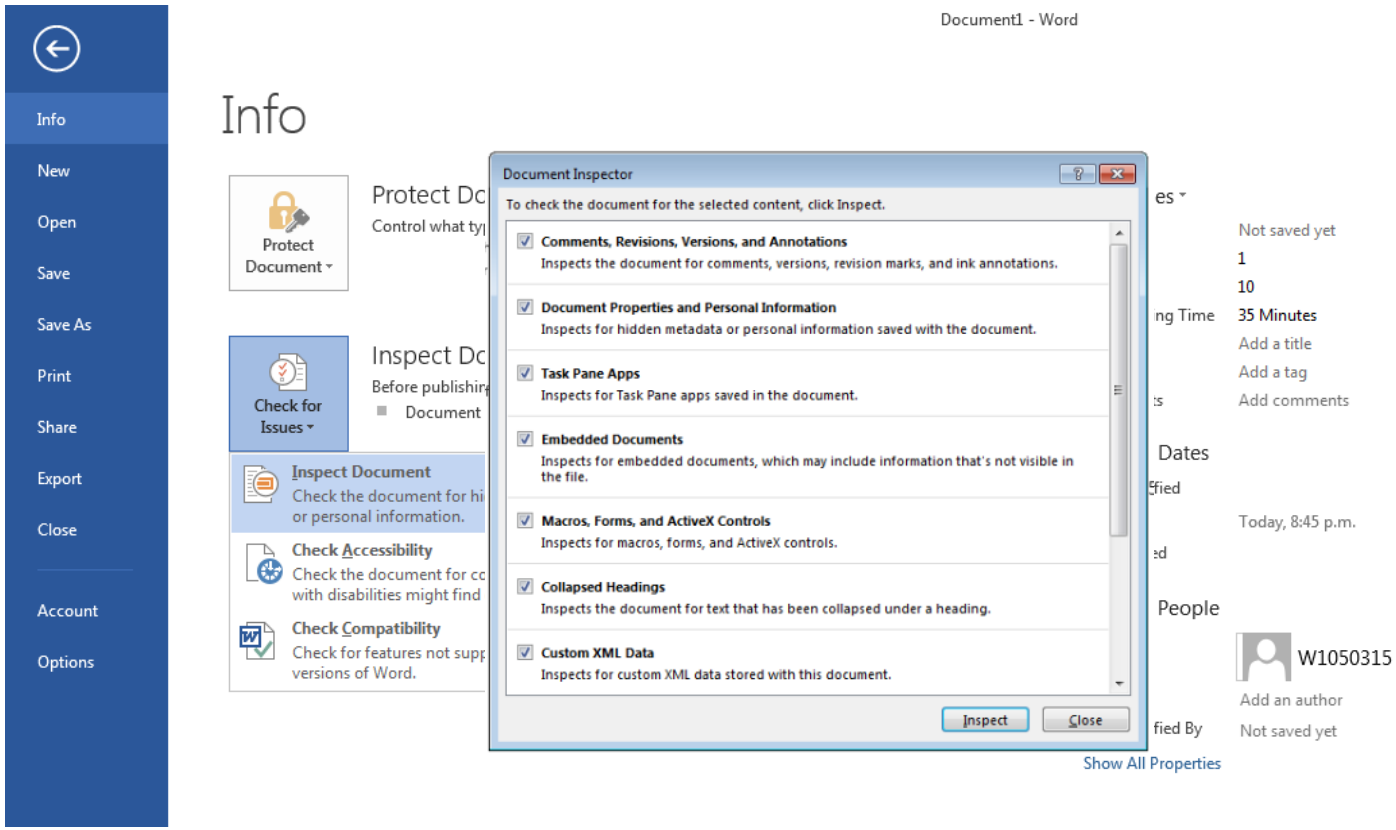
J Pratt = Downing Street Official

A Blackshaw = Personal Assistant of the UK Prime Minister's Press Secretary

M Khan = Junior Press Officer for the Prime Minister

Source: Richard M. Smith, 30 June 2003
(rms@computerbytesman.com)

Hidden information



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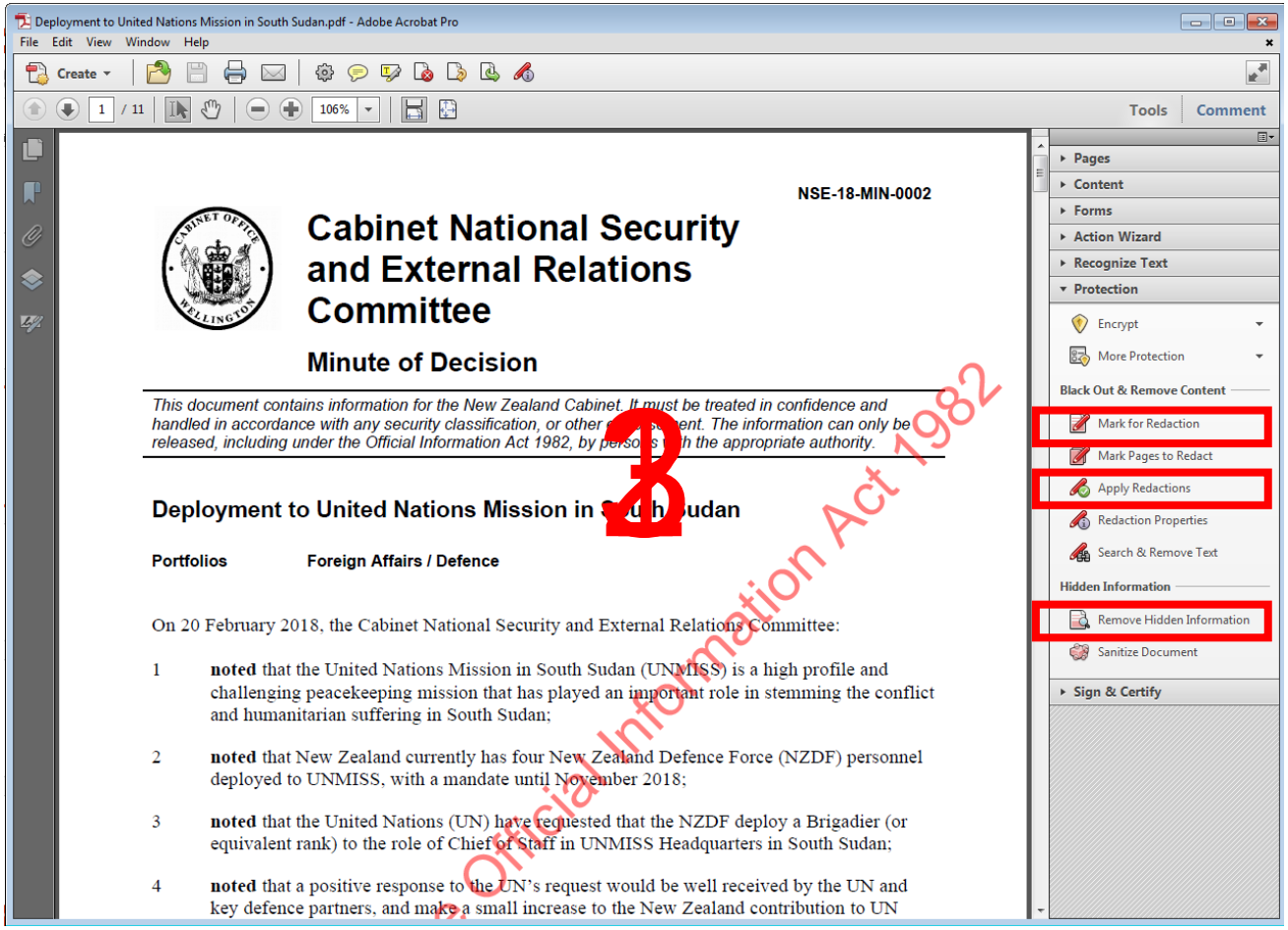

You could just scan it

Why you shouldn't just scan it: Reasons to make your files accessible

- Transparency of government decision-making
- Improving access for New Zealanders
  - commitments as part of your Accessibility Charter
  - meeting Web Accessibility and Usability Standards
- Helping Google find your document
- Promoting the value of your agency's work and helping the public understand Government decisions

What accessibility means for redaction

- Working off originals or running Optical Character Recognition software
- Ensuring information is **removed**
- Checking the hidden information (metadata)

Tips and traps for electronic redaction

- Accept the redactions!
- Check that the explanatory text can be read
- Grey boxes versus black boxes
- Watermarks can interfere with reader software
- Check metadata
- Check bookmarks
- If you aren’t using a signed version, confirm the decisions taken

Small group discussions

Instructions:

In small groups of 4-6 people, spend 15 minutes discussing the following questions:

- What does your agency currently do in terms of proactively releasing information?
- What does your agency need to do to proactively release more information including responses to OIA requests? What challenges are you facing?
- Does your agency have any tips, tools (e.g. checklists), systems or processes that help you manage proactive release of information that you would be willing to share with other agencies?

There will be a short report back at the end, a few groups will be asked to report back on their discussion.

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Questions: OIAForum@ssc.govt.nz