



CABINET OFFICE

27 January 2020

Jem Traylen  
fyi-request-11827-47289896@requests.fyi.org.nz

Reference: OIA-2019/20-0290

Dear Jem Traylen

**Official Information Act request: Copy and Related Advice re Cabinet Office Notice (15) 3**

Thank you for your Official Information Act 1982 (the Act) request received on 7 December 2019. You requested:

*"...1) A copy of Cabinet Office Notice (15) 3 Proactive Release of Cabinet Papers, and  
2) A copy of all final advice given in the preparation of this notice..."*

Please find **enclosed** a copy of the *Cabinet Office Notice (15) 3 Proactive Release of Cabinet Material: Updated Requirements*.

As detailed in the introduction of the notice, this is an updated version of a previous Cabinet Office notice on the subject of proactive release of Cabinet material. As a result, substantive advice was not required for the preparation of the notice and we do not hold this information. Accordingly, I decline part two of your request under section 18 (g)(i) where the information requested is not held by the Department of the Prime Minister and Cabinet and I have no grounds to believe that the information is held by another department.

We note that this Cabinet Office Notice is no longer current and has been superseded by the Cabinet Office circular *CO (18) 4 – Proactive Release of Cabinet Material: Updated Requirements*. This Circular is available on the Department of the Prime Minister and Cabinet's website: <https://dpmc.govt.nz/publications/proactive-release-cabinet-material>

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely

A handwritten signature in black ink that reads 'Michael Webster'.

Michael Webster  
**Secretary of the Cabinet**



# Cabinet Office

CO Notice (15) 3

## Notice

19 November 2015

### Intended for

- All Chief Executives
- All Senior Private Secretaries
- All Private Secretaries
- All officials involved with preparing and/or processing Cabinet papers

## Proactive Release of Cabinet Material: Updated Requirements

### Key points

- Cabinet papers and minutes may be released proactively and published online with the approval of the relevant portfolio Minister.
- It should be indicated in Cabinet papers whether or not the Minister intends to proactively release the paper.
- The Minister's office or agency proactively releasing the Cabinet material is responsible for ensuring the quality and accuracy of the material that is released and published online.

### Introduction

- 1 This notice reissues and updates the requirements and procedures for the proactive release of Cabinet material, taking into account the implementation of CabNet. It replaces the previous notice on this subject, CO Notice (09) 5.
- 2 General guidance about the proactive release of Cabinet material is provided in the Cabinet Manual ([paragraph 8.4](#)). This notice sets out further detail on the processes and responsibilities that follow a Minister's decision to proactively release Cabinet material and for it to be published online.
- 3 "Cabinet material" means papers that have been considered by Cabinet or a Cabinet committee and the associated minutes. "Publisher" means the person in a department or a Minister's office who is responsible for administering the proactive release and publication of the Cabinet material online.
- 4 The notice relates only to Cabinet material of the current administration. The process for publicly releasing Cabinet material of a previous administration is set out in [paragraphs 8.83 and 8.84](#) of the Cabinet Manual.

### Ministerial approval required for proactive release

- 5 Cabinet material may be released proactively, usually through publication online. Ministers have authority to approve the proactive release of Cabinet material within their own portfolios.

- 6 A Minister may also decide that it is appropriate for Cabinet material to be proactively released and published online following a request for the information made under the Official Information Act 1982.
- 7 The following matters should be considered before Ministers give approval to proactively release and publish Cabinet material online:
- 7.1 the application of the principles in the Official Information Act 1982, the Privacy Act 1993, and the Protective Security Requirements <https://protectivesecurity.govt.nz/> to the information;
  - 7.2 whether the document contains any information that would have been withheld if the information had been requested under the Official Information Act;
  - 7.3 whether the document contains any information that must be withheld under the terms of any other legislation; and
  - 7.4 whether, in the circumstances, publication on the web is the best means of public release.

#### **New requirement to indicate whether a paper is to be proactively released**

- 8 Papers for Cabinet and committees (except for papers on Ministerial overseas travel, appointments and legislation (draft Bills and regulations)) should state in the publicity or communications section whether or not the Minister proposes to release the paper proactively.
- 9 A specific recommendation on proactive release does not need to be included in the recommendations of the paper.

#### **Content and presentation**

- 10 It is the publisher's responsibility to ensure that only the final versions of Cabinet material are proactively released and published online:
- Papers: the final version of a paper is the version approved by the Minister for lodgement on CabNet and which has been considered by a Cabinet committee or Cabinet;
  - Minutes: the final version of a minute is the version published by the Cabinet Office on CabNet following a Cabinet or Cabinet committee meeting.
- 11 Cabinet committee minutes should not be released until they have been confirmed by Cabinet.
- 12 Depending on their administrative arrangements with departments, Ministers' offices may choose to review the finalised content before publication on the web.
- 13 Where possible, papers and relevant minutes should be proactively released together so that readers have context for the decisions made by Cabinet. Electronic copies can be downloaded from CabNet for the purposes of proactive release. The watermark on these copies should be retained. The Cabinet Office can provide electronic copies of older minutes that are not on CabNet on request.



- 14 Where Cabinet material has been published on the web following a request under the Official Information Act, any deletions should be flagged in the body of the text at each deletion point. It is good practice to state the reasons for deleting information on the published document. Under the Official Information Act, it is a requirement to provide reasons for refusing a request.
- 15 There is no need to release the Cabinet Office summary of the paper, which exists as a separate document on CabNet.
- 16 Cabinet material published on the web should conform to the current Web Standards.

#### **Review of security classification and availability on CabNet**

- 17 Once Cabinet material is published online, the security classification of the original document may no longer apply. Unless some information has been withheld from the version proactively released, departments should review the security classification of the original version stored on their document management systems.
- 18 The proactive release of Cabinet material may mean that access to the material can also be made available in CabNet to all CabNet users. Contact the Cabinet Office Records Manager to arrange for the access to the paper to be updated accordingly (see below for contact details).

#### **Quality assurance**

- 19 It is the publisher's responsibility to ensure the quality and accuracy of Cabinet material that is proactively released and published online.
- 20 The following points should be checked:
  - the Minister has approved the material for proactive release and publication online;
  - it is the correct and final version of the paper approved by the Minister for lodgement on CabNet that is being published, subject to any redaction that may be necessary;
  - the Cabinet committee minute has been confirmed by Cabinet;
  - the title and other reference information is accurate;
  - related Cabinet material (paper and minute) is included.
- 21 As a protection against misuse of Cabinet material, a Crown Copyright statement should be included with the content of each document published on the web.

#### **Further advice**

- 22 The Cabinet Office is available to provide further advice on the proactive release of Cabinet material and publishing online. Contact details are set out below.



Michael Webster  
Secretary of the Cabinet

**Enquiries:**

Loma Pedro, Records Manager, (for advice on the proactive release of Cabinet material and requests for electronic copies of older Cabinet and Cabinet Committee minutes not on CabNet)

[loma.pedro@dpmc.govt.nz](mailto:loma.pedro@dpmc.govt.nz)

Ph: 817-9758

Anna Fleming, Legal and Constitutional Advisor, (for advice on requests for Cabinet material made under the Official Information Act and for requests on Cabinet material of previous administrations)

[anna.fleming@dpmc.govt.nz](mailto:anna.fleming@dpmc.govt.nz)

Ph: 817-9256