

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



OIA Forum – Proactive Release

Erik Koed, Assistant Commissioner
20 August 2018



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

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

The screenshot shows a web browser window with the URL <http://www.ssc.govt.nz/official-information-p>. The page title is "Proactive release | State Servic...". The navigation menu includes "Home", "About Us", "Our Work", "Resources", and "Contact Us". The breadcrumb trail is "Home → Proactive release". A "Print this page" button is visible in the top right. The main heading is "Proactive release", with a "Last updated: 13 December 2017" and "Published: 13 December 2017" timestamp. A "Window Snip" button is present above the main text. The main text describes proactive release and provides links to guidance, statistics, and practical tips. A sidebar on the right contains links to "OIA guidance for agencies", "OIA Statistics", "Proactive Release", "Capability development toolkit", "OIA Forum", and "Other resources".

Home → Proactive release

Print this page

Proactive release

Last updated: 13 December 2017

Published: 13 December 2017

Window Snip

Proactive release of information promotes good government, openness and transparency and fosters public trust and confidence in agencies.

The State Services Commission has published guidance on [Proactive release of official information](#) to assist agencies to develop internal policies and practices in relation to proactive release, including responses to requests for information under the OIA. We have also developed some [practical tips](#) to help agencies put in place the processes needed for publishing completed OIA requests.

The Commissions' reports on [OIA Statistics](#) now include statistics on agencies' proactive publication of responses to official information requests.

- OIA guidance for agencies
- OIA Statistics
- Proactive Release
- Capability development toolkit
- OIA Forum
- Other resources

- 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 oiافorum@ssc.govt.nz

Proactively releasing responses to OIA requests

OFFICIAL INFORMATION

PUBLISHING RESPONSES TO OFFICIAL INFORMATION ACT REQUESTS ON AGENCY WEBSITES

STATE SERVICES COMMISSION
Te Komihana o Nga Tari Kawanatanga



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

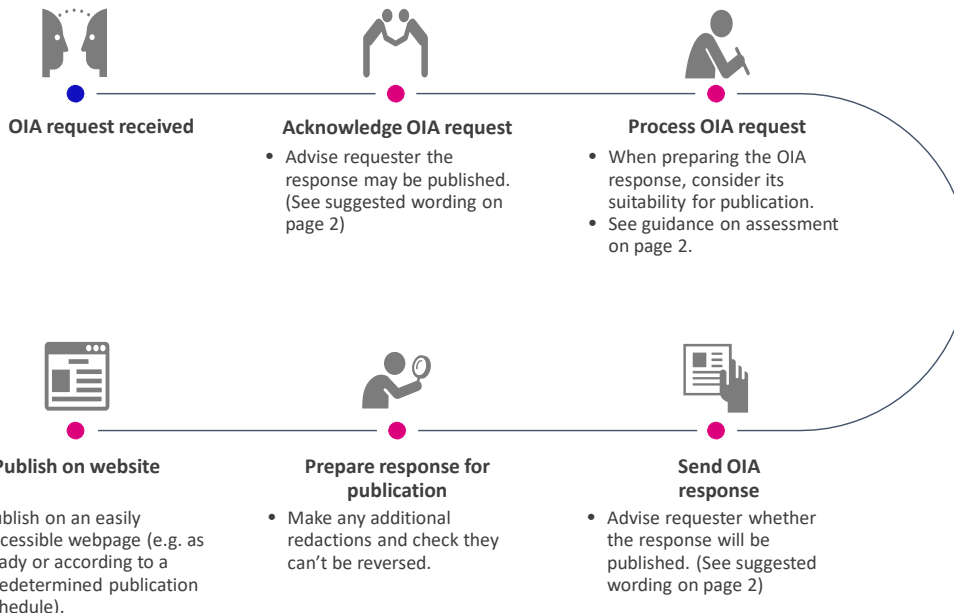
One of the key purposes of the Official Information Act is to make information more freely available, which promotes good government and trust and confidence in the State services. Proactively releasing completed OIA requests that may be of interest to the wider public is easy to do. It helps reduce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



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

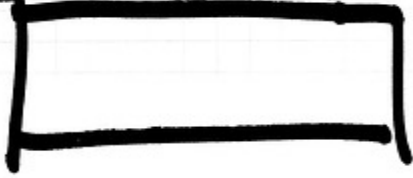
Releasing official information on our website that we wouldn't have otherwise published

Weekly updates to Ministers

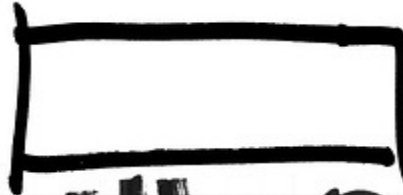
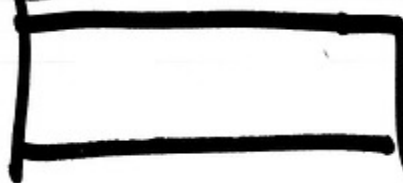
Batches of information on topics of interest

OIA responses

WHO



How



WHAT



WHEN



WHERE



WHY



Ministry for the Environment
Manatū Mō Te Taiao



Making Aotearoa New Zealand
the most liveable place in the world
Aotearoa - he whenua mana kura mō te tangata

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 **To Ministers** **CC Ministers**

Title keyword **Date of briefing**

Date published **Legislation type**

▼ 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

[Faded text from a document page, with several lines highlighted in red.]

[Faded text from a document page, with several lines highlighted in red.]

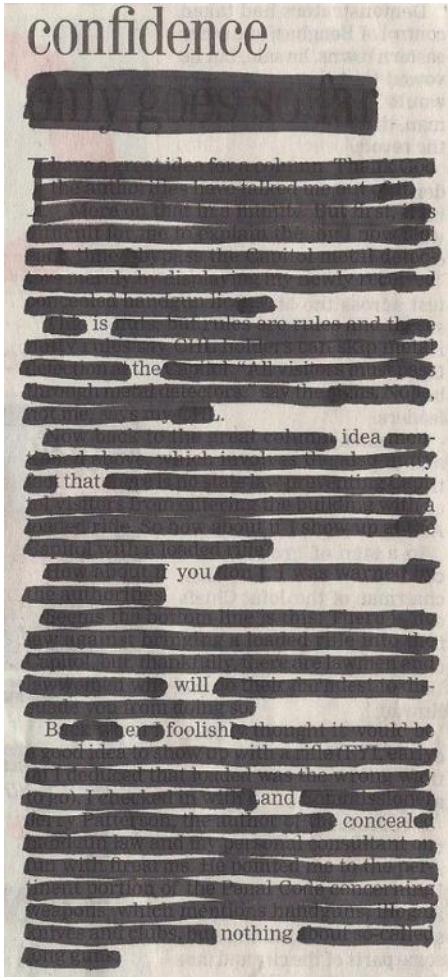
Electronically redacting information

An illustration of several hands of different colors (blue, brown, red, yellow, orange) raised in the air, symbolizing a show of hands or a vote. The hands are positioned around the central text area.

Show of hands:

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

Removing versus covering



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

Document1 - Word

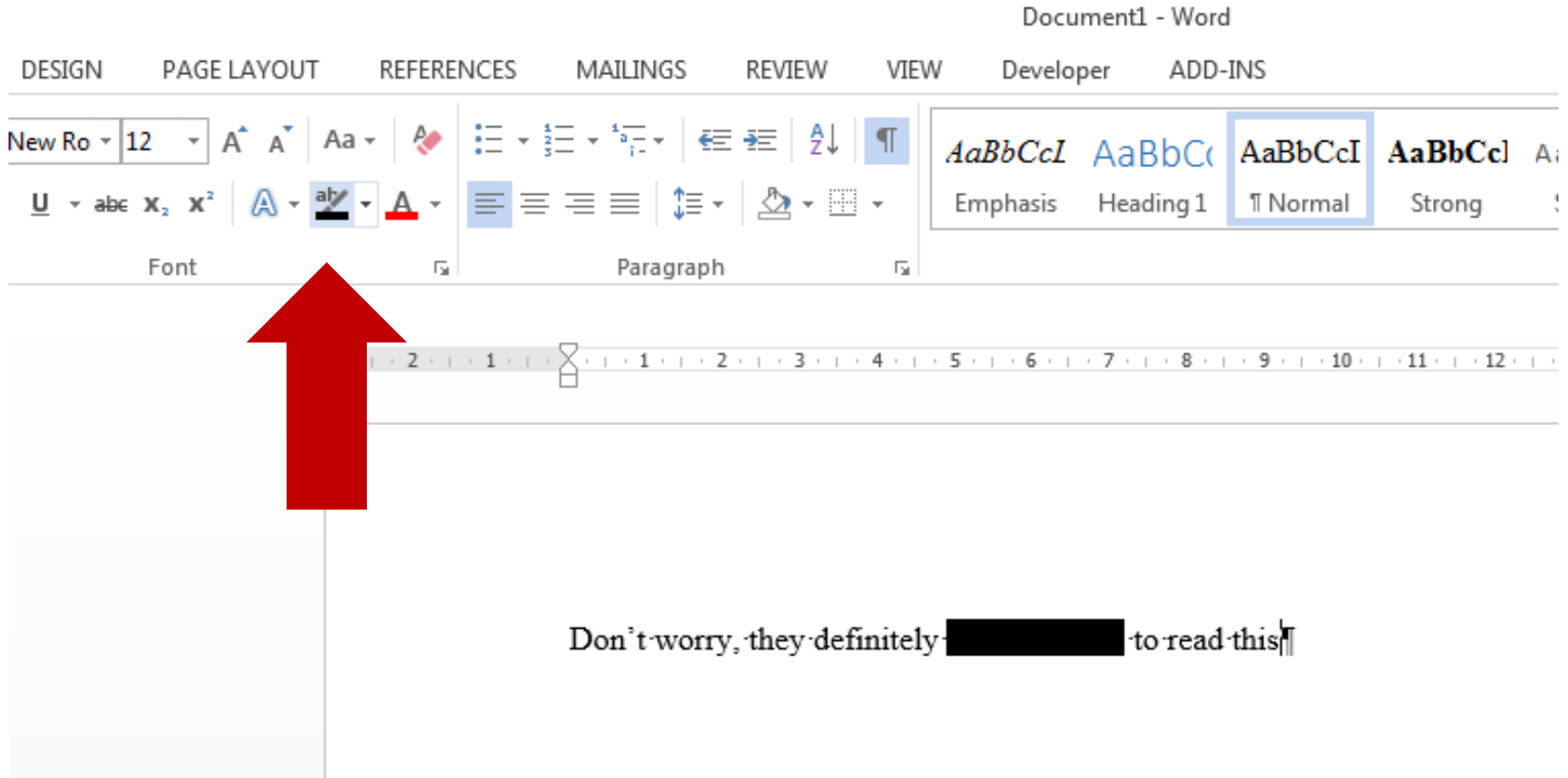
DESIGN PAGE LAYOUT REFERENCES MAILINGS REVIEW VIEW Developer ADD-INS

New Ro 12 A A Aa A

Font Paragraph

Emphasis Heading 1 Normal Strong

Don't worry, they definitely XXXXXXXXXX to read this.



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

Office of the Minister of Finance
Office of the Minister of Defence

Chair,
Cabinet Government Administration and Expenditure Review Committee

DEFENCE: REVIEW OF DEFENCE PROCUREMENT POLICIES AND PRACTICES FOR MAJOR CAPABILITY PROJECTS

Proposal

1. In March 2018, we requested a review of Defence's Procurement Policies and Practices. This submission reports back to Cabinet the observations and findings of that Review.

Executive Summary

2. In April 2018, Cabinet noted that re[procurement, and capabilities will be und[refers].

3. **The Strategic Defence Policy Review** **May. The Review of Defence Procurement** **Capability Projects is also complete.** The Defence's ability to deliver capability in the Terms of Reference we approved, the Capability Change Action Programme (D commenced in 2015 to achieve a significant performance of Defence's Capability Management System. The Review finds that one of the DCCAP, Defence created a vi[management in New Zealand and called *Management System: An International E*

4. The Review concludes that Defence operations and information deficiencies of Management System. The Review finds decision makers with a strong level of ro[inform decision-making.

5. Defence will also look to conduct annual independent reviews in 2019 and 2020 to report on progress with embedding the new Capability Management System and the International Exemplar.

Content
Forms
Action Wizard
Recognize Text
Protection
Encrypt
More Protection
Black Out & Remove Content
Mark for Redaction
Mark Pages to Redact
Apply Redactions
Redaction Properties
Search & Remove Text
Hidden Information
Remove Hidden Information
Sanitize Document
Sign & Certify

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)

Hidden information

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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

The screenshot displays the Microsoft Word interface with the 'Info' pane on the left and the 'Document Inspector' dialog box open in the center. The 'Info' pane includes options like 'Protect Document', 'Check for Issues', 'Inspect Document', 'Check Accessibility', and 'Check Compatibility'. The 'Document Inspector' dialog box lists several categories of hidden information that can be inspected, all of which are currently checked. The 'Info' pane also shows document metadata such as 'Not saved yet', '1' revision, '10' minutes of editing time, and the user 'W1050315'.

Document1 - Word

Info

Protect Document
Control what types of changes can be made to the document.

Check for Issues
Check the document for hidden content and errors.

Inspect Document
Check the document for hidden content or personal information.

Check Accessibility
Check the document for content that people with disabilities might find difficult to use.

Check Compatibility
Check for features not supported in previous versions of Word.

Document Inspector

To check the document for the selected content, click Inspect.

- Comments, Revisions, Versions, and Annotations**
Inspects the document for comments, versions, revision marks, and ink annotations.
- Document Properties and Personal Information**
Inspects for hidden metadata or personal information saved with the document.
- Task Pane Apps**
Inspects for Task Pane apps saved in the document.
- Embedded Documents**
Inspects for embedded documents, which may include information that's not visible in the file.
- Macros, Forms, and ActiveX Controls**
Inspects for macros, forms, and ActiveX controls.
- Collapsed Headings**
Inspects the document for text that has been collapsed under a heading.
- Custom XML Data**
Inspects for custom XML data stored with this document.

es
Not saved yet
1
10
ng Time 35 Minutes
Add a title
Add a tag
Add comments

Dates
Today, 8:45 p.m.


People
W1050315
Add an author
Not saved yet

Show All Properties

Hidden information

The screenshot shows the Adobe Acrobat Pro interface. The main document content includes the following text:

NSE-18-MIN-0002

 **Cabinet National Security and External Relations Committee**
Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other requirement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Deployment to United Nations Mission in South Sudan

Portfolios **Foreign Affairs / Defence**

On 20 February 2018, the Cabinet National Security and External Relations Committee:

- noted** that the United Nations Mission in South Sudan (UNMISS) is a high profile and challenging peacekeeping mission that has played an important role in stemming the conflict and humanitarian suffering in South Sudan;
- noted** that New Zealand currently has four New Zealand Defence Force (NZDF) personnel deployed to UNMISS, with a mandate until November 2018;
- noted** that the United Nations (UN) have requested that the NZDF deploy a Brigadier (or equivalent rank) to the role of Chief of Staff in UNMISS Headquarters in South Sudan;
- noted** that a positive response to the UN's request would be well received by the UN and key defence partners, and make a small increase to the New Zealand contribution to UN

The right-hand sidebar shows the 'Tools' panel with the following items highlighted with red boxes:

- Mark for Redaction
- Mark Pages to Redact
- Apply Redactions
- Remove Hidden Information

A large red watermark is overlaid diagonally across the page, reading "Official Information Act 1982".

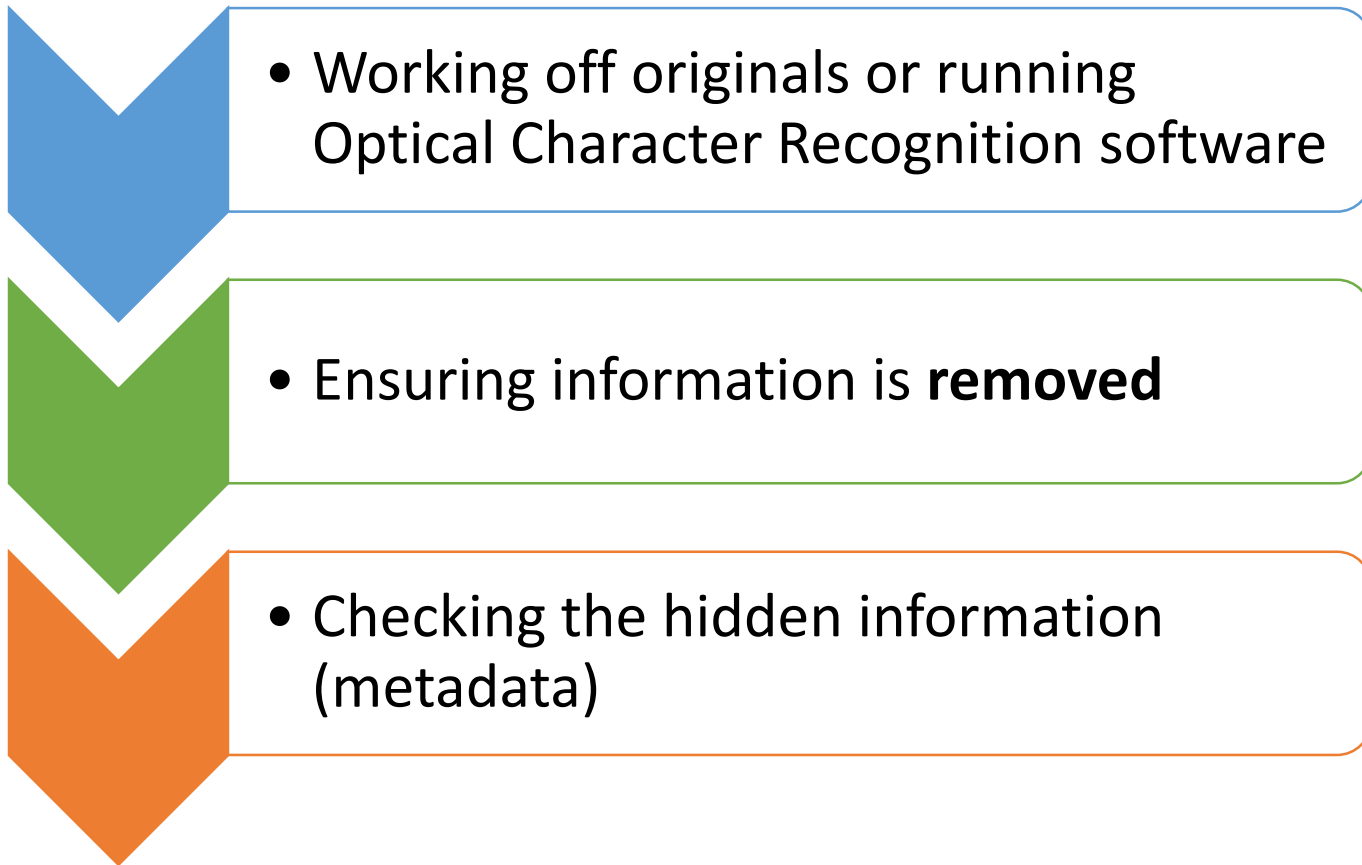
You could just scan it



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



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.

STATE SERVICES COMMISSION
Te Komihana O Ngā Tari Kāwanatanga



Questions:
OIAForum@ssc.govt.nz
