



6 July 2017

Dear [REDACTED]

Official information request for information relating to Official Information Act 1982 policies and processes

Our ref: 2017/0071

I refer to your official information request received on 23 June 2017 for:

- Copies of the current policy, procedure, manual or other process document that records the State Services Commission's (SSC) process or processes for handling and deciding requests under the Official Information Act 1982 (OIA)
- Any diagram or flowchart of SSC's process or processes (if any have been created)
- Copies of any template response letters that form part of SSC's process or processes (if any have been created).

You may be interested to know that prior to July 2016, SSC followed a decentralised model for Ministerial Services, which relied on a Ministerial Co-ordinator logging official correspondence for response by other SSC staff, and a Senior Advisor, Ministerial Servicing, reviewing selected responses and providing advice as required.

In July 2016, SSC established a fully centralised Ministerial Services unit located within Corporate Services. By February 2017, Ministerial Services had its full capacity of staff, which is a Managing Principal, a Senior Advisor, an Advisor, and a Ministerial Co-ordinator.

Under this model, incoming SSC and Ministerial OIAs are logged by Ministerial Services (using an electronic workflow tool called Moto). In most cases, Ministerial Services prepares the draft response in consultation with relevant teams in SSC, manages any necessary consultation, and prepares documents for release. SSC's OIA responses are, however, signed out by the relevant subject matter manager. In the case of Ministerial OIAs, the relevant manager approves the draft response before it is sent to the Minister's office.

As part of their induction, staff are made aware of SSC's OIA processes and responsibilities, SSC's own OIA guidance, as well as the material available from the Office of the Ombudsman's website and the Public Service Intranet. Staff who are seeking to learn more about the OIA, or to undertake a refresher course, for example, are invited to come to Ministerial Services to find the appropriate course. SSC also encourages staff to attend the OIA Introductory Workshop held by the Treasury for central agencies several times per year.

The change to a fully centralised Ministerial Services Unit has meant that, for OIAs:

- We are developing a centre of expertise in SSC, with staff who have an in-depth understanding of the OIA and SSC's obligations in relation to that Act, and who can effectively manage the response process, including ensuring that there is adequate consultation
- There is a single place for OIAs to be logged and tracked, and to obtain statistics, particularly for external (e.g. select committee purposes). OIA templates can easily be added and maintained, and are based on the Office of the Ombudsman's guides where possible
- SSC's standards are being raised relating to process, the quality of responses, timeliness, and the way that SSC contacts and consults requestors – and this can be monitored
- There is a consistency of approach being applied in responding to OIAs, particularly in tone and style
- SSC staff know where to go for advice and who can answer their questions about the OIA and related processes.

Ministerial Services also co-ordinates the public release of OIAs, and other proactive releases of information as required. SSC's public releases of OIAs are located on a separate page on its website, which also provides information to requestors on making a request (<http://www.ssc.govt.nz/official-information-act-requests>). This page links to two other pages on SSC's website that provide tips on how to request official information, and guidance on how agencies will respond: <http://www.ssc.govt.nz/tips-requesting-official-information>, <http://www.ssc.govt.nz/how-agencies-will-respond-information-requests>).

Information being released

Please find enclosed the most recent versions of the following documents:

Item	Document Description	Decision
1	SSC Guidelines: Official Information Act 1982	Release in full
2	Publishing Responses to Official Information Act 1982 Requests on the State Services Commission's Website	Release in full
3	SSC Moto Process Overview: SSC OIAs	Release in full
4	SSC Moto Process Overview: MIN OIAs	Release in full
5	SSC Moto Template SSC OIA Acknowledgement	Release in full
6	SSC Moto Template SSC OIA Transfer to Department	Release in full
7	SSC Moto Template SSC OIA Transfer to Minister	Release in full
8	SSC Moto Template SSC OIA Substantial Collation and Research	Release in full
9	SSC Moto Template SSC OIA Extension	Release in full
10	SSC Moto Template SSC OIA Progress Update	Release in full
11	SSC Moto Template SSC OIA Consultation Text	Release in full
12	SSC Moto Template SSC OIA Consult Report	Release in full
13	SSC Moto Template SSC OIA Text for Moto When Minister's Office Informed of SSC's Decision on Request	Release in full

14	SSC Moto Template SSC OIA Reply	Release in full
15	SSC Moto Template MIN OIA Transfer to Department	Release in full
16	SSC Moto Template MIN OIA Transfer to Minister	Release in full
17	SSC Moto Template MIN OIA Extension	Release in full
18	SSC Moto Template MIN OIA Reply	Release in full
19	Redaction Software Short Guide	Release in full
20	Ministerial Services (intranet page)	Release in full
21	Information about Ministerials, SSC Correspondence, Parliamentary Questions and Official Information Act Requests (intranet page)	Release in part
22	General Process (intranet page)	Release in full

Some information has been redacted from document 21 as it is not within the scope of your request.

You note that you are conducting research into OIA policies and practices adopted by government agencies, with a view to identifying best practice approaches. SSC would welcome seeing any of your findings if you are comfortable sharing them at the conclusion of your research.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@ssc.govt.nz.

Please note that we intend to publish this letter (with your personal details removed) and enclosed documents on SSC's website.

Yours sincerely



Rachel Bruce
Deputy Commissioner, Corporate Services



SSC Guidelines

Official Information Act 1982

Purpose

Purpose of these guidelines

These guidelines assist the State Services Commission (SSC) in responding to requests for information under the Official Information Act 1982 (the OIA), and to any subsequent inquiries that may be made by the Office of the Ombudsmen.

Scope of these guidelines

It is not feasible for guidelines of this kind to cover every possible case, as the circumstances of each case will be different. This document provides guidelines only – a set of operating principles, not a set of rules.

Requests for information, formal and informal

The requirements of the OIA apply to all SSC employees. These guidelines set down the processes to be followed when a request for information is received, and should be referred to in every instance.

However informal a request for information may appear, and regardless of who receives it, it must be treated as an OIA request to SSC.

Context

Core SSC business

One of the purposes of the OIA is to promote the accountability of Ministers of the Crown and officials. With greater accountability comes greater trust in government.

The State Services Commissioner (the Commissioner) sets standards of integrity and conduct which "contribute to a high performing, trusted and accessible State sector." Therefore, complying with the requirements of the OIA is core business for the SSC, reinforcing SSC employees' other obligations as public servants.

Section 4 of the OIA

Section 4 states that the purposes of the OIA are:

- (a) to increase progressively the availability of official information to the people of New Zealand in order –
 - (i) to enable their more effective participation in the making and administration of laws and policies; and
 - (ii) to promote the accountability of Ministers of the Crown and officials, –

and thereby to enhance respect for the law and to promote the good government of New Zealand:

- (b) to provide for proper access by each person to official information relating to that person: (this now only applies to incorporated bodies).
 - (c) to protect official information to the extent consistent with the public interest and the preservation of personal privacy.
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Who can make an OIA request?

OIA requests may be made by:

- New Zealand citizens or permanent residents;
 - people who are in New Zealand;
 - a body corporate incorporated in New Zealand; or
 - a body corporate incorporated overseas, with a place of business in New Zealand.
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Definitions

Official information

Section 2 defines "official information" as any information held by a department or organisation, or by a Minister of the Crown in his or her official capacity. (It does not include information provided to a Minister as a constituent's Member of Parliament.)

OIA request

Any request for information held by a department or organisation, or by a Minister of the Crown in his or her official capacity, is an OIA request.

The requester does not need to say that the request is under the OIA.

Information

"Information" is not defined in the OIA. Courts have held that the word has its ordinary meaning, so that in addition to written material it includes:

- video or audio tapes, information stored in computers;
 - information unrecorded but "held" in the memory of an officer of the department;
 - information in existence prior to the passage of the OIA; and
 - information generated within the department or obtained from outside sources.
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"Held" – when is information held

The information must be "held" by the department or a Minister. If raw data needs to be put together to provide the information requested, it is not "held" and is therefore not subject to the OIA.

Example: if data that is "held" needs to be researched to generate fresh information in a different form from that in the database, the department is not required to comply with a request.

Personal information

"Personal information" is information about an identifiable person. A request for personal information about another person is an OIA request.

Requests by individuals for information about themselves must be dealt with under the Privacy Act 1993.

Working days

"Working days" are defined in the OIA as any day of the week other than Saturday, Sunday, Good Friday, Easter Monday, ANZAC Day, Labour Day, the Sovereign's Birthday, Waitangi Day, or any day from 25 December to 15 January inclusive.

Principles behind the OIA**Availability**

The main premise of the OIA is the principle of availability, set out in section 5. This principle requires information to be made available unless there is good reason for withholding it.

"Good reasons" for withholding information are those set out in sections 6, 7, 9 and 18.

Erring on the side of availability

All decisions on whether to release information must be made bearing the principle of availability in mind.

The Court of Appeal has held that if a decision-maker is uncertain whether to release information, he or she should come down on the side of availability.

If a document contains a piece of information (e.g., a word, sentence, or paragraph) that should be withheld, that fact is not a ground for withholding the whole document. Only the particular piece of information should be withheld – and only if one of the statutory "good reasons" for withholding applies to it.

Duty to assist

Section 13 imposes a duty to give reasonable assistance to anyone making a request for information.

This duty requires SSC employees to give the requester reasonable assistance to help him or her refine a request, so that the information may be readily identified.

A request should not be interpreted so narrowly as to deny the requester the information he or she is looking for, when the requester's intention is reasonably discernible.

Process for OIA requests

Receipt of OIA request

An OIA request may be made directly to SSC, or to the Minister of State Services, who will forward the request to SSC for preparation of a draft response.

A request to SSC can be made in a number of ways. A request may be a letter to the Commissioner, an email to a SSC employee, or a seemingly informal request by way of a phone call transferred by reception. However informal a request may be, it must be treated as an OIA request. There is no requirement for a requester to state that the request is being made under the OIA.

Recording and responding to an OIA request

Most requests for information are received initially by Ministerial Services or through the SSC Enquiries email account. If an SSC employee receives a formal request, they must send the hard copy or email to Ministerial Services so that the request can be logged in Moto and allocated for response. Moto can be viewed on [Doris](#).

In most cases, Ministerial Services will prepare the draft response to the request in consultation with relevant teams in SSC. Ministerial Services will also co-ordinate any necessary external consultation, including with the Minister's office. The relevant subject matter Manager will sign out the response, which will be sent to the requestor by Ministerial Services.

Format of response

The OIA request will be logged in Moto. This means that a workflow will be generated, giving you options to transfer (in full or in part), extend, prepare a response, and create a report to go to the Minister's office when consulting on a response. Once you select each workflow, a template Word document will automatically be created – you do not have to choose a template yourself. Amend the template as required. Ministerial Services can provide help on formatting and on using Moto.

Who makes the decision to release/withhold information?

SSC must make decisions about requests made to it.

SSC employees must not invite a Minister to approve a release of information by SSC. However, SSC may consult a Minister on some (not all) proposed responses. Please consult Ministerial Services if you need further guidance. You should also refer to the [Ombudsman's](#) guidance for dealing with OIA requests involving Ministers.

If an SSC employee considers that the request is more properly one for the Minister, then the request should be transferred formally to the Minister (under section 14).

Decisions on requests to the Minister

Responses to OIA requests made directly to the Minister are drafted by SSC. The Minister must make the decision whether to release the information or not.

Time limits

Responding to a request

SSC must respond to a request as soon as practicable, and in no case later than 20 working days after the day on which the request was received (Section 15).

Transferring a request

Under section 14 of the OIA, a transfer must be made within 10 working days after the day on which the request was received.

(See [Release of Official Information: Guidelines for Co-ordination](#)).

Requests to the Minister

A draft response to an OIA request to the Minister must be processed by SSC and referred back to the Minister's office within 15 working days of receipt.

Consulting the Minister

Where a request is likely to lead to public comment, or where the information could reasonably be expected to be of concern to the Minister because, for example, they supplied the information, it is about their functions or activities, or release could affect their functions or activities or legitimate interests, SSC must consult the Minister, preferably before the 10th to 15th working day. The [Ombudsman's guidance](#) sets out when to consider consulting a Minister, how to undertake ministerial consultation and how to deal with ministerial input. Please consult Ministerial Services if you need further guidance.

Extensions of time

Under section 15A, the time for responding to an OIA request or to transfer a request may be extended for a reasonable period of time if:

- the request is for a large quantity of information or a large quantity of information must be searched and the original time limit would unreasonably interfere with other work, or
- consultation is necessary to make a decision on the request, and a decision cannot reasonably be made within the original time limit.

Nothing in the OIA prevents multiple extensions being made, providing any extensions are made within the original 20 working day time period after receiving the request.

Note: any decision to transfer a request to another agency for response must be made promptly and no later than 10 working days after the agency received the request (unless a valid extension of that time limit is made within 20 working days of the original request).

Written notice of extension

The requester must be advised of an extension of time within 20 working days after the request was received. The advice must:

- specify the length of the extension;
- state the reasons for the extension; and
- advise the requester of the right to complain to an Ombudsman about the extension.

For all OIAs where the time is extended, Ministerial Services expects that the requestor will be kept updated as the response moves through the process (e.g. upon the commencement and completion of consultation). Contact Ministerial Services if you need further guidance.

Transferring requests – section 14

Transferring requests

Section 14 requires that a request must be transferred, in whole or in part, if the information is held by another department or Minister, or if the information requested is more closely related to the functions of another department or Minister.

Before initiating a transfer, it is good practice to contact the department or Minister to confirm that they are better placed to respond.

Cabinet Minutes

Requests for Cabinet Minutes should be transferred to the department or Minister most directly responsible for the relevant topic.

Cabinet papers

A Cabinet paper belongs to the relevant Minister. Any request for a Cabinet paper must be transferred to the relevant Minister.

Crown Law opinions

Requests for Crown Law opinions must be transferred to the Solicitor-General, as these opinions belong to the Crown.

The Solicitor-General, with the Attorney-General, should make the decision whether to release. In transferring, it is helpful to provide information to the Solicitor-General to assist in making the decision.

Providing information that is in a document – section 16

Providing information that is in a document

Section 16(1) provides that information may be provided in a number of ways, by:

- giving a reasonable opportunity to inspect the document;
 - providing a copy of the document;
 - enabling a person to see or hear information that is in a visual or auditory form;
 - providing a written transcript of recorded information;
 - giving an excerpt or summary of the information; or
 - giving oral information about the document.
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Duty to provide information in form requested and exceptions

Under section 16(2), SSC is required to make information available in the way requested unless to do so would:

- impair efficient administration;
 - be contrary to a legal duty related to the document; or
 - prejudice interests protected by sections 6, 7 or 9 (and in the case of section 9 there is no countervailing public interest in the information requiring its release).
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Where providing information other than in the form requested

Section 16(3) requires the requester to be given:

- the reason for not providing the information in the way requested; and
- the grounds in support of the reason unless giving the grounds would prejudice the interests protected by sections 6, 7 or 9.

Note: even if section 16 may be relied upon, the requester should be approached to see if there is some other way to meet the request.

Withholding information

Legal team

Any proposal to withhold information requested under the OIA must be discussed with SSC Legal before the decision is implemented.

Advice to the requester when information withheld

If material relevant to a request is withheld, the requester must be advised of the section of the OIA relied upon, the reasons for withholding, and the right to complain to the Office of the Ombudsmen under section 28.

**Section 6:
conclusive
reasons for
withholding
information**

Section 6 sets out "conclusive reasons" for withholding information, if (as paraphrased below) making the information available would be likely to:

- prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand
 - prejudice the entrusting of information to the Government of New Zealand on the basis of confidence by other governments or international organisations
 - prejudice the maintenance of law and the right to a fair trial
 - endanger the safety of any person, or
 - seriously damage the economy of New Zealand by disclosing prematurely decisions to change or continue certain government economic or financial policies.
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**Section 7:
special reasons
for withholding
information**

Section 7 contains "special reasons" for withholding certain information relating to the Cook Islands, Tokelau, Niue, or the Ross Dependency.

**Section 9:
other reasons
for withholding
information**

Section 9 sets out "other reasons" for withholding official information.

If a decision is made under section 9 to withhold information, a two-stage public interest test must also be applied:

- first, check whether there is a reason to withhold the information (a whole document/page/paragraph); then
- consider whether there is, nevertheless, a public interest in that information that outweighs the reasons for withholding.

If SSC decides that the public interest outweighs the reasons for withholding, the information must be released.

Section 9 is most commonly used for withholding information in SSC. Section 9 applies if it is necessary to withhold information (amongst other things) to:

- protect the privacy of natural persons
 - protect information where making it available would be likely to unreasonably prejudice a person's commercial position
 - protect information that is subject to an obligation of confidence
 - avoid prejudice to health and safety
 - maintain the constitutional conventions that protect ... the confidentiality of advice tendered by Ministers of the Crown and officials
 - maintain the effective conduct of public affairs through the free and frank expression of opinions
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- maintain legal professional privilege, or
 - enable a Minister or department to carry on negotiations without prejudice or disadvantage.

Because of the significance of these withholding grounds, they are discussed more fully in *Annex 1* at the end of these OIA guidelines.

Note that SSC releases its officials names and work email addresses unless there is good reason not to. Cellphone numbers are generally withheld as they are often used for both personal and work purposes.

**Section 18:
refusal of
requests**

The grounds for refusing a request under section 18 include:

- the information requested is or will soon be publicly available. (Note: this reason should only be used when there are practical difficulties in providing the information at the time of considering the request. "Soon" means, for example, that a speech is about to be delivered or a report is being printed and it would be impractical to provide a copy. Good practice is to advise of a release date or explain the difficulty in giving the information now.)
 - the document does not exist or cannot be found
 - the information is not held by SSC, and SSC does not know that it is held by another department or Minister, or it is more closely connected with the functions of another department or a Minister (if the SSC knows that another department or Minister holds the information, the request should be transferred)
 - the information cannot be made available without substantial collation or research; or
 - the request is frivolous or vexatious, or the information requested is trivial.
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**Section 18A:
duty where
response
requires
substantial
collation or
research**

Section 18A requires SSC to consider whether information could be supplied if:

- a fee were charged, and/or
- the time limit for responding to the request were extended.

SSC may treat as a single request two or more requests from the same person if:

- the same or similar subject matter is involved, and
 - the requests are received simultaneously or in short succession.
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**Duty to consult
under section
18B**

If a request is likely to be refused on the basis that the document does not exist/cannot be found, or cannot be made available without substantial collation or research, section 18B imposes a duty to consult the requester first to see if the requester can make the request in a way that removes the reason for refusal.

Advising of right to complain

Bases for complaints to an Ombudsman

A requester must be advised of his or her right to make a complaint to the Office of the Ombudsmen where:

- the request to provide information is refused;
- the information is made available in a form other than that requested (section 16);
- deletions have been made in accordance with grounds under the OIA;
- a charge is made for the release of information;
- conditions are imposed on the use of released information;
- the time limit for making a decision on the request is extended; or
- notice is given under section 10 neither confirming or denying the existence of the information requested.

A standard paragraph for advising a requester of the right to make a complaint to an Ombudsman is contained in the Moto templates that are also saved in iManage (SSC-AGS-3-1-9-1).

Charging for release of information

Generally no charge for release of information

Generally, the SSC does not charge for release of official information.

If a decision is made to charge, reference must be made to the [Ministry of Justice Guidelines on Charging](#) on the Ministry of Justice website, and the decision should be discussed with SSC Legal and the HoSS Office. The [Ombudsman](#) also provides guidance on charging.

Advice to the requester if a charge is proposed

The requester should be advised of any proposed charge as early as possible and before proceeding further with the request.

The letter to the requester should specify that his or her agreement to the charge is sought before further action is taken to implement the request.

Itemised charges

If a charge for releasing information is imposed, the following cost guidelines apply (inclusive of GST):

- staff time in responding to the request – the first hour is free, then \$38 per half hour thereafter
 - photocopying – the first 20 A4 pages are free, then 20 cents per page
 - other costs actually incurred may be passed on
 - Members of Parliament and their staff (including political party parliamentary research units) may be exempt from charges if provision of information is necessary to assist members' reasonable exercise of their democratic responsibilities
 - the liability of the requester to pay can be waived, depending on his or her circumstances or the public interest.
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Record of costs

Under the Ministry of Justice guidelines, a record should be kept of all costs incurred in releasing information.

Process for releasing information

Who to contact before releasing information

A Minister: SSC may either consult a Minister on a proposed release of information (at least five working days before the information is due to be released), may inform the Minister of the receipt of a request (e.g. through the weekly report), or may notify the Minister of the decision made on a request at the same time it is sent to the requestor.

Other organisations or individuals: SSC will consult or advise, as necessary, affected organisations or individuals of a release. For example, if a release of information on spending on a particular consultancy is planned, consideration should be given to notifying the consultant, ideally providing five working days' notice before the release.

Cabinet Office: Cabinet committee papers are covered by the OIA. Departments or Ministers handling requests for release of Cabinet committee papers must make the decision on release themselves, after consulting other departments that may have contributed to the papers. The Cabinet Office is available for general guidance.

Cabinet papers: The convention is that Cabinet papers belong to the Minister. Requests for Cabinet papers should be transferred to the Minister. Other departments that have contributed to the Cabinet papers must be consulted.

Papers of a previous government: The conventions governing the release of such information are set out in the [Cabinet Manual](#), paragraphs 8.83 and 8.84.

Releasing information previously released by the Minister or the SSC

Generally, information that has previously been released cannot be withheld, and should be released as soon as possible in response to the request. If the material was previously released by the Minister's office, the enquiry should be referred there.

If an SSC employee believes an exception to this rule is required, they should consult SSC Legal.

What if other departments have been asked for the same information

If a similar or identical OIA request has been made to other departments or Ministers, it is good practice to consult the department or Minister most responsible for the information. It may be appropriate for a reply to be coordinated so that another department or Minister should respond on behalf of the rest. All parties should be given at least five working days' notice of any release.

How to release information

All material released under the OIA must be copied onto paper with the *Released under the Official Information Act* watermark, which can be created by Ministerial Services. There is also a template under the Moto templates that are also saved in iManage (SSC-AGS-3-1-9-1).

Original documents or standard copies of original documents must not be released. If a response is emailed, any attachments must be copied onto the watermark paper and then scanned to attach them to the email.

Making redactions

Redactions should be made with SSC's redaction software, Adobe Acrobat DC. Ministerial Services can prepare the redactions for you.

Public release of responses to SSC OIA requests

SSC has a new policy for the public release of certain responses to SSC OIA requests. It is document 2266043 in iManage. Please talk to Ministerial Services if you have any queries.

Filing of response

A copy of the original request, the response, and any attached material must be sent to the Ministerial Services to put in Moto.

OIA requests to the Minister

If the Minister accepts the SSC's advice, the response will be sent out by the Minister's office, and a copy of the signed response to the OIA request will be returned to Ministerial Services. If the Minister does not accept the SSC's advice, the Minister may return the response with a request for amendments.

Section 23 – Requests for Decisions affecting an individual

Section 23: right of access to reasons for decisions affecting a person

Section 23 gives a person the right to request reasons for a decision or recommendation made about that person. The usual requirements to assist the requester to make a request apply.

The request must be made within a reasonable time of the decision or recommendation being made.

The reasons the requester can access are:

- findings on material issues of fact
 - a reference to the information on which the findings were based (subject to limitations set out below), and/or
 - the reasons for the decision or recommendation.
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Refusal of reference to information on which findings are based

Reference to the information on which findings are based may be refused on the basis that:

- the information is evaluative material (e.g., about the suitability of the person for employment, or awarding a contract), and giving the information would breach a promise of confidentiality
 - after consulting the requester's medical practitioner, releasing the information would be likely to prejudice the requester's physical or mental health
 - the requester is under 16 years of age, and disclosure would be contrary to the requester's interests, or
 - the requester has been convicted or is in custody, and releasing the information would be likely to prejudice the requester's safe custody or rehabilitation.
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Advising the Ombudsman

If some of the information covered by section 23 is refused, the requester must be advised of the right to make a complaint to an Ombudsman.

Work-related refusals

A person may ask for reasons about a decision that affected him or her when his or her application for a position has been unsuccessful.

An example is a consultant who tenders for work, asking for reasons why his or her tender was unsuccessful.

Ombudsman investigations

Ombudsman's queries

In dealing with an Ombudsman's investigation, advice should be sought from SSC Legal and Ministerial Services.

Ombudsman's right of access The Office of the Ombudsmen has the right to full access to any material covered by an OIA request, including any material withheld from the requester, as well as any material showing why and how a decision was made to withhold information.

Time limits for replying to Ombudsman Ombudsman inquiries must be answered within 20 working days after the day his or her inquiry was received. This time limit can be extended in the same way and for the same reasons as for responding to OIA requests.

Failure to meet the deadlines for replying to an Ombudsman inquiry may result in a report to Parliament.

Logging correspondence All correspondence with an Ombudsman relating to a review must be logged with Ministerial Services, as a new Moto workflow will be created (or added to for ongoing investigations).

Ombudsman's preliminary report The Office of the Ombudsmen usually provides a preliminary opinion, if it is contrary to the decision made by SSC or by the Minister. SSC (or the Minister) is provided with an opportunity to comment on the preliminary opinion. This is an opportunity to clarify points the Ombudsman may not have fully understood, or to re-emphasise points to which the Ombudsman has, in our view, not given sufficient weight.

Where the Ombudsman's preliminary view is persuasive, it is good practice to release the information on the basis of the preliminary view rather than waiting for a formal recommendation.

Ombudsman's formal recommendation (section 32) There is a public duty to comply with a formal recommendation of the Ombudsman within 20 working days, unless before that date the Governor-General by Order in Council otherwise directs.

If an Ombudsman's formal recommendation is to be disputed, the SSC Legal and the HoSS Office must be consulted as soon as possible after receiving the recommendation.

OIA requests during an election period

Election periods defined Generally, requests for information made by political parties during an election period should be treated the same as any other request for official information.

The Cabinet Manual describes an election period as beginning "three months before the general election is due, or (if the period between the announcement of the election and polling day is less than three months) from the announcement of the election."

Informing the Commissioner of OIA requests during an election period

The Commissioner must be informed of any OIA request received from an MP or a political party (including party research units) during an election period.

The Commissioner may wish to consult with the Minister about a request, but this must not be a justification for delaying a response.

Political neutrality

The Ombudsman has commented on the importance of a well-informed electorate at the time of a general election. SSC staff should not become involved in assessing the political consequences of releasing information, but should make OIA decisions in a politically neutral manner.

Further information

Related Legislation

- [Official Information Act 1982](#)
 - [Ombudsman Act 1975](#)
 - [Privacy Act 1993](#)
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Related Guidance

- [Cabinet Manual](#)
 - [PSI OIA Guidance](#)
 - [Office of the Ombudsman Guidelines and Case Notes](#)
 - [Ministry of Justice Guidelines on Charging](#)
 - [Standards of Integrity & Conduct for the State Services](#)
 - [Release of Official Information: Guidelines for Co-ordination](#)
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Contact

For help with any OIA matters, please contact Ministerial Services in the first instance.

Annex 1 – Section 9(2) “Other reasons for withholding information”

Reasons for withholding information

Set out below are the reasons most commonly used by the SSC to withhold information.

Note: these grounds are subject to the “public interest” test.

Section 9(2)(a): protect the privacy of natural persons

To “*protect the privacy of natural person, including that of deceased natural persons.*”

Consider what effect disclosure might have, and whether it is necessary to withhold the information to protect the person’s privacy.

Note: generally the SSC’s practice is not to withhold the name of an official who has participated in giving advice. That is given in their official capacity, not a personal one requiring protection of their privacy.

Before making a decision to withhold consult the person.

Section 9(2)(b): commercial sensitivity

To “*protect information where the making available of the information*

- (i) *would disclose a trade secret; or*
- (ii) *would be likely unreasonably to prejudice the commercial position of the person who supplied or is the subject of the information.*”

This reason for withholding is most commonly used in relation to requests for information about consultants e.g. hourly charge out rates. However, there is a public interest in knowing how much departments spend on consultancy, i.e. total figures that do not expose competitive rates.

Section 9(2)(ba): information that is subject to an obligation of confidence

To “*protect information which is subject to an obligation of confidence... where the making available of the information*

- (i) *would be likely to prejudice the supply of similar information from the same source and it is in the public interest that such information should continue to be supplied; or*
- (ii) *would be likely otherwise to damage the public interest.*”

This reason for withholding is used reasonably often. All elements must exist, i.e., disclosure would be likely to prejudice the future supply of similar information, and it is in the public interest that the supply of similar information continue.

An example of a situation where this would apply is the Chief Executive remuneration survey. SSC gathers information about chief executive remuneration from Crown entities, local government, and SOEs to provide advice to the Commissioner for the purpose of setting remuneration ranges for his or her statutory role in relation to Public Service Chief Executives and other chief executives.

If SSC released information that was gathered in confidence, SSC would be unlikely to be able to collect such information in future, and it is in the public interest that SSC continue to do so.

**Section 9(2)(f):
maintain the
constitutional
conventions for
the time being**

To "*maintain the constitutional conventions for the time being which protect: . . .*

- (iv) *the confidentiality of advice tendered by Ministers of the Crown and officials."*

This reason for withholding is commonly used. It will be used, for example, for Cabinet papers, before Cabinet has considered them, on the basis that release will undermine the ability of Cabinet to properly consider the advice. The papers can usually be protected until a decision has been made.

Another example: when a request for a draft answer to a Parliamentary Question (PQ) is received the Minister makes the ultimate decision about content and is accountable to Parliament for the answer. To release a draft PQ would make Ministers less likely to seek departmental advice, which would diminish the quality of advice to Parliament.

**Section 9(2)(g):
maintain the
effective
conduct of
public affairs**

To "*maintain the effective conduct of public affairs through -*

- (i) *the free and frank expression of opinions by or between or to Ministers of the Crown . . . or officers and employee of any Department..in the course of their duty; or*
- (ii) *the protection of such Ministers . . . officers and employees from improper pressure or harassment."*

Section 9(2)(g)(i) is commonly used, often in conjunction with section (f)(iv) (confidentiality of advice tendered by Ministers of Crown and officials).

The use of 9(2)(g)(i) must involve opinions and the information must be needed for the effective conduct of public affairs. SSC must be able to show that if there were no protection the opinions would not have been expressed, and it is important for good government that they were.

To use 9(2)(g)(ii), SSC will need to show that there is a reasonable likelihood of improper pressure or harassment that would adversely affect the effective conduct of public affairs.

**Section 9(2)(h):
maintain legal
professional
privilege**

To "*maintain legal professional privilege."*

This reason for withholding will only apply to legal advice from a lawyer that is given as legal advice – not policy input to a policy paper by a lawyer.

Note: the requirement to transfer requests for Crown Law Office advice to the Solicitor-General.

**Section 9(2)(j):
information
relating to
negotiations**

To "enable a Minister of the Crown or any department . . . holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)."

Note: under the Employment Relations Act 2000 an employer cannot withhold information from a union that is reasonably required to support or substantiate a claim in collective bargaining for a collective agreement.

**"Public
interest" test
examples**

All section 9 grounds for withholding information are subject to the public interest test i.e. are the reasons "outweighed by other considerations which render it desirable, in the public interest, to make that information available," as per subsection 9(1) of the OIA.

An example of an overriding public interest: Payments to senior employees, particularly on leaving employment. At first glance section 9(2)(a) – protect the privacy of natural persons – would seem to apply. The Ombudsman has said that accountability for the expenditure of public money requires added transparency.

Note: the "public interest" is not the same as "of interest to the public".

RELEASED UNDER THE
OFFICIAL INFORMATION ACT



Publishing Responses to Official Information Act 1982 Requests on the State Services Commission's Website

Proactive release of information

Where possible, information of public interest that the State Services Commission (SSC) holds should be proactively published on SSC's website (proactive release). This includes:

- a) information published at SSC's discretion, without any request from the public
- b) information published in response to public demand, including information that is regularly requested from SSC under the Official Information Act 1982 (OIA)
- c) information that has previously been released by SSC to an individual requester under the OIA.

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

Note: Only Ministers may approve the proactive release of Cabinet material. Further information on the processes and responsibilities that follow a Minister's decision to proactively release Cabinet material and for it to be published online can be found in Cabinet Office Notice (15)3.

Responses to OIA requests should be published

All responses to OIA requests must be considered for publication (either in full or in part) on SSC's website.

SSC will exercise caution and due diligence before making official information available and will consider any potential liability, whether civil or criminal, that might result from the publication of an OIA response. This includes privacy considerations (for example, where the nature of the response is likely to reveal the identity of the requestor despite the requestor's identity being withheld), defamation, copyright, or breach of contract).

Internal consultation on a proposed response to a request that SSC intends to publish will include discussions with relevant SSC staff, including the Legal Team and the Office of the Head of State Services, to confirm that the risk assessment that has been undertaken by Ministerial Services is adequate and thorough.

SSC may decide to release information in addition to what has been requested, so that the information can be placed in the proper context, and to mitigate any potential harm from its release.

SSC may also, when considering publishing OIA responses, reconsider information previously released to a requester under the OIA and reassess whether the information is suitable for publication more generally.

In situations where a response is likely to be of no or very limited public interest (for example letters declining requests where the information is publicly available), SSC may decide not to publish the response.

Consultation

All parties

SSC will let all parties being consulted on its OIA response know if it intends to publish its response to an OIA request (as part of best practice, SSC consults, where possible, all individuals named in any documents proposed for release under the OIA, even where it is not proposed that their name be released).

Officials

If SSC is considering publishing personal information about officials (e.g. their name/email address/phone number), we will conduct a risk assessment that includes seeking confirmation from officials that they are comfortable with the publication of their personal information.

Minister's office

The Minister's Office should be given an opportunity to comment on the publication of responses in accordance with the "no surprises" principle (paragraph 3.16, Cabinet Manual). Ministerial Services will co-ordinate this, and will also consult any other individuals/teams in SSC as required on responses that are proposed for release.

Acknowledgement, consultation, and response letter text

The following text is included in all acknowledgements:

"Our letter notifying you of our decision on your request will confirm if we intend to publish the letter (with your personal details removed) and any related documents on the State Services Commission's website."

All consultation correspondence will include the following (amended depending on whether the response is intended to be published or not):

"Please note that we intend to publish our response to this official information request (with the requestor's personal details removed) on the State Services Commission's website." / OR "Please note that we do not intend to publish our response to this request."

All response letters will include the following (amended depending on whether the response is intended to be published or not):

"Please note that we intend to publish this letter (with your personal details removed) [and enclosed documents] on the State Services Commission's website."/ OR *"Please note that we do not intend to publish our response to your request."*

Location of publication

OIA responses will be released on its website on SSC's OIA page, with links to relevant work areas if possible (i.e. if a member of the public is looking at a page about the structure of Chief Executive remuneration, they can also see link(s) on that page to any related OIA responses about remuneration that SSC has published).

The information on this page will include the publication date (of both the response to the requestor and the date of online publication), a description of the OIA response, and a link to the response.

Where the Crown holds copyright, information will be made available on open licensing terms (where possible).

Timing of publication

SSC's OIA responses will typically be released on its website quarterly, or as otherwise determined. This will be reviewed once SSC's practice of releasing OIA responses has become business as usual. The website will not notify the public if there are no responses to be published on a particular day. SSC may (to be determined on a case by case basis) signal in advance whether a particular response will be published.

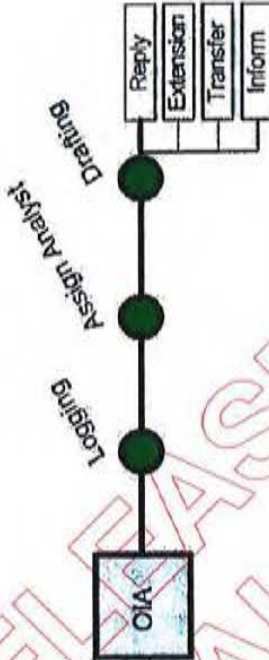
Publication of OIA responses will occur no sooner than one day after the response has been provided to the requestor (where the response is sent through email, with more time to be determined for responses sent through the mail) to provide the requestor time to consider the response.

SSC may, in the future, set up an RSS feed to allow people who frequently request information to be alerted to new releases.

Update of information published online

If SSC's decision on release is changed or overturned on complaint to the Ombudsman, we will update the related information published on our website.

SSC OIAs



20 Working Days

To understand the process for SSC OIAs it can be useful to remember that, if you are creating "child" workflows under the main OIA (e.g. Inform Report, transfer, extend), make sure you are in the right workflow that you want to progress – for example, if an SSC OIA needs to go to the Minister's office for consultation (using the Inform process), you can create both a draft OIA reply and a draft OIA Inform Report, but make sure you are in the OIA Inform workflow when you want to progress it through to go to the Minister's office. Once you have your response back, you can update your OIA reply, and progress through to sign out

Stage	Responsible Staff	Actions
Logging	Ministerial Co-ordinator	<ul style="list-style-type: none"> Log new OIA Assign OIA to Manager, Research Analyst (someone from Ministerial Services), and TA
Assign Analyst	Ministerial Services Manager or	<ul style="list-style-type: none"> Assign OIA to Analyst (usually in Ministerial Services)
Drafting	Analyst	<ul style="list-style-type: none"> Select appropriate subflow, as required:
Create an Inform Report/ Reply / Transfer / Extension		
Drafting	Analyst	<ul style="list-style-type: none"> Draft the response document(s) Add related documents as required Add QA staff: It is recommended that staff should add 1 QA staff at a time and once the QA is approved then add the next one. <ul style="list-style-type: none"> Peer reviewer (content and proofread) Tim Ingleton (risk assessment) Other staff as necessary (e.g. Legal if there are proposed withholdings) Skip formatting and send straight to QA

QA	QA Analyst	<ul style="list-style-type: none"> Review documents and record QA Note that the TA should do their QA last 	<input type="button" value="Send to Sign Out"/>
Sign Out	Analyst	<ul style="list-style-type: none"> Send OIA to sign out Leave reply at drafting unless there is no inform, in which case treat as per other docs 	<input type="button" value="Approve and Sign Out"/>
Send	Manager	<ul style="list-style-type: none"> Approve OIA and sign out Leave reply at drafting unless there is no inform, in which case treat as per other docs 	<input type="button" value="Approve and Sign Out"/>
	Formatting TA	<ul style="list-style-type: none"> Copy OIA and deliver to Ministerial Co-ordinator 	
	Ministerial Co-ordinator	<ul style="list-style-type: none"> EITHER Send the Inform Report to the Minister's office OR Send the OIA reply (only if no inform required)/transfer/extension to the requestor 	
Inform Report			
With Minister	Ministerial Co-ordinator	<ul style="list-style-type: none"> Draft OIA response will be considered by the Minister's office, with any comment returned 	
Returned	Ministerial Co-ordinator	<ul style="list-style-type: none"> The returned Inform Report will be scanned and added to Moto 	
Reply after Inform has been returned			
Drafting	Analyst	<ul style="list-style-type: none"> Copy and paste letter from Inform Report into reply document (having ensured any proposed changes have been incorporated in the reply, if they have been agreed by SSC) Skip formatting and send the OIA reply to QA 	<input type="button" value="Send to Sign Out"/>
QA	QA Staff	<ul style="list-style-type: none"> Review documents and record QA Note that the TA should do their QA last 	<input type="button" value="Send to Sign Out"/>
Sign Out	Analyst	<ul style="list-style-type: none"> Send OIA reply to sign out 	<input type="button" value="Approve and Sign Out"/>
	Manager	<ul style="list-style-type: none"> Approve and sign out OIA reply 	<input type="button" value="Approve and Sign Out"/>
Send	Formatting TA	<ul style="list-style-type: none"> Copy OIA reply and release documents and deliver to Ministerial Co-ordinator 	
	Ministerial Co-ordinator	<ul style="list-style-type: none"> Send the OIA reply and information to the requestor 	

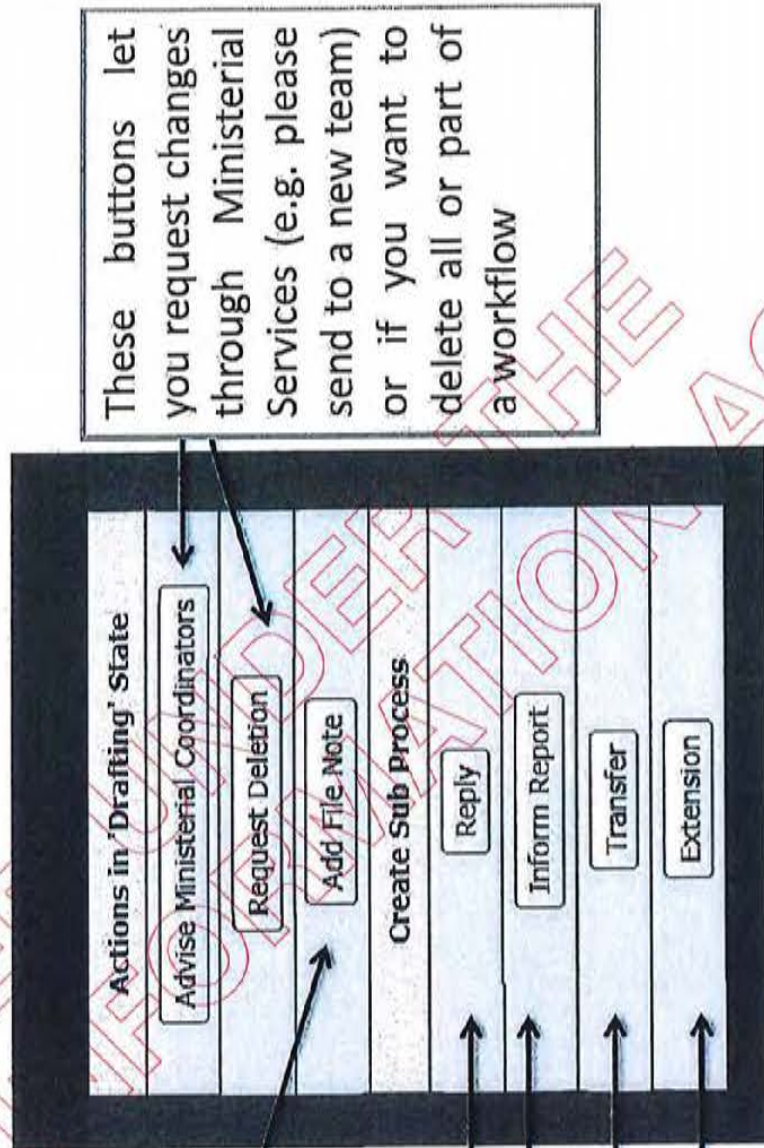
Other Buttons

Advise Ministerial Co-ordinator	Ask Ministerial Co-ordinator to make Request NRR or to reassign it
Request Deletion	Ask for the workflow or subflow to be deleted
Add File Note	Create a File Note

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Creating Subflows for OIAs

OIAs have a *parent* workflow and multiple subflows, depending on individual requirements (e.g. Reply, Transfer, Consult, Extension)

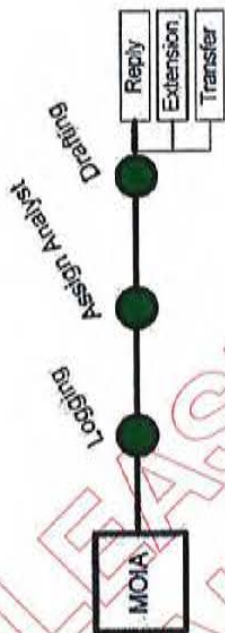


Generates a 'file note' document template

These buttons let you request changes through Ministerial Services (e.g. please send to a new team) or if you want to delete all or part of a workflow

Use these buttons to generate any subflow templates you require. Speak to your Ministerial Services Team if you're not sure what you need





MIN OIAs



Fifteen Working Days (to the Minister's office)

Stage	Responsible Staff	Actions
Logging	Ministerial Co-ordinator	<ul style="list-style-type: none"> Log new OIA Assign OIA to Manager, Research Analyst (someone from Ministerial Services), and TA
Assign Analyst	Ministerial Services/Manager	<ul style="list-style-type: none"> Assign OIA to Analyst (usually in Ministerial Services)
Drafting	Analyst	<ul style="list-style-type: none"> Add QA staff: <ul style="list-style-type: none"> Peer reviewer (content and proofread) Tim Ingleton (risk assessment) Other staff as necessary (e.g. Legal if there are proposed withholdings) Select appropriate subflow, as required:
Create a Reply / Transfer / Extension		
Drafting	Analyst	<ul style="list-style-type: none"> Draft the response document(s) Add related documents as required Add QA staff: <ul style="list-style-type: none"> Peer reviewer (content and proofread) Tim Ingleton (risk assessment) TA (formatting and proofread) Other staff as necessary (e.g. Legal if there are proposed withholdings) Skip formatting and send straight to QA

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QA	QA Analyst	<ul style="list-style-type: none"> Review documents and record QA Note that the TA should do their QA last Send OIA reply to sign out 	 QA  Send to Sign Out  Approve and Sign Out
Sign Out	Manager	<ul style="list-style-type: none"> Approve and sign out OIA reply 	 Approve and Sign Out
Send	Formatting TA Ministerial Co-ordinator	<ul style="list-style-type: none"> Copy OIA reply and release documents and deliver to Ministerial Co-ordinator Send the OIA reply and information to the Minister's office 	
<i>Reply / Transfer / Extension</i>			
With Minister	Ministerial Co-ordinator	<ul style="list-style-type: none"> Will be considered by the Minister's office 	
Returned	Ministerial Co-ordinator	<ul style="list-style-type: none"> Returned (will be scanned and added to Moto) 	

Other Buttons

Advise Ministerial Co-ordinator	Ask Ministerial Co-ordinator to make Request NRR or to reassign it
Request Deletion	Ask for the workflow or subflow to be deleted
Add File Note	Create a File Note

[ENTER DATE SENT]

{{prop:SubmitterFullAddress}}

Dear **Mr/Ms/Mrs/Title LAST NAME**

Official information request for [brief detail of subject matter of request]

I am writing to acknowledge receipt of your OIA request dated x for "{{prop:QuestionSummary}}".

We will endeavour to respond to your request as soon as possible and in any event no later than [date], being 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension of that timeframe.

If you have any queries, please feel free to contact Ministerial Services at Ministerial.Services@ssc.govt.nz. If any additional factors come to light which are relevant to your request, please do not hesitate to contact us so that these can be taken into account.

Our letter notifying you of our decision on your request will confirm if we intend to publish the letter (with your personal details removed) and any related documents on the State Services Commission's website.

Yours sincerely

{{prop:CreatedByUser[display=fullname]}}
[Position]

[ENTER DATE SENT]

Mr/Mrs{{Prop:SubmitterFullAddress}}

Dear **Mr/Ms/Mrs/Title LAST NAME**

**Official information request relating to [brief detail of subject matter of request]
Our ref: {{prop:ReportNumber}}**

I refer to your official information request dated [date] for "{{prop:QuestionSummary}}".

[Note: has the request been revised by the requestor?]

We have transferred [part of] your request to the {{prop:TransferDepartment}}, as [part of the / the] information to which your request relates [,namely – detail of specific aspect of request to be transferred if a partial transfer] [is not held by us but is believed to be held by the {{prop:TransferDepartment}} / is believed to be more closely connected with the functions of the {{prop:TransferDepartment}}]. In these circumstances, we are required by section 14 of the Official Information Act 1982 to transfer your request.

You will hear further from the {{prop:TransferDepartment}} concerning [that part of] your request. [Provide other agency's contact details if available]. [The other parts of the request will remain with the State Services Commission.]

Yours sincerely

{{prop:Manager}}
{{prop:Manager[display=]jobTitle}}

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[ENTER DATE SENT]

{{prop:TransferDepartment}}
 {{prop:TransferDepartment[display=Address]}}

Dear

Transfer of request for official information

I write concerning an official information request received by the State Services Commission on [date] from {{prop:SubmitterFullName}} for {{prop:QuestionSummary}}.

As discussed between [name] and [name] on [date], and for the reason set out in the attached letter to {{prop:SubmitterFullName}}, this request is being transferred [in full / in part] to your agency for response.

Please treat this letter as a formal transfer of [this aspect of] the request under section 14 of the Official Information Act 1982. You should be aware that a response must be provided to the requestor as soon as reasonably practicable, and no later than 20 working days after the day this transfer is received by your agency, unless an extension of time is required and duly notified to the requestor.

Yours sincerely

{{prop:Manager}}
 {{prop:Manager[display=jobTitle]}}

Encl copy of correspondence from {{prop:SubmitterFullName}} of [date]

copy of correspondence to {{prop:SubmitterFullName}} of [date]

[ENTER DATE SENT]

Mr/Mrs{{Prop:SubmitterFullAddress}}

Dear **Mr/Ms/Mrs/Title LAST NAME**

**Official information request for [brief detail of subject matter of request]
Our ref: {{prop:ReportNumber}}**

I refer to your official information request dated [date] for "{{prop:QuestionSummary}}".

[Note: has the request been revised by the requestor?]

We have transferred [part of] your request to the {{prop:TransferPortfolioMinister[display=portfolioDetails]}}. [Part of the / The] information to which your request related [namely - detail of specific aspect of request to be transferred if a partial transfer] [is not held by us but is believed to be held by the {{prop:TransferPortfolioMinister[display=portfolioDetails]}} / is believed to be more closely connected with the functions of the {{prop:TransferPortfolioMinister[display=portfolioDetails]}}. In these circumstances, we are required by section 14 of the Official Information Act 1982 to transfer your request.

You will hear further from the {{prop:TransferPortfolioMinister[display=portfolioDetails]}} concerning [that part of] your request. [The other parts of the request will remain with the State Services Commission.]

Yours sincerely

{{prop:Manager}}
{{prop:Manager[display=jobTitle]}}

Reference: {{prop:IntReference}}

Date: [ENTER DATE SENT]

{{prop:TransferPortfolioMinister[display=ministerFullName]}}
 {{prop:TransferPortfolioMinister[display=porfolioName]}}
 {{prop:TransferPortfolioMinister[display=ministerAddress]}}

Dear Minister

Transfer of request for official information

I write concerning an official information request received from {{prop:SubmitterFullName}} on [date] for {{prop:QuestionSummary}}.

As discussed between [name] and [name] on [date], and for the reason set out in the attached letter to {{prop:SubmitterFullName}}, this request is being transferred [in full / in part] to you for response.

Please treat this letter as a formal transfer of [this aspect of] the request under section 14 of the Official Information Act 1982. You should be aware that a response must be provided to the requestor as soon as reasonably practicable, and no later than 20 working days after the day this transfer is received by your office, unless an extension of time is required and duly notified to the requestor.

Yours sincerely

{{prop:Manager}}
 {{prop:Manager[display=jobTitle]}}

Encl copy of correspondence from {{prop:SubmitterFullName}} of [date]
 copy of correspondence to {{prop:SubmitterFullName}} of [date]

1. Written Consultation with Requestor

[ENTER DATE SENT]

{{Prop:SubmitterFullAddress}}

Dear **Mr/Ms/Mrs/Title LAST NAME**

**Official information request for [brief detail of subject matter of request]
Our ref: {{prop:ReportNumber}}**

I refer to your official information request dated [date] for "{{prop:QuestionSummary}}".

Your request as currently framed will be very difficult to meet without substantial collation or research. [Describe the difficulty involved in meeting the request, including details about the volume of information involved, the estimated time required to find and bring it together, and the impact on the agency's other operations].

Unless your request is amended, we may have to refuse it under section 18(f) of the Official Information Act 1982 (OIA), which applies where the information cannot be made available without substantial collation or research.

Please let us know before [insert date that will enable the agency to meet its statutory obligation to make and communicate its decision on the request no later than 20 working days after it was received] whether you are prepared to amend or clarify your request and, if so, how. [Set out any options that may address the agency's difficulty in meeting the request, including charging and extension, and provide contact details of a member of staff who can assist].

[Use only where the letter is sent within seven working days of receipt of the original request]

Please note, if you do amend or clarify your request, this will be considered to be a new request for the purpose of calculating the maximum statutory timeframe for response—see section 15(1AA) of the OIA.

Yours sincerely

{{prop:Manager}}
{{prop: Manager[display=jobTitle]}}

2. Confirmation of outcome of consultation with requester

[ENTER DATE SENT]

{{Prop:SubmitterFullAddress}}

Dear **Mr/Ms/Mrs/Title LAST NAME**

**Official information request for [brief detail of subject matter of request]
Our ref: {{prop:ReportNumber}}**

I refer to [provide details of written or verbal consultation with requester] concerning your request for official information.

In light of the difficulty involved in meeting your request, I understand you are prepared to [provide details of agreement reached, for example, amend your request to A, wait to receive the information until B, pay a reasonable charge etc].

We will proceed to process your request on that basis, and notify you of our decision as soon as reasonably practicable and no later than [insert relevant date],¹ unless an extension of that timeframe is necessary.

Yours sincerely

{{prop:Manager}}
{{prop:Manager[display=jobTitle]}}

¹ Note, if the requester has amended or clarified their request at the behest of the agency within seven working days of receiving the original request, then the relevant date will be 20 working days after the amended or clarified request was received (see s 15(1A) OIA).

3. Releasing the information in an alternative form

[ENTER DATE SENT]

{{Prop:SubmitterFullAddress}}

Dear **Mr/Ms/Mrs/Title LAST NAME**

**Official information request for [brief detail of subject matter of request]
Our ref: {{prop:ReportNumber}}**

I refer to your official information request dated [date] for "{{prop:QuestionSummary}}".

Your request is an administratively challenging one to deal with. [Describe the difficulty involved in meeting the request, including details about the volume of information involved, the estimated time required to make the information available, and the impact on the agency's other operations].

In light of this, we have decided to meet your request by [specify manner in which information will be made available e.g. inspection, excerpt or summary, oral briefing] in preference to providing copies of the full information you have requested. We are permitted to do this under section 16(2) of the Official Information Act 1982 because otherwise it would impair the efficient administration of the State Services Commission.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@ssc.govt.nz.

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 or freephone 0800 802 602.

Yours sincerely

{{prop:Manager}}
{{prop: Manager[display=jobTitle]}}

4. Refusal of a request under section 18(f)

[ENTER DATE SENT]

{{Prop:SubmitterFullAddress}}

Dear **Mr/Ms/Mrs/Title LAST NAME**

Official information request for [brief detail of subject matter of request]
Our ref: {{prop:ReportNumber}}

I refer to your official information request dated [date] for "{{prop:QuestionSummary}}".

Due to the substantial amount of work that would be required to research and collate the information you have requested, we are refusing your request under section 18(f) of the Official Information Act 1982 (OIA). [Describe the difficulty involved in meeting the request, including details about the volume of information involved, the estimated time required to find and bring it together, and the impact on the agency's other operations].

We have considered whether charging or extending the timeframe for responding to your request would help, as required by section 18A of the OIA. However, [explain why charging or extending would not help].

We have consulted [or considered consulting] with you, as required by section 18B of the OIA. However, [detail attempts at consultation and why this has not resolved the difficulty, or explain why consultation would not help].

[Use if meeting the request in another way]

While we cannot meet your exact request, we are able to [detail other way in which you are endeavouring to meet the request].

[Use in all cases]

If you wish to discuss this decision with us, please feel free to contact Ministerial Services@ssc.govt.nz, and we can provide further assistance should you be willing to change or refine your request.

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 or freephone 0800 802 602.

Yours sincerely

{{prop:Manager}}
 {{prop: Manager[display=jobTitle]}}

[ENTER DATE SENT]

{{Prop:SubmitterFullAddress}}

Dear **Mr/Ms/Mrs/Title LAST NAME**

**Official information request for [brief detail of subject matter of request]
Our ref: {{prop:ReportNumber}}**

I refer to your official information request dated [date] for "{{prop:QuestionSummary}}".

[Use if extending time limit to make a decision]

The Official Information Act 1982 requires that we advise you of our decision on your request no later than 20 working days after the day that we received your request. Unfortunately, it will not be possible to meet that time limit and we are, therefore, writing to notify you of an extension of the time to make our decision, to [date].

We will keep you updated on the progress of our response to your request.

[Use if extending time limit to transfer request]

This letter is to advise you that it may be necessary to transfer [part of] your request to [agency/Minister], and that we are extending the ten working day time limit available to make this transfer, to [date].

[Use in all cases]

This extension is necessary because [your request is for a large quantity of information and meeting the original time limit would unreasonably interfere with our operations / your request necessitates a search through a large quantity of information and meeting the original time limit would unreasonably interfere with our operations / consultations [provide details if possible] needed to make a decision on your request are such that a proper response cannot reasonably be made within the original time limit].

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact Ministerial Services at Ministerial.Services@ssc.govt.nz.

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 or freephone 0800 802 602.

Yours sincerely

{{prop:Manager}}
{{prop: Manager[display=jobTitle]}}

Dear **Mr/Ms/Mrs/Title LAST NAME**

**Official information request for [brief detail of subject matter of request]
Our ref: {{prop:ReportNumber}}**

I refer to your official information request dated [date] for "{{prop:QuestionSummary}}".

On x date we advised you of an extension of the time to make our decision on your request, to [x date]. At the time, we also let you know that we would keep you updated on the progress of our response to your request. We are letting you know, therefore, that we have just [commenced/concluded departmental/Ministerial consultation].

Kind regards

Ministerial Services

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Please note that we intend to publish our response to this official information request (with the requestor's personal details removed) on the State Services Commission's website. /
OR Please note that we do not intend to publish our response to this request.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

IN CONFIDENCE



SSC Report: Official Information Request {{prop:Summary}}

Date:	[Date Sent]	Report No:	{{prop:ReportNumber}}
Contact:	{{prop:Manager}}	Telephone:	{{prop:Manager [display=phoneNumber]}}

	Action Sought	Deadline
{{prop:portfolios}}	Any comment on the State Services Commission's (SSC) proposed response to the official information request for information regarding {{prop:Summary}}	X (before due date)

Key points

- On {{prop:ReceivedByDepartmentDate[display=|]}}, SSC received an official information request from {{prop:SubmitterFullName}} for:
- The proposed letter of reply and the information for release are attached for consultation.
- A response to the request is due by {{prop:workflowduedate}}.
- Anything else that would be helpful to know, e.g. has this information been previously released? Who has been consulted?

DRAFT ONLY

DO NOT SEND UNTIL THE CONSULT REPORT IS RETURNED

[Insert draft OIA response here]

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Text: Moto File Note – Minister's Office Informed of SSC's Decision on OIA Request

To add to the "Additional Notes" box in Moto – Minister's office informed of decision on OIA request on x day" [note this should be the day that the response was released to the requestor, not earlier]. "A copy of the response was/was not provided to the Minister's office".

OR

"Minister's office was not informed of decision on OIA request."

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

[ENTER DATE SENT]

Mr/Ms/Mrs {{Prop:SubmitterFullAddress}}

Dear Mr/Ms/Mrs/Title LAST NAME

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

Our ref: {{prop:ReportNumber}}

I refer to your official information request dated [x] for {{prop:QuestionSummary}}.

[Check: Was the request clarified/revised by requestor?]

[Check: Was any part of the request transferred?]

[Check: Was the time limit extended?]

Information being released

Please find enclosed the following documents:

Item	Date	Document Description	Decision
1			
2			

[I have decided to release [the relevant parts of] the documents listed above, subject to information being withheld under one or more of the following sections of the OIA, as applicable:

[Check: Do section 6 grounds apply? Common grounds for withholding information are provided below:

- section 9(2)(a) – to protect the privacy of natural persons, including deceased people
- section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information
- section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials
- section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions]

[In addition, some information has been deleted where it is not within the scope of your request.]

Information publicly available

The following information is also covered by your request and is publicly available on the [SSC, Beehive or other] website:

Item	Date	Document Description	Website Address
1			

2			
---	--	--	--

Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the OIA – the information requested is or will soon be publicly available.

[Check: has relevant information been removed from published documents? If so, include the following paragraph:

Some relevant information has been removed from documents listed in the above table and should continue to be withheld under the OIA, on the grounds described in the documents.]

Information being withheld

There are additional documents covered by your request that I have decided to withhold in full under **[one or more of]** the following sections of the OIA, as applicable:

[Check: Do section 6 grounds apply? Common grounds for withholding documents in full are provided below, with complete list of withholding grounds [here](#):

- **section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information**
- **section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials]**

[If there are withholdings under section 9, the following text applies: In making my decision, I have considered the public interest considerations in section 9(1) of the OIA.] [Expand more on this if possible.]

[Check: delete the above if no information has been withheld under section 9.]

[Use if imposing conditions on release]

The information is released to you on condition that [specify any relevant conditions, including any relevant timeframes], as [describe relevant harm the condition is intended to protect.]

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@ssc.govt.nz.

Use in all cases – unless request granted in full immediately: 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 or freephone 0800 802 602.

[Please note that we intend to publish this letter (with your personal details removed) [and enclosed documents] on the State Services Commission's website./ OR Please note that we do not intend to publish our response to your request.]

Yours sincerely

{{prop:Manager}}
 {{prop:Manager[display=jobTitle]}}

Use if granting the request in full and releasing information at a later date

We have decided to grant your request. It will, however, take us some time to prepare the information for release. We will send you the information by [date].

Use if granting the request in part and releasing information at a later date

We have decided to grant your request in part, namely information which relates to [describe information to be released]. It will, however, take us some time to prepare this information for release. We will send you that information by [date]. 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. [Describe relevant harm, and consideration of the public interest in release, if applicable.]

Use if releasing information in a different form to that asked for

You asked for the information to be released to you [specify form of release asked for by requestor]. However, we 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 OIA]. [Describe relevant harm, and consideration of the public interest in release, if applicable.] We have, therefore, decided to release the information to you [specify the form in which the information will be released.]

Use if refusing the request in full

We have decided to refuse your request under section [detail relevant section(s) of the OIA]. [Describe relevant harm, and consideration of the public interest in release, if applicable.]

RELEASED UNDER THE OFFICIAL INFORMATION ACT



SSC Report: {{prop:Summary}}

Date:	[Date Sent]	Report No:	{{prop:ReportNumber}}
Contact:	{{prop:Manager}}	Telephone:	{{prop:Manager[display=phoneNumber]}}

	Action Sought	Deadline
{{prop:portfolios}}	Sign the attached letter to {{prop:SubmitterName}} responding to their correspondence about {{prop:Summary}}.	{{prop:CurrentDueDate[display=l]}}

Enclosure: Yes (attached)

Recommended Action

It is recommended that you:

- a **sign** the attached letter to {{prop:SubmitterFullName}} informing them that you have transferred [part of] their OIA request to the {{prop:TransferDepartment}}; and
- b **sign** the attached letter to the {{prop:TransferDepartment}}, transferring [part of] the OIA request to them.

{{prop:toportfoliolist}}

RELEASABLE UNDER THE OFFICIAL INFORMATION ACT

SSC Report: {{prop:Summary}}

[Delete sections of report that are not required or relevant]

On {{prop:ReceivedByDepartmentDate[display=|]}} you received an Official Information Act 1982 (OIA) request from {{prop:SubmitterFullName}} of {{prop:SubmitterOrganisation}}. The request was for:

{{prop:QuestionSummary}}.

[Check: has the request been revised by the requestor?]

A response to the request is due by XXX

[Option 1 – No Information Held]

[Full]

From our records, and following consultation with your Office, it appears that you are unlikely to hold the requested information and believe it is held by the {{prop:TransferDepartment}}. Accordingly, we recommend that under section 14(b)(i) of the OIA you transfer the request to the {{prop:TransferDepartment}}.

[Part]

From our records, and following consultation with your Office, it appears that you are unlikely to hold the requested information relating to **[define subject]** and believe it is held by the {{prop:TransferDepartment}}. Accordingly, we recommend that under section 14(b)(i) of the OIA you transfer this part of the request to the {{prop:TransferDepartment}}.

[Option 2 – Closely Connected]

[Full]

We believe that the requested information is more closely connected to the functions of the {{prop:TransferDepartment}}. Accordingly, we recommend that under section 14(b)(ii) of the OIA you transfer the request to the {{prop:TransferDepartment}}.

[Part]

We believe the part of your request for information about **[define subject]** is more closely connected to the functions of the {{prop:TransferDepartment}}. Accordingly, we recommend that under section 14(b)(ii) of the OIA you transfer this part of the request to the {{prop:TransferDepartment}}.

The transfer of the OIA request is due by XXX.

Attached for your consideration are a letter transferring **[part of]** the request to the {{prop:TransferDepartment}} and a letter informing the requestor of the transfer.

Ref: {{prop:ExtReference}}

{{Prop:SubmitterFullAddress}}

Dear **Mr/Ms/Minister/Mrs: LAST NAME**

Official information request for [brief detail of subject matter of request]

I refer to your official information request dated [date] for {{prop:QuestionSummary}}.

[Check: has the request been revised by the requestor?]

I have transferred [part of] your request to the {{prop:TransferDepartment}}. [Part of the / The] information to which your request related [namely – detail of specific aspect of request to be transferred if a partial transfer] [is not held by me but is believed to be held by the {{prop:TransferDepartment}} / is believed to be more closely connected with the functions of the {{prop:TransferDepartment}}. In these circumstances, I am required by section 14 of the Official Information Act 1982 to transfer your request.

You will hear further from the {{prop:TransferDepartment}} concerning [that part of] your request. [Provide other agency's contact details if available]. [The other parts of the request will remain with me for response.]

Yours sincerely

{{prop:toportfolio}}

{{prop:TransferDepartment[display=ceFullName]}}
 {{prop:TransferDepartment[display=ceTitle]}}
 {{prop:TransferDepartment}}
 {{prop:TransferDepartment[display=Address]}}

Dear {{prop:TransferDepartment[display=ceSalutation]}}

Transfer of request for official information

I write concerning an official information request received from {{prop:SubmitterFullName}} on [date] for {{prop:QuestionSummary}}.

As discussed between [name] and [name] on [date], and for the reason set out in the attached letter to {{prop:SubmitterFullName}}, this request is being transferred [in full / in part] to your agency for response.

Please treat this letter as a formal transfer of [this aspect of] the request under section 14 of the Official Information Act 1982. You should be aware that a response must be provided to the requestor as soon as reasonably practicable, and no later than 20 working days after the day this transfer is received by your agency, unless an extension of time is required and duly notified to the requestor.

Yours sincerely

{{prop:toportfoliolist}}

Encl copy of correspondence from {{prop:SubmitterFullName}} of [date]

copy of correspondence to {{prop:SubmitterFullName}} of [date]


SSC Report: {{prop:Summary}}

Date:	[Date Sent]	Report No:	{{prop:ReportNumber}}
		File Number:	{{prop:FileNumber}}
Contact:	{{prop:Manager[display=jobTitle]}}	Telephone:	{{prop:Manager[display=phoneNumber]}}

	Action Sought	Deadline
{{prop:portfolios}}	Sign the attached letter to {{prop:SubmitterName}} responding to their correspondence about {{prop:Summary}}.	{{prop:CurrentDueDate[display=!]}}

Enclosure: Yes (attached)

Recommended Action

It is recommended that you:

- a **sign** the attached letter to {{prop:SubmitterFullName}} informing them that you have transferred **[part of]** their OIA request to the {{prop:TransferPortfolioMinister[display=portfolioName]}};
- b **sign** the attached letter to the {{prop:TransferPortfolioMinister[display=portfolioName]}}, transferring **[part of]** the OIA request to them.

{{prop:FromPortfolioMinister[display=ministerFullNameCheckTitle]}}
 {{prop:FromPortfolioMinister[display=portfolioName]}}

SSC Report: {{prop:Summary}}

[Delete sections of report that are not required or relevant]

On {{prop:ReceivedByDepartmentDate[display=!]}} you received an Official Information Act 1982 (OIA) request from {{prop:SubmitterFullName}} of {{prop:SubmitterOrganisation}}. The request was for:

{{prop:QuestionSummary}}.

[Check: has the request been revised by the requestor?]

[Option 1 – No Information Held]

[Full]

From our records, and following consultation with your Office, it appears that you are unlikely to hold any information covered by the request. We believe that the information to which the request relates is held by the {{prop:TransferPortfolioMinister[display=portfolioName]}}. Accordingly, we recommend that under section 14(b)(i) of the OIA you transfer the request to the {{prop:TransferPortfolioMinister[display=ministerFullName]}}, as {{prop:TransferPortfolioMinister[display=portfolioName]}}.

[Part]

From our records, and following consultation with your Office, it appears that you are unlikely to hold any information covered by the part of the request that relates to {{prop:Summary}}. We believe that the information to which this part of the request relates is held by the {{prop:TransferPortfolioMinister[display=portfolioName]}}. Accordingly, we recommend that under section 14(b)(i) of the OIA you transfer the request to {{prop:TransferPortfolioMinister[display=ministerFullName]}}, as {{prop:TransferPortfolioMinister[display=portfolioName]}}.

[Option 2 – Closely Connected]

[Full]

We believe that the information that has been requested is more closely connected to the functions of the {{prop:TransferPortfolioMinister[display=portfolioName]}}. Accordingly, we recommend that under section 14(b)(ii) of the OIA you transfer the request to {{prop:TransferPortfolioMinister[display=ministerFullName]}}, as {{prop:TransferPortfolioMinister[display=portfolioName]}}.

[Part]

We believe that the part of the request for information about {{prop:Summary}} is more closely connected to the functions of the {{prop:TransferPortfolioMinister[display=portfolioName]}}. Accordingly, we recommend that under section 14(b)(ii) of the OIA you transfer this part of the request to {{prop:TransferPortfolioMinister[display=ministerFullName]}}, as {{prop:TransferPortfolioMinister[display=portfolioName]}}.

The transfer of the OIA request is due by XXX.

Attached for your consideration are a letter transferring [part of] the request to the {{prop:TransferPortfolioMinister[display=portfolioName]}} and a letter informing the requestor of the transfer.

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OFFICIAL INFORMATION ACT

Ref: {{Prop:ExtReference}}

{{Prop:SubmitterFullAddress}}

Dear {{prop:SubmitterFullName}}

**Official information request for [brief detail of subject matter of request]
Our ref: {{prop:ReportNumber}}**

I refer to your official information request dated [date] for "{{prop:QuestionSummary}}".

I have transferred [part of] your request to the {{prop:TransferPortfolioMinister[display=portfolioDetails]}. [Part of the / The] information to which your request related [, namely – detail of specific aspect of request to be transferred if a partial transfer] [is not held by me but is believed to be held by the {{prop:TransferPortfolioMinister[display=portfolioDetails]}. / is believed to be more closely connected with the functions of the {{prop:TransferPortfolioMinister[display=portfolioDetails]}. In these circumstances, I am required by section 14 of the Official Information Act 1982 to transfer your request.

You will hear further from the {{prop:TransferPortfolioMinister[display=portfolioDetails]}} concerning [that part of] your request. [The other parts of the request will remain with me.]

Yours sincerely

{{prop:FromPortfolioMinister[display=ministerFullNameCheckTitle]}}
{{prop:FromPortfolioMinister[display=portfolioName]}}

Ref: {{Prop:ExtReference}}

{{prop:TransferPortfolioMinister[display=ministerFullName]}}
 {{prop:TransferPortfolioMinister[display=porfolioName]}}
 {{prop:TransferPortfolioMinister[display=ministerAddress]}}

Dear Minister

Transfer of request for official information

I write concerning an official information request received from {{prop:SubmitterFullName}} on [date] for {{prop:QuestionSummary}}.

As discussed between [name] and [name] on [date], and for the reason set out in the attached letter to {{prop:SubmitterFullName}}, this request is being transferred [in full / in part] to you for response.

Please treat this letter as a formal transfer of [this aspect of] the request under section 14 of the Official Information Act 1982. You should be aware that a response must be provided to the requestor as soon as reasonably practicable, and no later than 20 working days after the day this transfer is received by your office, unless an extension of time is required and duly notified to the requestor.

Yours sincerely

{{prop:FromPortfolioMinister[display=ministerFullNameCheckTitle]}}
 {{prop:FromPortfolioMinister[display=portfolioName]}}

IN CONFIDENCE

STATE SERVICES COMMISSION
Te Komihana O Rea Tari Kawanatanga

SSC Report: {{prop:Summary}}

Date:	[Date Sent]	Report No:	{{prop:ReportNumber}}
Contact:	{{prop:Manager}}	Telephone:	{{prop:Manager[display=phoneNumber]}}

	Action Sought	Deadline
{{prop:fromportfoliominister[display=ministerfullname]}}	Sign the attached letter to {{prop:SubmitterName}} responding to their correspondence about {{prop:Summary}}.	{{prop:CurrentDueDate[display=]}}

Enclosure: Yes (attached)

Recommended Action

It is recommended that you **sign** the attached letter to {{prop:SubmitterFullName}} extending the time limit for [making a decision on their OIA request/transferring their request].

{{prop:FromPortfolioMinister[display=ministerFullNameCheckTitle]}}
 {{prop:FromPortfolioMinister[display=portfolioName]}}

IN CONFIDENCE

SSC Report: {{prop:Summary}}

[Delete sections of report that are not required or relevant]

On {{prop: ReceivedByDepartmentDate[display=|]}} you received an Official Information Act 1982 (OIA) request from {{prop: SubmitterFullName}}. The request was for the following:

{{prop: QuestionSummary}}

A response to the OIA request is due by XXX.

[Use if extending time limit to make a decision]

We recommend that you extend the time limit for making a decision on the request by an additional {{prop: ExtensionDays}} working days, to [x date].

[Use if extending time limit to transfer request]

We recommend that you extend the time limit for transferring [part of] the request by an additional {{prop: ExtensionDays}} working days, to [x date].

[Use in all cases]

[Reason: Consultation (delete if not applicable)]

The extension is required because of the consultations necessary to make a decision on the request.

[Reason: Quantity of Information (delete if not applicable)]

The extension is required because the request necessitates a search through a large quantity of information before a decision can be made on the request.

[Reason: Consultation & Quantity of Information (delete if not applicable)]

The extension is required because the request necessitates a search through a large quantity of information, and consultations are needed before a decision can be made on the request.

[Explanation of applicable background, as considered relevant]

Ref: {{Prop:IntReference}}

{{Prop:SubmitterFullAddress}}

Dear **Mr/Ms/Minister/Mrs** {{prop:SubmitterLastName}}

Official information request for [brief detail of subject matter of request]

I refer to your official information request dated [date] for “{{prop:QuestionSummary}}”.

[Use if extending time limit to make a decision]

The Official Information Act 1982 requires that I advise you of my decision on your request no later than 20 working days after the day that I received your request. Unfortunately, it will not be possible to meet that time limit and I am, therefore, writing to notify you of an extension of the time to make my decision, to [date].

[Use if extending time limit to transfer request]

This letter is to advise you that it may be necessary to transfer [part of] your request to [agency/Minister], and that I am extending the ten working day time limit available to make this transfer, to [date].

[Use in all cases]

This extension is necessary because [your request necessitates a search through a large quantity of information before a decision can be made on your request / the consultations necessary to make a decision on your request are such that a proper response cannot reasonably be made within the original time limit / your request necessitates a search through a large quantity of information, and consultations are necessary before a decision can be made on your request].

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact [name/email address].

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 or freephone 0800 802 802.

Yours sincerely

{{prop: FromPortfolioMinister[display=ministerFullNameCheckTitle]}}
 {{prop:FromPortfolioMinister[display=portfolioName]}}

{{prop:DocNumber}}


SSC Report: Official Information Request Relating to _____

Date:	x	Report No:	
Contact:		Telephone:	

	Action Sought	Deadline
Hon Paula Bennett Minister of State Services	Sign the attached letter to the requestor responding to their official information request.	

Key points

- A response to the request is due by **x**.
- The proposed letter of reply and information proposed for release are attached.
- Etc

Recommended action

We recommend that you:

- sign** the attached letter to the requestor responding to their OIA request for information about x
- refer** the response to the Minister of x for their information.

Hon Paula Bennett
Minister of State Services

Ref: {{Prop:IntReference}}

Mr/Ms/Mrs {{Prop:SubmitterFullAddress}}

Dear Mr/Ms/Minister/Mrs LAST NAME

Official information request for [brief detail of subject matter of request]

I refer to your official information request dated [date] for {{prop:QuestionSummary}}.

[Check: Was the request clarified/revised by requestor?]**[Check: Was any part of the request transferred?]****[Check: Was time limit extended?]****Information being released**

Please find enclosed the following documents:

Item	Date	Document Description	Decision
1			
2			

I have decided to release [the relevant parts of] the documents listed above, subject to information being withheld under one or more of the following sections of the OIA, as applicable:

[Check: Do section 9 grounds apply? Common grounds for withholding information are provided below:

- section 9(2)(a) – to protect the privacy of natural persons, including deceased people
- section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information
- section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials
- section 9(2)(g)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions.]

[In addition, some information has been deleted where it is not within the scope of your request.]

Information publicly available

The following information is also covered by your request and is publicly available on the [SSC, Beehive or other] website:

Item	Date	Document Description	Website Address
1			
2			

Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the OIA – the information requested is or will soon be publicly available.

[Check: has relevant information been removed from published documents? If so, include the following paragraph:

Some relevant information has been removed from documents listed in the above table and should continue to be withheld under the OIA, on the grounds described in the documents.]

Information to be withheld

There are additional documents covered by your request that I have decided to withhold in full under **[one or more of]** the following sections of the OIA, as applicable:

[Check: Do section 6 grounds apply? Common grounds for withholding documents in full are provided here:

- **section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials**
- **section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information.]**

[If there are withholdings under section 9, the following text applies: In making my decision, I have considered the public interest considerations in section 9(1) of the OIA.] **[Expand more on this if possible.]**

[Check: delete the above if no information has been withheld under section 9.]

[Use if imposing conditions on release]

The information is released to you on condition that **[specify any relevant conditions, including any relevant timeframes]**, as **[describe relevant harm the condition is intended to protect.]**

If you wish to discuss this decision with us, please feel free to contact **[x]**.

[Use in all cases – unless request granted in full immediately: 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 or freephone 0800 802 602.]

Yours sincerely

{{prop: FromPortfolioMinister[display=ministerFullNameCheckTitle]}}
{{prop: FromPortfolioMinister[display=portfolioName]}}

Use if granting the request in full and releasing information at a later date

I have decided to grant your request. It will, however, take some time to prepare the information for release. I will send you the information by [date].

Use if granting the request in part and releasing information at a later date

I have decided to grant your request in part, namely information which relates to [describe information to be released]. It will, however, take some time to prepare this information for release. I will send you that information by [date]. I have also decided to refuse your request for information which relates to [describe information withheld] under section [detail relevant section(s) of the OIA]. [Describe relevant harm, and consideration of the public interest in release, if applicable.]

Use if releasing information in a different form to that asked for

You asked for the information to be released to you [specify form of release asked for by requestor]. However, I cannot release the information in that form as [this would impair efficient administration/be contrary to my legal duty to [specify] legal duty / prejudice the interests protected by section [detail relevant section(s) of the OIA]. [Describe relevant harm, and consideration of the public interest in release, if applicable.] I have, therefore, decided to release the information to you [specify the form in which the information will be released.]

Use if refusing the request in full

I have decided to refuse your request under section [detail relevant section(s) of the OIA]. [Describe relevant harm, and consideration of the public interest in release, if applicable.]

RELEASED
OFFICIAL INFORMATION

Redactions using Adobe Acrobat DC

- Click Tools > Redact.



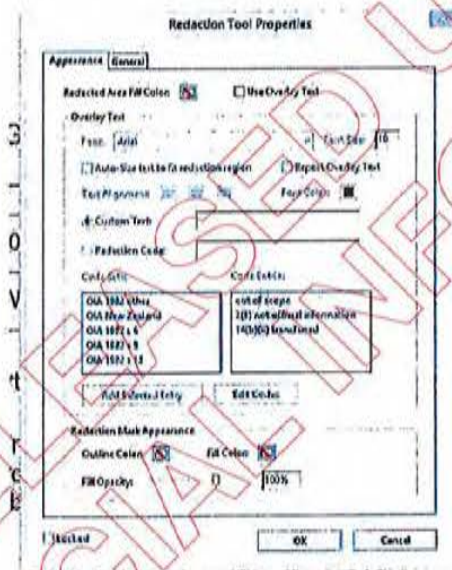
- The Redact toolset is displayed in the secondary toolbar.



- Select Mark for redaction > Text & Images



- In the secondary toolbar, choose Properties.



- The Redaction Tool Properties dialog box is displayed. On the Appearance tab, select options you want to change, and then click OK.

- Click the Redacted Area Fill Color icon and select a fill color from the color palette for the boxes that replace removed items. Choose No Color to leave the redacted area blank.

- Select Use Overlay Text if you want to select the custom text or redaction code options. Select the font, size, and text alignment.

- Select Custom Text, and type the text you want to appear in the redacted area.

- Select Redaction Code, and then either select a code within an existing set, or click Edit Code to define a new code set or a new code.

- In the Redaction Mark Appearance area, click the Outline Color icon or Fill Color icon or both. Select a color from the color palette for the images and text you mark for redaction. Move the slider to adjust the opacity of the color. Choose No Color to leave the selected area blank.

- After completing above field/box, click Ok. Select the text to be redacted.

- Once the text is redacted and ready to apply redactions, click on "Apply" option from the secondary toolbar.

SharePoint

Neha Pawar (SSC)

Ministerial Services

Ministerial Services (MINS) is responsible for the co-ordination of and responses to all of SSC's official correspondence, which includes:

- Ministerial and SSC correspondence
- Official Information requests
- Ombudsman requests and reports
- Parliamentary questions
- Privacy Act requests
- General Integrity queries

MINS also co-ordinates the production of SSC's Weekly Report.

Why the team undertake the work

MINS works closely with people all around SSC to ensure that SSC delivers a high quality service to the public and the government of the day and meets its statutory obligations, and to be recognised as public sector leaders in the delivery of Ministerial Services.

Collaboration

- We build and maintain strong working relationships with stakeholders
- We ensure that the work that we deliver reflects input from our stakeholders, where appropriate

Influence

- We influence others by setting high standards and modelling "best practice" in Ministerial and Executive support
- We protect SSC's reputation by using our expertise and knowledge to ensure that risks and issues are identified and appropriately managed

Integrity

- We treat our stakeholders as we would like to be treated ourselves
- We are trustworthy, honest and fair

Reliability

- We are committed and do what we say we will do
- We deliver under pressure

Quality

- We focus on providing a first class service to our stakeholders
- We strive for excellence through continuous improvement and innovation in the work that we deliver

MINS are happy to help with any queries and to help solve your problems!

Meet the Team - We are located on level 10 Reserve Bank building (by the HoSS Office)

Name	Role	Contact
Saphron Powell	Managing Principal	Ph: (04)-4956608 Email: Saphron.Powell@ssc.govt.nz (mailto:Saphron.Powell@ssc.govt.nz)
Nicky Uriaro	Senior Advisor	Ph: (04)-4956775 Email: Nicky.Uriaro@ssc.govt.nz (mailto:Nicky.Uriaro@ssc.govt.nz)
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Important Links

SSC OIA Guidance
(people-and-teams/Ministerials/Docum:20Guidelines%20Official%20Information%20Act.doc)

SSC Guidance for Publishing OIA
(responses (people-and-teams/Ministerials/Docum:20Policy%20Publishing%20OIA%20Responses%20on%20Web)(.doc)

Ministry of Justice Guidance (PSI)
(<http://www.psi.govt.nz/information-act/>)

Privacy Act Guidance
(<https://privacy.org.nz/the-privacy-act-and-codes/privacy-act-and-codes-introduction/>)

Privacy Toolkit (PSI)
(<http://www.psi.govt.nz/toolkit/>)

PCA (Parliamentary Website)
(<https://www.parliament.nz/paper-questions/>)

Effective Complaint Handling (Ombudsman)
(people-and-teams/Ministerials/Docum:20Complaint%20Handling.pdf)

Protected Disclosures (Whistle Blowing)
(<http://www.ombudsman.govt.nz/protecting-your-rights/protected-disclosures-whistle-blowing/>)

Cab Guide
(<https://cabguide.cabinet.govt.nz/>)

Cabinet Office Guidance
(<https://www.psi.govt.nz/information-act/cabinet-committees/cabinet-office-guidance/>)

Cabinet Manual
(<https://cabinetmanual.cab.govt.nz/>)

2017 House Sitting Programme (people-and-teams/Ministerials/Docum:sitting-programme.pdf)

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We have four team members. We all work together closely and share knowledge and experience, so you can come to any of us with your questions. We like people to feel that they can give us a call or drop by and chat.

STATE SERVICES COMMISSION
Kaitiaki Take Kōwhiri



RELEASED UNDER THE
OFFICIAL INFORMATION ACT

SharePoint

Neha Pawar [SSC]

Information about Ministerials, SSC Correspondence, Parliamentary Questions and Official Information Act Requests

Ministerial Services (MINS) co-ordinates all Ministerials, Parliamentary Questions (PQs), Official Information Act (OIA) requests, and Privacy Act requests in Moto, and prepares the responses to most OIAs and PQs. They are also logged and tracked by MINS.

Processing Ministerials, SSC Correspondence, PQs, and OIAs

Type of Correspondence	Processing Timeframes
Oral PQs	1-2 hours of arrival at SSC
Written PQs	5 working days
Ministerials/Exceptional Fees Requests	5 working days/10 working days/or stated due date by MoSS
Privacy Act Requests	20 working days
OIA Request	20 working days
OIA Transfer	10 working days
OIA Extension	20 working days
Ministerial OIA Requests	15 working days (draft due to Minister's office)
SSC Correspondence	5 working days

OIA Requests

What is the general process for responding to an OIA?

MINS logs all Incoming OIA requests in Moto and will, in most cases, draft the response for consultation with the relevant subject matter experts in SSC. If we receive an OIA relevant to your work area, we will forward it to you, discuss it and the process with you, prepare the draft response on your behalf, and consult you and others as required (including any necessary external consultation). The manager of your work area will sign out the response.

SSC now has a policy for publishing some OIA responses on its website. We will let the requestor in our acknowledgement of their request that SSC's response to their request may be published (with their personal details removed), and when we undertake consultation we will also let people know. Our final response to the request will inform the requestor whether their response will/not be published. We will not publish the response any earlier than a day after we have sent the response to them. We will discuss publishing the response with the relevant subject matter experts in SSC, and others as required.

What OIA guidance is available?

SSC's OIA guidance is in the tab on the right hand side of this page, and there are OIA workflow quick guidance documents under the "Help" tab in Moto. There is also good guidance on the Office of the Ombudsman's website, and on the PSI. If you would like any OIA training, please come and see MINS and we can find something suitable for you depending on your needs and experience. Just give us a call any time with any questions.

What is an OIA request?

Whenever a request is made for information held by a department or Minister, this must be dealt with in accordance with requirements of the [Official Information Act 1982](http://legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html) (<http://legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html>) (the OIA). Requests can be made by anyone – including members of the public, journalists, or MPs.

In particular, the OIA sets out SSC's legal obligations on:

Important Links

SSC OIA Guidance
(/people-and-teams/Ministerials/Docu%20Guidance%20Official%20Information%20Act.doc)

SSC Policy on Publishing OIA Responses (/people-and-teams/Ministerials/Docu%20Policy%20Publishing%20OIA%20Responses%20en%20Website.doc)

Office of the Ombudsman Guidance (<http://www.ombudsman.govt.nz>)

Ministry of Justice Guidance (PSI) (<https://www.psl.govt.nz/h-information-act/>)

Privacy Act Guidance (<https://privacy.org.nz/the-privacy-act-and-codes/privacy-act-and-codes-introduction/>)

Privacy Toolkit (PSI) (<https://www.psl.govt.nz/h-toolkit/>)

PQs (Parliamentary Website) (<https://www.parliament.nz/paper-questions/>)

Effective Complaint Handling (Ombudsman) (/people-and-teams/Ministerials/Docu%20Complaint%20Handling.pdf)

Protected Disclosures (Whistle Blowing) (<http://www.ombudsman.govt.nz/protecting-your-rights/protected-disclosures-whistle-blowing/>)

CabGuide (<https://cabguide.cabinet.govt.nz/>)

Cabinet Office Guidance (<https://www.psl.govt.nz/h-and-cabinet-committees/cabinet-office-guidance/>)

Cabinet Manual (<https://cabinetmanual.cab.govt.nz/>)

2017 House Sitting Programme (/people-and-teams/Ministerials/Docu%20Sitting-Programme.pdf)

- the deadlines for responding to (<http://legislation.govt.nz/act/public/1982/0156/latest/DLM65390.html>), transferring (<http://legislation.govt.nz/act/public/1982/0156/latest/DLM65387.html>) or extending (<http://legislation.govt.nz/act/public/1982/0156/latest/DLM65394.html>) a request, and
- the list of acceptable reasons for withholding information (<http://legislation.govt.nz/act/public/1982/0156/latest/DLM65371.html>).

Requests can be made for any information that SSC holds. From time to time, however, it may be appropriate to transfer a request to another department or Minister, if they are best-placed to respond. If MINNS considers that a transfer might be necessary, we will consult the relevant team before any decisions are made.

What is a Ministerial OIA request?

When requests are made to the Minister of State Services, SSC prepares a proposed response on the Minister's behalf (logged in Moto). Note that SSC may also do this for other Ministers if we have been the primary advisors for them on a particular matter (such as for the appointment of a chief executive, or when we have led machinery of government work).

out of scope

How we track SSC Correspondence, Ministerials, PQs, and OIAs:

From 2016/17, we have been using Moto to track documents.

Please find the links below to the tracking sheets that were used from 2009 until June 2016:

[OIA/Ministerial OIA/PQ tracking sheet 2016](http://sscnet/tools/rdms/auto.nrl?docnum=2209469) (<http://sscnet/tools/rdms/auto.nrl?docnum=2209469>)

[OIA/Ministerial OIA/PQ tracking sheet 2015](http://sscnet/tools/rdms/auto.nrl?docnum=2124463) (<http://sscnet/tools/rdms/auto.nrl?docnum=2124463>)

[OIA/Ministerial OIA/PQ tracking sheet 2014](http://sscnet/tools/rdms/auto.nrl?docnum=2104129) (<http://sscnet/tools/rdms/auto.nrl?docnum=2104129>)

[OIA/Ministerial OIA/PQ tracking sheet 2013](http://sscnet/tools/rdms/auto.nrl?docnum=1882354&version=1) (<http://sscnet/tools/rdms/auto.nrl?docnum=1882354&version=1>)

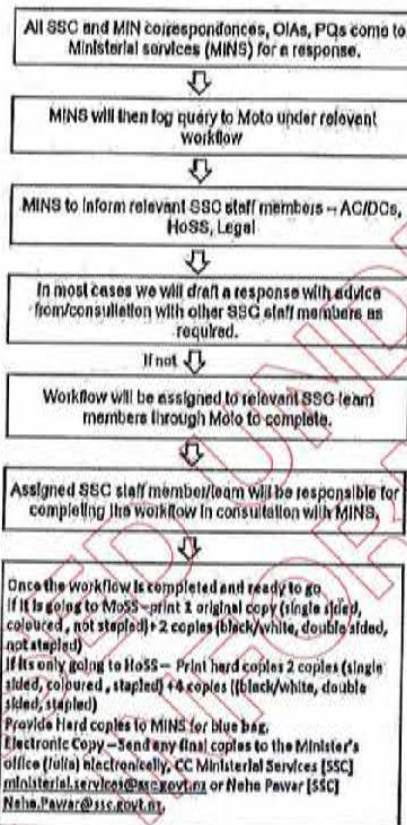
[OIA/Ministerial OIA/PQ tracking sheet 2012](http://sscnet/tools/rdms/auto.nrl?docnum=1753042) (<http://sscnet/tools/rdms/auto.nrl?docnum=1753042>)

[OIA/Ministerial OIA/PQ tracking sheet 2011](http://sscnet/tools/rdms/auto.nrl?docnum=1612244) (<http://sscnet/tools/rdms/auto.nrl?docnum=1612244>)

[OIA/Ministerial OIA/PQ tracking sheet 2010](http://sscnet/tools/rdms/auto.nrl?docnum=1407349) (<http://sscnet/tools/rdms/auto.nrl?docnum=1407349>)

[OIA/Ministerial OIA/PQ tracking sheet 2009](http://sscnet/tools/rdms/auto.nrl?docnum=299281) (<http://sscnet/tools/rdms/auto.nrl?docnum=299281>)

General Process



- Any concerns please come and talk to us
- All SSC Correspondence, Ministerial, Parliamentary Questions (PQs) and Official Information Act (OIA) requests come to MINS through a range of sources
- MINS will be responsible for lodging them on to Moto
- MINS will be responding to all the queries in most cases, however in some instances correspondence, OIAs and Ministerial queries are assigned to individual teams to respond through Moto.

STATE SERVICES COMMISSION
Te Kaitiaki Take Kōwhiri

