

27 JAN 2020

Jem Traylen
fyi-request-11830-c9bbb89d@requests.fyi.org.nz

Our ref: OIA 79923

Dear Mx Traylen

Official Information Act request: Wakem report on the Official Information Act December 2015

Thank you for your email of 7 December 2019 requesting, under the Official Information Act 1982 (the Act), information relating to advice/reports/responses to the Wakem report on the Official Information Act, December 2015. Your specific request is as follows:

“Presumably, the Ministry carefully considered the recommendations in the Wakem report, was involved in advising the government on an appropriate response and has been monitoring progress on the issues raised.

- 1) Please provide a copy of any reports or advice prepared on
 - a) how the government of the day could respond to the Wakem Report's recommendations (i.e. in 2016), and*
 - b) what progress has been made by the state sector in relation to the issues raised in the report (i.e. since 2016).**
- 2) Please provide a copy of the relevant key documents that describe your agency's current work programme on the OIA.”*

Before addressing your specific questions, it may be helpful to explain the Ministry's role in relation to the OIA. In November 2016, the then Secretary for Justice delegated to the State Services Commissioner the Ministry of Justice's function, under section 46 of the OIA, of providing advice and assistance to organisations to act in accordance with the OIA.

Following the report of Dame Beverly Wakem's 2015 investigation into government agencies' OIA practices, the State Services Commission (SSC) and the Office of the Ombudsman have been providing advice and assistance to agencies on how to improve implementation of the OIA. This programme has included reporting on compliance with the OIA (via the publication of statistics on timeliness and volumes) and increased emphasis on the proactive release of OIA responses and official information more generally.

Consequently, in response to your first request, no reports or advice were produced by the Ministry on how the government of the day could respond to the report. This part of your request is therefore refused under section 18(e) of the OIA as the information does not exist.

In response to question 1(b) the SSC is best placed to answer this question. As you have separately requested this information from the SSC, I have not formally transferred this part of your request to it.

In response to question 2, a possible review of the OIA is a matter on which the Ministry is preparing ongoing advice. As such this information is withheld under section 9(2)(f)(iv) of the OIA to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Minister of the Crown and officials. I am satisfied that there are no other public interest considerations that render it desirable to make the withheld information available at this time.

If you require any further information, please contact Jerram Watts, Acting Team Leader, Media and External Relations, by calling (04) 918 8980; or emailing media@justice.govt.nz.

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at info@ombudsman.parliament.nz

Yours sincerely



Caroline Greaney
General Manager, Civil and Constitutional