

Ministerial and Executive Services

Process Manual

December 2016

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1. Introduction

Ministerial and Executive Services (MaES) supports and assists Ministers, the Leadership Team and Ministry staff when responding to public interest in the work of the Ministry. MaES' key role is to ensure we maintain the accountability and transparency of the Ministry and to accurately convey Ministry information to the public in a timely manner.

MaES supports the Offices of the following Ministers:

- the Minister for Social Development
- the Minister for Social Housing
- the Associate Minister for Social Housing
- the Minister for Youth
- the Minister for Disability Issues
- the Minister for Seniors
- the Minister for Children
- the Associate Minister for Children.

MaES also manages the flow of Cabinet and Cabinet Committee papers from Parliament to the Ministry and assists in the distribution and provision of Cabinet documents to staff.

MaES most often provides its assistance directly to Deputy Chief Executives and Private Secretaries to help them work with Ministers or the Chief Executive on particular issues.

No Official Information Act (OIA) response, Parliamentary Question (PQ), Ministerial response, or response to an Ombudsmen or Privacy Commissioner investigation, may leave the Ministry without MaES' approval or advice.

1.1 Functions within MaES

Out of Scope :

- **Ministerial and Executive Correspondence:** responds to letters and emails from members of the public, as well as from (fellow) Ministers and/or Members of Parliament to Ministers or the Chief Executive. Often this includes providing advice and assistance with complaints and concerns put in writing directly to a Minister or the Chief Executive.
- **Official and Parliamentary Information:** provides advice and assistance with the release of official information, generally in response to requests made under the Official Information Act 1982, or written and oral Parliamentary Questions.
- **Out of Scope**

- **Ombudsman and Privacy Complaints:** investigates complaints about the release of information under the Official Information Act 1982.

Out of Scope

1.2 Processes

MaES use a number of processes to undertake its work in each of the areas listed below. Each process is set out in the following numbered sections of this process manual:

Section	Task
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0	Out of
6	OIA – Ministerial
7	OIA- Chief Executive
8	Ombudsman and Privacy Complaints
0	Out of Scope
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All of MaES' work is stored in the Ministry's Electronic Document Records Management System (EDRMS). Out of Scope

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6. Official Information Act - Ministerial

6.1 Purpose

The process for a Ministerial Official Information Act (OIA) request is set out below.

Please note that this process differs considerably from the process for OIA requests made with the Chief Executive of the Ministry. While that process works to a 20 working day timeframe to provide a **decision**, the process for ministerial OIA requests works to a 20 working day timeframe to provide a **response**. This distinction is not a legislative requirement; however, it is the Minister's preference that a fulsome response, rather than a decision, is provided within 20 working days.

6.2 Stages

An OIA request is a five-part process that is broken down into the following stages:



6.2.1 Receipt

All OIA requests received are logged in EDRMS, and an electronic and paper file established (Red for OIAs). The date of receipt and the respond by date are also entered, and a workflow set up.

Day 1: OIA Request received

- Via email, letter, transfer from another agency or business unit within MSD. Requests are also received through the website, www.fyi.org.nz and although rare, can also be made orally.
- Requests are generally made by members of the public, media, opposition MP's, interest or lobby groups, the private sector, students and researchers.

Day 1: Allocation to staff member

- An allocation meeting is held daily at 4pm with OIA advisors. At this stage it may be established that the request needs to be transferred to the Ministry to respond, rather than the Minister. [Document 1: *Transfer letter to requestor*; Document 2: *Transfer letter to other agency*].
- The administrator creates an OIA file in EDRMS and allocates a unique OIA reference number to the request. A physical file is also created at this time.
- The administrator will also send acknowledgment of the request to the requestor.

6.2.2 Commission and scope

The advisor will contact and meet with the appropriate business unit(s) for information to prepare the response.

Days 2 to 5:

- The request is commissioned with the relevant business units, using centralised issues team email addresses where appropriate. [Document 3: '*Commissioning email*']. Commissioning is complete by day 2 at the latest.
- In the commissioning email, the advisor will provide the business unit with information about the requestor, the likely reason for the request (including media attention, or previous media queries), and provides copies of previous relevant requests.
- The following business units have centralised issues email addresses: Service Delivery, Community Investment, Child, Youth and Family and Insights for data. Centralised Issues email addresses to be used are:
9(2)(k) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- These issues teams inform the OIA advisor of subject matter experts to liaise directly with, regarding the request. The OIA advisor schedules and holds a scoping meeting with relevant business units, including the subject matter experts, to determine the information that falls within scope of the request and any complications that may exist in compiling the relevant information.
- At the scoping meeting, the advisor will **establish the timeframe** for the business unit to provide information. This timeframe will depend on the amount of information in scope of the request, and the complications involved in providing the information.
- At this stage it may become clear that the Ministry and Minister will not be able to meet the 20 working day timeframe. In these cases an extension may be necessary. [Document 4: '*Extension Letter*']. Under section 15A of the Act, the agency may extend the time limit to make a decision on the request where:
 - The request is for a large amount of information, or a search through a large amount of information is necessary; or
 - Consultations are necessary to make a decision on the request and cannot reasonably be made within the 20 working day timeframe.
- **Any extension should be discussed with the relevant Minister's office**, as the Minister responsible will be required to sign the extension letter to the requestor.
- Following the scoping meeting, contact should be made with the requestor if the request needs to be refined or if the advisor needs to clarify the request. For Ministerial OIA's the OIA advisor should not make contact with the requestor prior to discussion with the Minister's office. It may be the Office's preference for the Private Secretary to contact the requestor.

Please note, under section 15(1AB) of the Act, if the original request is amended or clarified *by the agency* within seven working days, the timeframe is reset.

Please also note, that under section 15(1AA) of the Act, if the requestor amends or clarifies the request *themselves* at any time after their original request, then the amended or clarified request is treated as a new request and the timeframe is reset.

6.2.3 Collation

The Advisor checks to ensure that all required information has been provided.

Days 6 to 10: MaES works with the business unit to establish what is going to be provided to requestor, and in what manner this will be provided.

- Where the information requested involves documents, MaES provides business unit(s) with a risk assessment template, with the front page memo completed. The completed risk assessment is provided to MaES in the timeframe negotiated. Generally, negotiated timeframes will be dependent upon number of documents that need to be reviewed. [Document 5: '*Risk Assessment*']
- The timeframe for receiving the information in scope of the request will depend on what was agreed upon in the scoping meeting. During the collation stage, this timeframe may change due to further complications being discovered with providing data or relating to documents that are in scope of the request.

6.2.4 Response

Once all the required information has been received, the Advisor prepares the response.

Days 6 to 10: MaES compiles the response and report, with information provided by business unit. [Document 6: '*OIA response draft for Minister*'; Document 7: '*OIA report for Ministerials*'].

Day 7: Last day to refine request with the requestor for the timeframe to respond to reset to 20 working days.

Day 10: Last day to transfer the OIA request to another agency, including from the Minister to the Ministry.

- During this stage it may become clear that documents proposed for release contain information from other agencies, or that documents proposed for release were jointly authored by the Ministry and other agencies. In these cases, these agencies should be consulted with by the advisor. Generally, **two working days** are required for the consultation..

6.2.5 Sign Out

This stage includes quality assurance and sign-out.

Day 10 to 15: Once the advisor has completed the response and report, this information, as well as all other relevant information should be placed into the OIA file [the red folder]. The information should be placed in the folder in the following order (from front to back of folder):

- Response (in plastic folder)

- Redacted copies of any documents proposed for release, stamped with 'Released under the Official Information Act' (in plastic folder).
- Clean copies (on pink paper) of all documents in scope of the request (in plastic folder), including documents to be withheld in full.
- Report, with first page printed on grey paper and clipped until the sign out page, which is secured into the folder.
 - Request (tagged with *Letter to Minister* sticker)
 - Any extension letters provided
 - Email correspondence with the business units
 - Excel spread sheets with raw data provided
 - Relevant media articles
 - Relevant previous OIA responses (not the reports).
- The response is then put through the QA process in MaES:
 - Peer review QA to be completed within **8 hours** by an OIA team member.
 - MaES Manager sign out within **24 hours**.
 - MaES General Manager sign out within **24 hours**.
- The response is then put into wider Ministry sign out. Each involved business unit has **two working days** to sign out the response. This includes:
 - Communications- please note that in some cases communications will not need to review the response, where it is very unlikely that any media attention will come about as a result of the response.
 - All business units involved in the response.
- During the sign out stage, it may be necessary to amend the response. Any amendments should be done in consultation with MaES and MaES should maintain version control of the documents.

Day 15: Once the report has been signed out by all the relevant business units, it is sent to the Minister's office for final sign out. A memo is drafted and is stapled to the front of the red folder [Document 8: '*Minister's office Ministerial OIA memo*'].

- The Minister's office is given **five working days** to sign out the response, and then send the response to the requestor. The file is provided back to MaES for filing, once the response has been signed out and sent.
- The Ministry's reporting Key Performance Indicator for Ministerial OIA responses is 100 per cent on time. Please note that for reporting, a Ministerial response is considered on time if it is provided to the Minister's office **by day 15** of the 20 working day timeframe. Sending the response is then the responsibility of the Minister's office.

7. Official Information Act - Chief Executive

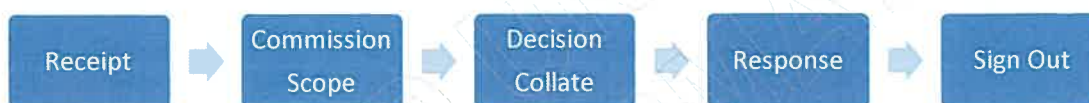
7.1 Purpose

The process for an Official Information Act (OIA) to the Ministry is outlined below. This process is for requests for information which are the responsibility of the Chief Executive.

Under section 15 of the Official Information Act 1982 (the Act), agencies must provide a **decision** to the requestor no later than 20 working days after the request is received by the agency. The decision must convey if the request will be granted in full, in part, or refused, and an outline of what information will be released. If information will be withheld, the decision must include any Official Information Act withholding grounds that will apply. Following the decision, a response should be provided to the requestor as soon as is practicably possible.

7.2 Stages

Responding to an OIA request is a five-part process that is broken down into the following stages:



7.2.1 Receipt

All OIA requests received are logged in EDRMS, and an electronic and paper file is created (Red for OIAs). The date of receipt and the respond by date are also entered into EDRMS, and a workflow is set up.

Day 1: OIA Request received

- Via email, letter, or transfer from another agency or business unit within MSD. Requests are also received through the website, www.fyi.org.nz and although rare, can be made orally.
- Requests are generally made by members of the public, media, opposition MP's, interest or lobby groups, the private sector, students and researchers.

Day 1: Allocation to staff member

- An allocation meeting is held daily at 4pm with OIA advisors.
- The administrator will create a OIA file in EDRMS and allocate a unique OIA reference number. A physical file is also created at this time.
- The administrator will also send an acknowledgment of the request to requestor.

7.2.2 Commission and scope

The advisor will contact the appropriate business unit(s) for information to prepare the response.

Days 2 to 5: .

- The request is commissioned with the relevant business units, using centralised issues email addresses where appropriate. [Document 1: '*Commissioning email*']. Commissioning is expected to be complete by day 2.
- In the commissioning email, the advisor will provide the business unit with information about the requestor, the likely reason for the request (including media attention, or previous media queries), and provides previous relevant requests.

9(2)(k) [REDACTED]

- These issues teams inform the OIA advisor of subject matter experts to liaise directly with regarding the request. The OIA advisor will schedule and hold a scoping meeting with relevant business units, including the subject matter experts, to determine the information that falls within scope of the request and any complications that may exist in compiling the relevant information.
- At the scoping meeting, the advisor will **establish the timeframe** for the business area to provide a response. This timeframe will depend on the amount of information in scope of the request, and the complications involved in providing the information.
- Following the scoping meeting, the advisor should contact the requestor if the request needs to be refined or if the advisor needs to clarify the request.
- Please note, under section 15(1AB) of the Act, if the original request is amended or clarified *by the agency* within seven working days, the timeframe is reset.
- Please also note, that under section 15(1AA) of the Act, if the requestor amends or clarifies the request *themselves* at any time after their original request, then the amended or clarified request is treated as a new request and the timeframe is reset.
- During the commissioning and scoping stage, it may be established that the request needs to be transferred to another agency. Under section 14 of the Act, the agency has ten working days to transfer requests to another agency. Following transferral, the timeframe is reset. [Document 2: *Transfer letter to requestor*; Document 3: *Transfer letter to other agency*].

7.2.3 Decision and collate

The Advisor checks to ensure that all required information has been provided.

Days 6 to 15: MaES works with the business unit to establish what information is going to be provided to requestor, and in what manner this will be provided.

- Where the information requested involves documents, MaES provides business unit(s) with a risk assessment template, with the front page memo completed. The complete risk assessment is provided back to MaES in the timeframe negotiated. Generally, the negotiated timeframe is dependent upon the number of documents that need to be reviewed. [Document 4: '*Risk Assessment*']
- The timeframe for receiving the information in scope of the request will depend on what was agreed upon in the scoping meeting. During the collation stage, this timeframe may change due to further complications being discovered with providing data or relating to documents that are in scope of the request.

Day 7: Last day to refine request with the requestor for the timeframe to respond to reset to 20 working days.

Day 10: Last day to transfer OIA request to another agency

Days 11 to 15: MaES works with the business unit(s) to finalise the decision on how the Ministry will respond to the request. The Advisor drafts a decision letter or email, and sends a draft to the business unit(s) for electronic GM sign out. [Document 5: '*Notification of decision*'].

- Please note that where a response is low risk, it may not be necessary to get GM sign out on the decision letters. This may also be the case where the response has been compiled, and is in sign out already. In these cases, the advisor only requires MaES GM sign out on the decision email or letter.
- If at this stage, MaES has been unable to establish what the decision on the request is, an extension may be necessary. [Document 6: '*Extension Letter*']. Under section 15A of the Act, the agency may extend the time limit to make a decision on the request where:
 - The request is for a large amount of information, or a search through a large amount of information is necessary; or
 - Consultations are necessary to make a decision on the request and cannot reasonably be made within the 20 working day timeframe.

7.2.4 Response

Once all the required information has been received, the Advisor prepares the response.

Days 15 - : MaES compiles the response and report, with information provided by business unit. [Document 7: '*OIA response draft for CE*'; Document 8: '*OIA report for CE*'].

- Please note that where a response is very low risk, for example in cases where the information has been released previously, or if the request is being refused in full, it may be appropriate to 'fast track' the response. [Document 9: 'Fast track memo'].
- During this stage it may become clear that documents proposed for release contains information from other agencies, or that documents proposed for release were jointly authored by the Ministry and other agencies. In these cases, these agencies should be consulted with by the advisor. Generally **two working days** are required for consultation.

Day 20: Day 20 is the last day to provide the requestor with the decision on request or to extend the time available to make a decision. Please note that if a request is extended, this extends the time available to *make a decision*. Following an extension letter, the advisor should provide a decision to the requestor as soon as is practicably possible, and before the extended due date.

- The Advisor should continue to communicate with the requestor, and if possible, advise the requestor when they can expect a response. However, the advisor should also be aware that providing a date the response will be with the requestor creates an expectation and heightens risk.

7.2.5 Sign Out

This stage includes quality assurance and sign-out.

Day 20 - : Once the advisor has completed the response and report, this information, as well as all other relevant information should be placed into the OIA file [the red folder]. The information should be placed in the folder in the following order (from front to back of folder):

- Response (in plastic folder)
 - Redacted copies of any documents proposed for release (in plastic folder).
 - Clean copies (on pink paper) of all documents *in scope* of the request, including any documents proposed to be withheld in full (in plastic folder).
 - Report
 - Request (tagged with *Letter to CE* sticker)
 - Decision on request
 - Any extension letters provided
 - Email correspondence with the business units
 - Excel spread sheets with raw data provided
 - Relevant media articles
 - Relevant previous OIA responses (not the reports).
- The response is then put through the QA process in MaES:
 - Peer review QA to be completed within **8 hours** by an OIA team member.
 - MaES Manager signs out draft replies within **24 hours**.
 - MaES General Manager sign out draft replies within **24 hours**.

- The response is then put into wider Ministry sign out. Each involved business unit has **two working days** to sign out the response. This includes:
 - Communications- please note that in some cases communications will not need to see the response, where it is very unlikely that any media attention will come about as a result of the response.
 - All business units involved in the response.
- The final stage in sign out is the business unit that is responsible for signing out the letter. As above, the final signatory is given **two working days**.
- During the sign out stage, it may be necessary to amend the response. Any amendments should be done in consultation with MaES, and MaES should maintain version control of the documents.
- Once the response has been signed out by all the relevant business units, it is sent to the Minister's office for consultation. A memo is drafted and is stapled to the front of the red folder [Document 10: '*Minister's office Consultation memo*'].
- The Minister's office is given **five working days** to provide any feedback to the advisor on the response.
- Following consultation with the Minister's office, the response is returned to the advisor and can be provided to the requestor.
- The MaES administrator manages sending responses to requestors, will strip the file and save a copy of the response and signed report to EDRMS.
- The Ministry's reporting Key Performance Indicator for CE OIA responses is 100 per cent on time.

8. Ombudsman and Privacy Complaints

8.1 Purpose

This section outlines the process for a complaint received by the Ministry under the Ombudsmen Act, the Official Information Act or the Privacy Act. The Ombudsman and Privacy Complaints (O&P) team is responsible for dealing with these complaints.

The O&P team is responsible for maintaining an effective working relationship with the Office of the Ombudsman and the Office of the Privacy Commissioner, as well as ensuring that the Ministry responds to these complaints in a consistent manner. The team will also help to ensure any learnings arising from these complaints are shared across the Ministry.

The process for handling complaints from both the Office of the Ombudsman and the Office of the Privacy Commissioner are managed in the same way.

The Ministry has **20 working days to respond** to a complaint, but should seek to respond as soon as possible.

8.2 Stages

A complaint investigation is a six-part process that is broken down into the following stages:



8.2.1 Receipt

All complaints received are logged in EDRMS, and an electronic and paper file established (Blue for complaints). The date of receipt and the respond by date are also entered, and a workflow set up.

Day 1: Notification letter received from the Office of the Ombudsman (Ombudsman) or the Office of the Privacy Commissioner (OPC).

- Notification received via hard copy letter or via email to: [Ombudsman and Privacy@msd.govt.nz](mailto:Ombudsman.and.Privacy@msd.govt.nz).
- Allocation to O&P Advisor.
- O&P Advisor completes workflow template and emails to Administrative Assistant, so the complaint can be entered into EDRMS and an electronic file created. Physical file also created at this time, if required.
- O&P Advisor acknowledges receipt of complaint by email to the Office of the Ombudsman or the Office of the Privacy Commissioner.
- O&P Advisor adds complaint to the appropriate Excel spreadsheet, which contains details of all current complaints.

8.2.2 Commission

Advisor to contact the appropriate business unit(s) for information to prepare the response.

Day 1: Complaint Commissioned

- O&P Advisor commissions complaint to relevant business unit, requesting response within **5 working days**
- Business unit email addresses used:
9(2)(k) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- The business unit acknowledges receipt of the complaint from the Ombudsman and Privacy Complaints team, and informs the O&P Advisor who they liaise directly with regarding the complaint.
- If required, the O&P Advisor schedules and holds a planning meeting with the relevant business unit(s) to discuss the response to the complaint.
- If required, the Investigator from the Ombudsman or the OPC is invited to attend a meeting with Ministry officials to discuss the complaint.

The O&P team seeks to proactively encourage meetings with investigators, where it is believed that this might lead to an early resolution of the complaint.

8.2.3 Collate

The O&P team proactively manage expected responses from business units.

Day 6: Business unit provides initial information, advice and/or comments to the O&P Advisor.

Days 6 to 10: If required, the O&P Advisor requests a time extension from the Ombudsman or the OPC for the Ministry's response.

- Request for an extension and the response are entered into the EDRMS file.

Days 11 to 13: Business units provide information for the Ministry's response.

- Advice or comments provided from the business unit to the O&P team are entered into the EDRMS file.

8.2.4 Response

Once all the required information has been received, the Advisor prepares the response.

Days 11 to 13: O&P Advisor drafts Ministry's response to the Ombudsman or the OPC complaint letter, using information and/or advice from business unit(s).

- O&P Advisor provides draft response to relevant business unit for comment and edits.
- O&P Advisor finalises the response, if/when additional comments from business units received.
- If required by the business unit, O&P Advisor writes report to DCE to provide background of complaint (to accompany letter when it is provided to DCE for sign-off).

8.2.5 Sign Out

Sign out is a crucial stage in the process to ensure that all information and written material provided with the Ministry's response letter is in order.

- Peer review: quality assurance to be completed within 8 hours by a Complaints or MaES Advisor (OPI Advisor for OIA complaints).
- MaES Manager sign out within 24 hours.
- Team Managers of other business units that were involve with the response sign out within 24 hours.
- MaES General Manager sign out within 24 hours.
- Chief Executive, Deputy Chief Executive or Ministerial sign out within 5 working days.

Day 20: When Ministry's response letter is signed, the O&P Advisor scans the signed copy and any attached appendices (and report) before it is sent.

- The signed scanned response letter and report are entered into the EDRMS file.
- The letter is sent to the Ombudsman or the OPC.

8.2.6 Closure of complaint

The O&P Advisor updates the EDRMS file with the following:

- The acknowledgement of the Ministry's response from the Ombudsman or the OPC.
- The provisional opinion from the Ombudsman or the OPC.
- The final opinion from the Ombudsman or the OPC.

The formal closure of complaints by either the Ombudsman or the OPC can take some time. Until a complaint is formally closed, either the Ombudsman or the OPC can request more information, even if this is many months after the Ministry's response was sent.

As at December 2016, the Ombudsman is working through a number of historic complaints, with some stemming back to 2012.

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