

26 June 2024

File Ref: OIA 48923

[REDACTED]

Tēnā koe [REDACTED]

### Official Information Act request

Thank you for your information request dated 2 June 2024. Your request has been considered in accordance with the Official Information Act 1982 (the Act). Your questions and our responses are set out below:

*“ during 26 may 2024 i sent oia request to Dave.Samuels@tpk.govt.nz at 15-59 . that request has not been acknowledged. new oia request is --why has that oi act request not been acknowledged”*

Te Puni Kōkiri has an automated process to provide acknowledgement of OIA requests received into the Te Puni Kōkiri OIA mailbox. As your request of 26 May 2024 was received into Mr Samuels mailbox as opposed to the Te Puni Kōkiri OIA mailbox using the email address specified on our webpage of [uia@tpk.govt.nz](mailto:uia@tpk.govt.nz) an acknowledgement was not automatically sent.

Notwithstanding the above your request of 26 May 2024 has been processed by Te Puni Kōkiri in accordance with the Act and a response was sent to you on 20 June 2024.

*“and secondly did mr samuels or his office refer it to tpk oia group, if not why not.”*

Yes Mr Samuels office referred your request to the Ministerial Services Team on 27 May 2024.

*“under section 22 oi act i request hard copy of any internal documents of tpk which states policy , rules , guidance or practice of handling of oi act requests.”*

Attached is a copy of Te Puni Kōkiri’s “Official Information Act Guidelines”, which is released to you in full.

*“ hard copy to [REDACTED] i also requested hard copy of original request to same address. thank you [REDACTED]. ps it should be noted legal privilege does not apply to sec 22 oi act.”*

A copy of our response has been posted to you as requested as well as a response by email.

We trust our response satisfies your request.

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

Please note that Te Puni Kōkiri publishes some of its OIA responses on its website, after the response is sent to the requester. The responses published are those that are considered to have a high level of public interest. We will not publish your name, address or contact details.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact us at [oia@tpk.govt.nz](mailto:oia@tpk.govt.nz).

Ngā mihi

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

Terina Cowan  
Hautū, Te Puni Whakahaere Tikanga | Deputy Secretary, Strategy, Finance and Performance

# Official Information Act

## Guidelines

### Te Puni Kōkiri

Last updated March 2023

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## A. General Overview

### A.1 Answering Official Information Act requests is core business

All staff involved in the preparation of OIA responses have a critical role to play in ensuring we maintain the timeliness and quality of our responses. Answering Official Information Act (OIA) requests is part of Te Puni Kōkiri core business. It isn't "extra" work and should be appropriately resourced and prioritised.

The Ombudsman and the State Services Commission monitor agency performance around OIAs. The Ombudsman also investigates and reports on complaints about responses to the OIA.

All agencies subject to the OIA have a statutory responsibility to meet the requirements of the Act, including the timeframe for the response

Te Puni Kōkiri publishes some of its OIA responses on our website here: <https://www.tpk.govt.nz/en/a-matou-mohiotanga/official-information-act>. If you haven't been involved with the OIA at Te Puni Kōkiri already, reading these examples of OIA responses may help you develop an understanding of our usual approach.

### A.2 OIA process at Te Puni Kōkiri

For a high-level overview see Appendix 1, page 16. Te Puni Kōkiri OIA responses are drafted by the Ministerial Services team in the Critical Projects & Governance puni.

Ministerials prepares the response with the assistance of an Advisor in the appropriate puni.

When an OIA request is received, depending on the topic or mahi the request relates to, Ministerials will contact the relevant puni for the name/s of an Advisor who can provide subject matter expertise. The Ministerial Advisor and the puni Advisor work together to decide the strategy and approach.

The puni Advisor also sources the information in scope of the request, reviews the information for release, and provides written contextual information for the response letter and Record of Decision (file note).

**NON-NEGOTIABLE**

***If you are asked to provide information for an OIA response and you have concerns around the timeframe and your workload, raise your concerns with Ministerials and with your Manager immediately. This includes cover for any***

***leave that could impact on our processing timeline or our ability to meet the statutory deadline for the response.***

The Ministerial Advisor is responsible for drafting the response letter and Record of Decision, preparing the final documents for release, coordinating any consultation necessary with the Minister's Office, and sending the final response to the requester.

The response should be approved by the puni Advisor, their Manager and Director (if the Manager reports to a Director). The response is then approved and signed by the Deputy Secretary of the relevant puni.



***When an OIA is received and your puni nominates you as the subject matter expert, Ministerials will contact you to meet/discuss the approach to the request and let you know what is required from you.***

### **A.3 What is the Official Information Act?**

The OIA replaced the Official Secrets Act 1951. This signalled a move away from an assumption of government secrecy, to openness and transparency.

The Act intends that official information will be made available to:

- enable the public to participate more effectively in making and administering laws and policies; and
- promote the accountability of Ministers and their officials.

However, the Act recognises that not all official information should be made available, and provides protection where necessary, for example, in the public interest or to protect personal privacy.

For more information about declining requests and withholding information see 'Review the information' on page 9, and Appendix 2.

### **A.4 What is an OIA request?**

Technically any request to an agency, for work-related information the agency holds, is a request covered by the Act.

- A valid request can be made orally or in writing, via email or letter.
- Requesters do not need to mention the OIA. All they need do is ask for information. The onus is on the agency to identify OIA requests and respond in accordance with the Act.

## A.5 What is the definition of “Official Information”?

Any work-related information Te Puni Kōkiri has created or holds is covered by the Act.

That means everything on our paper filing systems, on our electronic systems, in archive storage, and (to the extent that it can be accurately remembered) any departmental information in the memory of officials that is not otherwise physically recorded somewhere.

It also includes information held by independent contractors who are working on our behalf. Information they hold is deemed to be held by Te Puni Kōkiri and therefore covered by the OIA. No categories of information or document are excluded.

For example, the following may be identified as in scope of a request:

- Documents such as Briefing Papers, Aides Memoires, reports, agendas, minutes
- Draft documents
- Notes
- Spreadsheets
- Photos, maps, power points
- Emails and text messages
- Recollections (memories) of conversations or meetings.

## A.6 Timeframe for the response

The Act requires a decision on the request to be notified as soon as is practicable, and no later than 20 working days after the request is received.

The puni Advisor assisting with the response should promptly provide Ministerials with advice on the amount of information in scope, and anything else impacting on the timeframe for the response. The 20<sup>th</sup> day is not a day to aim for – the request must be responded to as soon as we can. 20 working days is the *maximum* period for responding.

The timeframe for the response can be extended under certain circumstances. Ministerials will arrange this.

## A.7 Duty of assistance

Section 12(2) of the OIA says:

*The official information requested shall be specified with due particularity in the request.*

However, under section 13, agencies have a duty to assist anyone who:

- is entitled to make a request under the OIA;

- wants to make a request under the OIA;
- has failed to make a request with “due particularity”; or
- has not made a request to the appropriate agency.

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## B. Processing the response

### B.1 Scoping and early decisions

As soon as is practicable, Ministerials will set up a meeting with the puni Advisor, and any additional staff who may need to be involved - for example the relevant puni Manager, Legal, or Finance, depending on the request.

Some issues to consider in the meeting:

- Should clarification be sought from the requester? - does the wording of the request make sense – can the information be identified?
- Is the request specific, or too broad? - For example, if the request is for copies of correspondence, does it state who the correspondence is to/from and include a timeframe? If the request is too broad we need to seek clarification from the requester.
- Have we already responded to requests for any of the information in scope? Can we provide the same response or same information to satisfy the new request?
- Is any of the information in scope in the public domain? If so, the request for that information can be declined (as a courtesy we can still provide a copy of it).
- Is the information held by, or more closely related to, another agency or Minister? If so, we need to transfer the request.
- Will it take a long time to identify the information in scope? If so, we need to consider extending the timeframe for the response.
- Identify where documents and information in scope may be found. Can the information be found – does it exist? If not, we may need to decline the request.
- What consultations will be needed, both internal and external? (If this will be time consuming, we may need to extend the timeframe for the response.
- What concerns do you have about releasing this information?
- Identify whether there are any grounds to withhold the information in part or in full, or decline the request. For further information see pages 9 - 10 and Appendix 2.
- Allocate tasks to get the response completed within the timeframe.
- Draft a timeline for preparing the response.
- What is the background, significance and context of this issue (the topic of the request)?

Note - information that was still being finalised when the request was received should be considered in scope.

## **B.2 Interpret the request and consider seeking clarification**

Read the request carefully and consider each part or question. Explain to the Ministerial Advisor drafting the response whether the information is held, any difficulties locating and collating it, the amount of information, and whether we need to seek clarification from the requester on any aspects of the request.

Ministerials will send a clarification email to the requester.

## **B.3 Previous responses, and information in the public domain**

Check our files for any correspondence with the same requester, or on the same topic. Ministerials can assist with this.

Also check to see if we have published a previous OIA response or any other information on this topic on our website.

If the information requested is already available in the public domain, the request can be declined under section 18(d) of the Act (see page 20)

## **B.4 Transfer of requests to another agency to respond**

Requests can be transferred where the information is either:

- not held by Te Puni Kōkiri (or the Minister), but is believed to be held by another Minister, government agency or local authority; or
- believed by the person dealing with the request to be more closely connected with the functions of another Minister, government agency or local authority.

Ministerials will notify the receiving agency and the requester of the transfer.

## **B.5 Presumption of release**

Approach all requests with the presumption that information will be released unless there is a **good** reason to withhold under the Act. In other words, do not embark on the assessment with the assumption everything possible should be withheld.

## **B.6 Assist with identifying and collating the information in scope**

Based on your knowledge of this mahi, explain to the Ministerial Advisor drafting the response, what information Te Puni Kōkiri holds in scope of the request.

It is not possible to make a proper decision about whether to release or withhold first assembling and assessing the information.

**NON-NEGOTIABLE**

***Even if all or part of the request will likely be declined, the information must be identified and reviewed. This process is set out in the Record of Decision in case the requester complains to the Ombudsman that the request was declined.***

### **B.7 Extending the timeframe**

If required, Ministerials will email the extension notification to the requester based on Te Puni advice.

The 20 working days time limit for actioning a request (or the 10 working day time limit for transferring a request) may be extended if:

- the request is for a large quantity of information, or a large quantity of information must be searched, and meeting the original time limit would unreasonably interfere with other work; or
- any consultations (internal and with external agencies or a Minister) necessary to reach a decision on the request cannot reasonably be made within the original time limit.

### **B.8 Review the information**



***With your assistance Ministerials will identify whether the Act applies to all or part of the information.***

Read the information in scope and decide whether information should potentially be withheld. If parts of a document are to be withheld under the Act when the document is released, these are “redacted” (blacked out). Ministerials does this using redaction software.

If parts of the information should be redacted, make a copy of the documents considered to be in scope of the request. This is the “audit” copy. Mark the proposed redactions (this is usually done with yellow highlighter). Ministerials will assist with applying the withholding grounds under the Act. Note the document with the relevant OIA withholding grounds. See Appendix 1 for an example of an “audit” document.

Also mark any information that is out of scope of the request.

If consultation is required, note this too on the relevant parts of the document.

For information on withholding grounds, see Appendix 2. The Puni Advisor reviewing the information in scope does not need to be familiar with the Act. Their role is to assess the significance of the release of the information, and any harm that may arise from the release. Explain any concerns to the Ministerial Advisor writing the response.

The following is a high-level overview of the OIA withholding grounds:

Type of information	Concern/harm
Personal information	Breach of privacy?
Financial information, budget information	– jeopardising the commercial position of the person who supplied the information, jeopardising negotiations?
Commercial information, trade secrets	jeopardising the commercial position of the person who supplied the information, jeopardising negotiations?
Confidential information, information received in confidence	Jeopardising the future supply of information?
Information still under active consideration (advice to the Minister)	Interference with the ability of the Minister to properly consider the advice in an orderly manner?
Free and frank expression of officials' opinions	Inhibiting officials from expressing themselves in future?
Legally privileged information	This can be withheld
Publicly available information	This can be declined
Information related to national defence, security, economic wellbeing (for example trade negotiations), law enforcement	This can be withheld

## C. Consultation



***Ministerials will assist with any consultations (e.g. send consultation emails) in particular with the Minister's Office, with the requester, and with other agencies.***

***If the puni has a relationship with the requester, or contacts in other agencies, the puni advisor may lead the consultation.***

If the material under consideration for release impacts on Ministerial functions, originates from or contains information about the Minister, or third parties or other agencies, consultation may be needed. Additionally, if the requester is from the media or an opposition party, the release of the information may impact on the Minister.

We provide the party to be consulted with a copy of the information related to them, and our preliminary view on the release of the information.

### C.1 Ministerial consultation

Ministerials will arrange this, however they will need the puni Advisor's advice on whether the information proposed to release impacts on the Minister.

Ministerials will need the puni Advisor's view on

- does the information impact on Ministerial functions?
- Is there information in scope that belongs to or relates to the Minister – e.g. Cabinet Papers briefing papers, emails with their Office
- what consequences might the release trigger - parliamentary questions, media questions. Is there additional information that can be prepared (and put in the response letter?) that answers the likely questions?

The Office of the Ombudsman has good guidance on this – see *Dealing with OIA requests involving Ministers* on the following link:

<https://www.ombudsman.parliament.nz/resources/dealing-oia-requests-involving-ministers-guide-transfer-consultation-and-notification>

Te Kawa Mataaho – Public Service Commission, also provides guidance on this – see the following link: <https://www.publicservice.govt.nz/guidance/official-information/oia-guidance-for-agencies/>

The “no surprises” convention means that agencies should keep Ministers apprised of significant issues in their portfolio areas.

We may not need to consult with the Minister's Office about the intended release, but we may send them an FYI copy of our response if the matter is likely to be aired in public.

## **C.2 Courtesy notification instead of consultation**

Consultation implies we are open to feedback from the other party with respect to the final decision on the OIA. However if the case for release is decided, as a courtesy we can let other parties know we intend to release information that mentions them or impacts on them (unless the content related to them is minimal or trivial). Ministerials will need the puni subject matter expert's advice on whether this scenario applies.

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## **D. Providing information for an OIA response**

### **D.1 The response letter**

The puni Advisor provides input/paragraphs for the letter of response that is written by Ministerials.

- every part of the request must be addressed
  - each question
  - each category of document or information requested (for example “communications” “reports”)
- provide contextual information on the topic
- provide context to mitigate any reputational risks or controversies.

### **D.2 The Record of Decision (file note)**

The puni Advisor provides input/paragraphs for the response that is written by Ministerials.

The Record of Decision is our official record setting out how and why we reached the decision on the request. This record may be referred to by colleagues and managers during the review and sign-out process and it is also for posterity.

Importantly, the Record of Decision is also provided to the Ombudsman in the event of an investigation into our decision on the request. It describes:

- decisions around scoping the request – where we searched for the information and how we identified it
- the process for retrieving and assembling the information
- the decision reached after reviewing the information
- any consultations undertaken
- the decision including rationale (e.g. if declined or withheld).

## **E. Sign-off**

The puni Advisor should seek their Manager's agreement on the information they provide to Ministerials for the response.

When the response has been agreed between the puni and Ministerials Advisors, the puni Advisor and their Manager should confirm via email that they approve of the response. Ministerials will then put the documents to the puni Deputy Secretary for approval and signing.

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## F. Common misconceptions

The following are **not** reasons to withhold under the Act:

- the document is a draft

In the past, it was widely believed draft documents as a category could be withheld. This is incorrect. The information still needs to be assessed line by line in accordance with the withholding grounds set out in the Act. Commonly 9(2)(f)(iv) and 9(2)(g)(i) are grounds that are applied to drafts. Weigh the specifics of the information against the public interest.

- the information was created by, or provided to Te Puni Kōkiri by, a third party

The request could be transferred if the provider is subject to the Act, or the third party could be consulted. But the information is still “held” by us and as such is in scope of the request in accordance with the Act.

- release of the information might be embarrassing for the Minister or Te Puni Kōkiri
- the information is politically sensitive; or
- another Department or a Minister doesn’t want it released

Consider the information in accordance with the withholding grounds set out in the Act and apply the public interest test. If the information can be released, manage the release with contextual or mitigating information in the letter, and/or a communications plan to support the release.

Note, requests for information that closely relate to the functions of the Minister must be transferred to the Minister for a response.

**Appendix 1 – OIA process – high level process overview**

Action	Ministerial Advisor	Puni Advisor
Log incoming OIA in 'STAR' Ministerials database	Y	
Forward incoming OIA to appropriate puni	Y	
Discuss scope and approach	Y	Y
Identify and collate information in scope of the request		Y (with appropriate assistance from Ministerials)
Review information for release		Y (with appropriate assistance from Ministerials)
Write contextual/topic-specific information for response letter		Y
Write contextual/topic-specific information for response letter and Record of Decision		Y
Complete letter and Record of Decision using appropriate template, format and references to the Act	Y	
Approve final draft		Y
Forward letter and Record of Decision to Deputy Secretary for approval	Y	
Send response to requester and file documents in Content Server	Y	

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## Appendix 2 – Audit copy example

23 February 2017

Te Minita Whanaketanga Māori *Consult with Ministry of Justice*

Te Minita Whānau Ora *Consult with Minister's Office*

### **Draft Family Violence Bill**

**Purpose** *withhold under 9(2)(f)(iv) – still under active consideration*

1. This briefing asks you to agree to send the attached letter (attachment 1 refers) to the Minister of Justice asking her to include two principles in the draft Whānau Violence Legislation Bill (the Bill) (attachment 2 refers).

**Executive Summary** *paras 2 and 3 = background - no grounds to withhold*

2. The draft Bill is intended to enable earlier and more effective interventions to reduce family violence. Minister Adams proposes to ask LEG in 9 March 2017 (attachment 3 refers) to approve the introduction of the draft Bill on the first available date following Cabinet decisions. The Minister has asked for your views on the draft Cabinet paper and the Bill.

3. The paper proposes the Bill be referred to the Justice and Electoral Select Committee following the first reading. The Bill will come into force by July 2018, with the exception of certain provisions which will come into force over the following two years as association operations changes are made.

*9(2)(f)(iv) – active consideration*

4. In July 2016 you asked Minister Adams to include two principles in the Bill recognising the Crown's particular responsibilities to whānau and tamariki Māori, and the need for adequate investment to help whānau (attachment 4 refers).

## Appendix 3 - Withholding or refusing information

### Section 9 and the public interest test

Before applying withholding grounds found in section 9, the reason for withholding the information must be weighed against the public interest in the disclosure of the information. “Public interest” doesn’t mean what is “interesting” – rather, the topic of the request is an issue of public concern and debate; the public is affected, or an individual’s private interests reflect wider public issues. If public interest considerations have more merit, release the information. There is also a broader public interest in promoting the aims of the Act – participation and accountability.

The Ombudsman provides guidance:

[http://www.ombudsman.parliament.nz/system/paperclip/document\\_files/document\\_files/1991/original/public\\_interest\\_june\\_2017.pdf?1498081531](http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/1991/original/public_interest_june_2017.pdf?1498081531)

### Personal information - section 9(2)(a)

This part of the Act applies when information is withheld to protect the privacy of natural persons’, most commonly by removing names and contact details.

*Names and contact details: staff, iwi leaders, company directors, board members and other professionals*

Remember the overarching assumption of release, the desired aim of open government and accountability, and the public interest. The public has a right to know who is making government decisions and allocating taxpayer funds.

We would not generally withhold names of third parties in leadership roles acting in their professional capacity. The information is likely to be already in the public domain.

#### *Release of names - concern about harassment*

Staff who have a genuine concern for their wellbeing and can cite specific harm that is likely to occur if their names and work contact details are released must discuss this with Ministerials, your Manager, or Legal. If the release of a name is likely to lead to harassment, 9(2)(g)(ii) of the Act may apply - in special circumstances where safety concerns arise.

#### *Release of names - concern about content of the advice*

If the concern relates to your recorded comments or advice, part 9(2)(g)(i) of the Act may apply (to protect the free and frank expression of opinion). Please note, however, that giving advice on a policy weakens rather than strengthens the privacy interest.

#### *Personal information related to members of the public, whānau*

We commonly receive detailed personal information from members of the public applying for funding. Names and any other identifying or personal information related

to the public is usually withheld under 9(2)(a), and (confidentiality) may also apply. Look for the following types of information:

- Individual and whānau names
- Whakapapa
- Journeys, stories
- Health and housing information
- Reason for application, whānau plans

Other parts of the Act may also apply to funding applications containing confidential or commercially sensitive information.

### **Constitutional conventions – 9(2)(f)(iv) and 9(2)(g)(i)**

*Information under active consideration - Section 9(2)(f)(iv) – to protect the confidentiality of advice tendered.*

This part of the Act is usually applied to briefing papers and Cabinet papers – formal advice to the Minister, usually seeking a decision. Note, the information it is proposed to withhold must be advice, and the advice must have been tendered. Look for recommendations, and the supporting information around the recommendations.

This part of the Act protects advice that is under active consideration, if releasing it could interfere with the ability to properly consider the advice in an orderly manner. Be cautious about applying to entire documents. Consider releasing the parts of the document that are factual.

*Free and frank advice - 9(2)(g)(i) - to maintain the effective conduct of public affairs through the free and frank expression of opinions*

This part of the Act relates to the contention that officials need to be able to express themselves openly and honestly, and test ideas. If such un-edited or un-tested thoughts were made public would it inhibit officials from expressing their opinions in future?

Mere embarrassment is not grounds for withholding information. If the opinion or advice was not developed or was ignored (or was incorrect) that is not necessarily grounds.

### **Commercial information**

Commercial information may be withheld if it is likely to negatively impact commerce. Look for information such as contracts, financial information and intellectual property that if released would impact:

- making a profit
- future negotiating/bargaining/strategy
- procurement.

The legislation provides the following protection:

*9(2)(b)(ii) – would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information*

*9(2)(i) – enable a Minister of the Crown or any department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities*

*9(2)(j) enable a Minister of the Crown or any department or organisation holding the information to carry out, without prejudice or disadvantage, negotiations*

### **Confidentiality**

Information identified as confidential may be protected as follows:

*9(2)(ba)(i)*

*Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment where the making available of the information*

*(i) would be likely to prejudice the supply of similar information, or 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 part of the Act may apply where for example, funding information is in scope. Establish that the supplier of the information expected confidentiality and there was a mutual understanding with Te Puni Kōkiri. Each case must be considered on its merits and the public interest test applies. If information is withheld, the Record of Decision must set out the specific harm we contend will likely arise from release.

### **Section 18 – administrative reasons for refusing requests.**

The following are some of the administrative reasons commonly used to refuse a request.

(d) that the information requested is or will soon be publicly available:

(e) that the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found:

(f) that the information requested cannot be made available without substantial collation or research:

(g) that the information requested is not held by the department or Minister of the Crown or organisation and the person dealing with the request has no grounds for believing that the information is either—

- (i) held by another department or Minister of the Crown or organisation, or by a local authority; or
- (ii) connected more closely with the functions of another department or Minister of the Crown or organisation or of a local authority:

Note: the public interest test does not apply to this part of the Act.

*18(d) the information is or soon will be publicly available*

This applies when the information is already in the public domain, for example online or at a library. It can also be used if we are planning to publish information on our web site in the near future. If the latter applies seek assurance that publication is definitely going ahead no later than 8-12 weeks.

*18(e) – the document does not exist or cannot be found*

When a request is made for a document that does not exist the request can be declined. Likewise if a document cannot be found, this part of the Act can apply, for example, archives have been damaged or misplaced. Note this part of the Act applies to specifically to documents.

Sometimes requesters will assume that a decision or process must have been documented, or that Te Puni Kōkiri was involved in a decision when in reality it is not our purview. Consider providing context in the letter that helps the requester understand why the document does not exist.

If the requester has used the wrong document name or date but it is clear which document they want, do not use this as grounds for decline.

If the information was in draft but not finalised until shortly after the request was received, do not use this as a grounds for decline.

*18(g) – the information is not held by us and we don't believe it's held by another agency*

This applies to information we don't hold, and there is no one subject to the Act, who we can transfer the request to. This may apply, for example, when a requester has incorrectly assumed the government is involved with an activity when it is not.

*18(f) – the information cannot be made available without substantial collation and research*

This part of the Act can apply either when there is a large quantity of information to be gathered, or there is a large quantity of information to be searched through to identify what's in scope.

Before declining a request on these grounds, the Act requires us to consider whether to:

- Consult the requester to assist them to revise the request
- Extend the timeframe for the response
- Charge for the provision of the information

Start with an initial scoping exercise that identifies how much information is held, where, and any efforts that would be needed to retrieve it and identify what is definitely in scope of the request. For example, an email archive search may be undertaken using key words and 200 emails identified, potentially in scope. This might trigger some consultation with the requester asking them to refine the request, for example by date range. Alternatively this may trigger an extension on the timeframe while the emails are printed and examined.

The Record of Decision must note the process followed and the rationale for decisions made. For example, the requester may refuse to refine the scope of the request and it may then be decided that with over 200 emails to review, even with an extension on the timeframe the request is impracticable and can be declined.

The Ombudsman's website has a good resource on this: *Work Sheet for dealing with administratively challenging requests*.

<http://www.ombudsman.parliament.nz/resources-and-publications/templates-and-work-sheets/work-sheets-and-other-resources>

### **Conclusive reasons for withholding - section 6 of the OIA**

The grounds in section 6 relate to matters such as protecting national security and defence, the economy, the maintenance of law and order, trade agreements, and personal and public safety.

If this part of the Act is used, describe with sufficient particularity, how the release of the information would likely prejudice the interests protected in this part of the Act. In the Record of Decision describe why the risk will likely eventuate.

If information is withheld under this part of the Act, there is no need to apply the public interest test.