

14 February 2020

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Via FYI.org.nz
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Tēnā koe K Lambert

Your Official Information Act request OIA1920-0482

Thank you for your Official Information Act (the Act) request, which was received by the Department of Internal Affairs (Department) on 12 December 2019. On 31 January 2020 the Department extended the time available for response in your request to 14 February 2020, due to substantial collation and consultations necessary to make a decision in your request.

You requested the following information:

These requests pertain to the current year (2019) to date and the full three years prior (2016,17,18). It would be appreciated if this could be broken down year by year.

- 1. Requests received
- 2. Requests acknowledged within 20 working days
- 3. Requests in which the requested information or decision to decline was provided within 20 working days
- Requests in which the information was provided, declined or provided in part (obviously separate figures). In the case of declines or partials please identify the sections of each act relied upon to decline in whole or in part.
- 5. Requests that took more than three months to either fulfill or decline in whole or in part and the reason for the refusal and for the delay for each one
- 6. Requests that were declined in whole or in part that were escalated to either the ombudsman or privacy commission
 - In the case of instances that were escalated to either privacy commission or ombudsman, please provide the numbers for:
 - a. Cases in which the matter was found in favour of the applicant's position
 - b. Cases that were found in favour of your position
 - c. Please provide the number of instances in which rulings have gone against you and you have arrived at a monetary supplement with the applicant.
 - d. Please provide the total figure for each year that you paid out in these settlements.
- 7. Please also provide the numbers of both OIA and PA requests that at the time of this request, had been received by yourselves more than three months ago and that remain outstanding. Please provide a detailed an explanation for the length of time for each case.

- 8. Any manuals, policy or process documents that you have relating to your approach to OIA and PA requests
- 9. Structures in your organisation dedicated to OIA and PA requests. For example, do you have a team dedicated to these functions? Do you have staff in other roles who are routinely brought in to carry out these functions?
 - a. In either case, please provide the number of FTE dedicated to OIA and PA functions -
 - b. Please explain how you maintain effective oversight of these functions -
 - c. Please explain what external organisations carry out oversight of these functions. For example, do you have an independent body carry out audits to ensure that the staff tasked with these functions are carrying them out in accordance with the law.

Publicly available information:

The Department reports on OIA and Privacy Act requests as part of the Finance and Expenditure Annual Review. The 2018/19 Annual Review is available on the Parliament website, accessible through the link below.

https://www.parliament.nz/en/pb/sc/submissions-and-advice/?custom=fins 92736

The Department also reports on OIA requests to the State Services Commission (SSC) every six months. This information can be found on the SSC website. The Statistics for the period July to December 2019 will be published in March 2020 at the website below. https://ssc.govt.nz/resources/official-information-statistics/

The Office of the Ombudsman reports publicly on complaint and investigation statistics for all government agencies in six month intervals. Information for the period from July 2016 to June 2019 can be found on the Ombudsman's website at the link below https://www.ombudsman.parliament.nz/resources/oia-complaints-received-resolutions-july-2016-june-2019

Statistics for the period July to December 2019 will be published in March 2020 and will be able to be located through the search function on the Ombudsman's website.

OIA and Privacy Act requests

The Department manages OIA requests and Privacy Act requests through different management models and systems. We will therefore respond first in respect of OIA requests and then in regard to Privacy Act requests.

Our response in respect of OIA requests:

1. Volume of requests received

The table below sets out the volume of OIA requests received by the Department in the period you have requested.

	2016/17	2017/18	2018/19	2019/20 (To 12/12/2019)
OIA requests received	394	517	836	467

2. Volume of requests acknowledged within 20 working days

The Department does not actively track acknowledgement correspondence. This part of your request is refused under section 18(f) of the Act as substantial collation and research would be needed to answer it, and this would be likely to disproportionately impact the normal operation of the organisation.

It is the Department's standard practice to send an email or letter acknowledging incoming requests within 48 hours. However, where the request is to be transferred this acknowledgement may not be sent, as the Department usually completes request transfers within 48 hours. Acknowledgement may also be omitted in some cases where the department's decision is anticipated to be released in less than 5 working days.

3. Volume of requests in which the requested information or decision to decline was provided within 20 working days

I refer you to the table below. Please note that these figures differ from publicly reported statistics in the Department's response to the Parliamentary Select Committee, as other request outcomes, such as transferred and withdrawn are included within those figures.

ALCOHOL: HESTINE	2016/17	2017/18	2018/19	2019/20 (To 12/12/2019)
OIA requests in which full/part/refuse decision was provided within 20 days	306	375	487	250 (of 284)

4. Volume of requests in which the information was provided, declined or provided in part (obviously separate figures). In the case of declines or partials please identify the sections of each act relied upon to decline in whole or in part

The table below provides the annual volume of requests according to outcome.

Request volume by outcome	2016/17	2017/18	2018/19	2019/20 (To 12/12/2019)
Full release	166	206	262	98
Part release	126	150	208	117
Refusal	78	59	112	69

Please also refer to Appendix A, which provides tables setting out the frequency with which different withholding grounds occurred in partial releases and refusals. Note that multiple

withholding grounds may be applied within a single request, therefore statistics on withholding grounds are not directly comparable to statistics on outcomes.

5. Requests that took more than three months to either fulfill or decline in whole or in part and the reason for the refusal and for the delay for each one

Please refer to Appendix B for a table providing this information. As 'three months' will comprise a variable length of time at different times of year, we are providing you with a list of all OIAs that required more than 60 working days to complete, on the basis that a month usually has approximately 20 working days. Some individuals have been anonymised in this document, consistent with section 9(2)(a) of the Act, in order to maintain their privacy.

- 6. Requests that were declined in whole or in part that were escalated to either the ombudsman or privacy commission AND In the case of instances that were escalated to either privacy commission or ombudsman, please provide the numbers for:
 - a. Cases in which the matter was found in favour of the applicant's position
 - b. Cases that were found in favour of your position

These parts of your request are refused under section 18(d) as the information is now, or is soon to be, publicly available. I refer you to the published statistics on the website of the Office of the Ombudsman.

- c. Please provide the number of instances in which rulings have gone against you and you have arrived at a monetary supplement with the applicant.
- d. Please provide the total figure for each year that you paid out in these settlements.

There have been no such cases during the period of enquiry.

7. Please also provide the numbers of both OIA and PA requests that at the time of this request, had been received by yourselves more than three months ago and that remain outstanding. Please provide a detailed an explanation for the length of time for each case.

One OIA request was more than three months old at the time of your request. I refer you to Appendix B for further detail. This request (OIA1920-0314) required research of legacy records associated with the Confidential Listening Service.

8. Any manuals, policy or process documents that you have relating to your approach to OIA and PA requests

I refer you to the publicly released information found on FYI.org.nz here: https://fyi.org.nz/request/5841-policies-relating-to-the-handling-of-oia-requests#incoming-19739

Please also find an attachment included with this response, labelled Appendix C. This provides the following additional documents, which are being released in full:

- OIA email templates resource
- OIA Inbox triage flowchart 1
- OIA Inbox triage flowchart 2
- Step by step guide to redaction and document preparation in Adobe
- 9. Structures in your organisation dedicated to OIA and PA requests. For example, do you have a team dedicated to these functions? Do you have staff in other roles who are routinely brought in to carry out these functions?
 - a. In either case, please provide the number of FTE dedicated to OIA and PA functions
 - b. Please explain how you maintain effective oversight of these functions
 - c. Please explain what external organisations carry out oversight of these functions. For example, do you have an independent body carry out audits to ensure that the staff tasked with these functions are carrying them out in accordance with the law.

The Department operates a partially centralised model for the management of its OIA requests. This model is composed of a small central OIA function in the Organisational Strategy and Performance branch, and a wider network of OIA practitioners distributed across the branches.

The central OIA function maintains oversight across the Department's OIA activity, delivers performance reporting, and provides guidance and support to practitioners across the department.

Across the branches of the department, OIA practitioners are distributed into a series of branch 'hubs'; each process requests associated with their business areas/functions. Employees who are part of these hubs often manage official correspondence alongside their primary or substantive role. The number of employees actively working on OIA requests will vary over time according to demand.

In addition, individual employees outside of these hubs may sometimes be called upon to lead a response to an OIA request.

As individuals processing requests frequently hold substantive roles that are not primarily associated with OIA management, a measure of dedicated FTE is not held by the Department. For this reason we are refusing part 9(a) of your request under section 18(g) of the Act as the requested information is not held by the Department.

Regarding part 9(b) of your request, the Department maintains a central register of all OIA requests. A weekly status report showing the Department's current official correspondence position is circulated to key stakeholders.

Part 9(c) of your request is refused under section 18(e) as the requested information does not exist. The Department does not utilise an external organisation to carry out audit or oversight of its OIA management functions.

Our response in respect of Privacy Act requests:

The Department operates different processes for managing requests made under the Official Information Act 1982 and the Privacy Act 1993.

A request for personal information includes everything from a phone call to confirm a date of birth has been recorded correctly to a written submission for all documentation relevant to a specific individual.

In every case a request for personal information is managed 'in-confidence', meaning the request and any information sought is accessible only to those employees who need to view this information in order to respond to the request.

Requests for personal information are made in multiple formats through any customer accessible channel and are usually managed within that channel. Exceptions exist where an individual contacts one function of the Department, but requires information held by another function. Such requests are transferred to the appropriate channel for response.

Parts 1, 2, 3, 4, 5, 10, 12, 13, 14 and 15 of your request

As there is no centralised process for managing requests for personal information, these parts of your request are refused under s.18(g) – that the information requested is not held by the Department.

- 6. Requests that were declined in whole or in part that were escalated to either the ombudsman or privacy commission AND
- 7. In the case of instances that were escalated to either privacy commission or ombudsman, please provide the numbers for:
 - a. Cases in which the matter was found in favour of the applicant's position
 - b. Cases that were found in favour of your position

Four decisions to refuse access to personal information, either in whole or in part, were escalated to the Office of the Privacy Commissioner in the period from 1 January 2016 to 12 December 2019. In one case the Office of the Privacy Commissioner determined the Department's decision to refuse access to personal information was an interference with privacy. In three cases the Office of the Privacy Commissioner determined the Department's decision to refuse access to personal information was not an interference with privacy.

- 8. Please provide the number of instances in which rulings have gone against you and you have arrived at a monetary supplement with the applicant.
- 9. Please provide the total figure for each year that you paid out in these settlements.

There have been no such cases during the period of enquiry.

11. Any manuals, policy or process documents that you have relating to your approach to OIA and PA requests.

Please find attached a copy of the Department's Privacy Policy.

Due to the variety of functions performed by the Department and the application of legislation other than the Privacy Act 1993 to the personal information we hold in order to

perform these functions there is no central process documentation for responding to a request for personal information.

We consider that the withholding of information as mentioned above is not outweighed by other considerations which render it desirable, in the public interest, to make that information available

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.

Ngā mihi

Cathrine Austin

Manager Governance Risk and Assurance Organisational Strategy and Performance



Appendix A: Frequency of application of partial release and full refusal withholding grounds

Part release withholding ground	2016/17	2017/18	2018/19	2019/20 (To 12/12/2019)
6(a)	1	1	2	4
6(b)	1	0	1	0
6(c)	22	9	11	11
6(d)	6	2	5	4
6(e)	0	0	0	0
9(2)(a)	70	111	130	75
9(2)(b)	15	23	38	17
9(2)(ba)	19	18	27	11
9(2)(c)	0	0	0	0
9(2)(d)	0	0	0	0
9(2)(e)	0	0	1	0
9(2)(f)	4	8	11	4
9(2)(g)	11	23	25	14
9(2)(h)	12	29	33	13
9(2)(i)	1	0	2	0
9(2)(j)	2	0	4	0
9(2)(k)	2	2	2	3
18(a)	1	0	0	0
18(b)	0	0	0	0
18(c)	1	2	4	2
18(d)	6	10	17	1
18(e)	10	14	32	19
18(f)	17	7	14	16
18(g)	18	16	25	19
18(h)	0	0	0	0

Full refusal withholding ground	2016/17	2017/18	2018/19	2019/20 (To 12/12/2019)
6(a)	0	0	1	0
6(b)	0	0	0	0
6(c)	5	0	9	4
6(d)	0	0	0	0
6(e)	0	0	0	0
9(2)(a)	9	10	8	6
9(2)(b)	1	0	3	1
9(2)(ba)	4	1	5	2
9(2)(c)	0	0	1	0
9(2)(d)	0	0	0	0
9(2)(e)	0	0	1	0
9(2)(f)	0	1	5	2
9(2)(g)	0	0	2	1
9(2)(h)	1	1	2	2
9(2)(i)	0	0	0	0
9(2)(j)	1	0	0	0
9(2)(k)	0	0	0	0
18(a)	5	1	0	0
18(b)	0	0	0	0
18(c)	6	4	8	3
18(d)	27	9	10	13
18(e)	17	19	32	16
18(f)	10	6	6	6
18(g)	14	14	28	14
18(h)		1	3	0

Appendix B: OIA requests that required 60 working days or more to complete

Financial Year	Request detail	Outcome	Reason for duration	Withholding grounds applied
2019/20 (to 12 December)	Policies, Procedure and Parameters of the Confidential Listening Service, and reports to Government on the Service	Full	Substantial collation and research	
2018/19	all personal information that you hold about named person (includes all information held by your agency (and any agency that you have contracted to do work) and is not limited to just the information recovered as a result of a search across your email system. Please make certain that your response includes all personal information, including, for example, information including communications that mention their name.)	Full	Substantial collation and research	
	In respect of PMO transferred information All personal information held about two named individuals	Refuse	Substantial collation and research related to above request	18(g) not held
	The formal letter from Kaikoura MP Stuart Smith to then Prime minister Bill English, requesting that a cycle way be considered as a part of the rebuild of State highway One and the Main Trunk Line between Christchurch - Clarence - Picton (Wednesday 15th Feb 2017) All correspondence in support of the above project by then Transport Minister Simon Bridges.	Refuse	Facilitated collation of information from the Parliamentary servers	6(c) maintenance of the law 18(c) contrary to a specified enactment
	All information the Office of the Prime Minister received from or sent to the Minister of Defence relating to Operation Burnham since 1 September 2017 All information held, sent or received regarting OIA requests or Ombudsman investigations into OIA responses made by myself on behalf of the NZ Herald about Operation Burnham since 1 September 2017.	Refuse	Facilitated collation of information from the Parliamentary servers	6(c) maintenance of the law 18(c) contrary to a specified enactment
	any documents, briefings or communications relating to any work done in response to the request from the Minister Responsible for Ministerial Services Chris Hipkins for a review of the transition to the new Government.	Part	Substantial collation and research and consultation	9(2)(a) privacy of a natural person 9(2)(ba)(i) ongoing supply of information 9(2)(g)(i) free and frank opinion
	Any Request For Proposals sent to the below consultancies. All interim or final reports (including but not limited to letters, reports and presentations) provided by the below consultancies. a) National Crisis Management Centre Process Design Review b) Undertake workshops to improve focus and alignment of Executive Leadership Team c) Structural review of Office of the Chief Executive d) Review the Ministry of Health's Problem Gambling Strategy for 2010-13 e) Feasibility study re DIA/IR shared use of Financial System f) Corporate Infrastructure Strategy Programme providing a Blueprint and Business Case g) Review of Gambling Fees model	Part	Substantial collation and research and consultation	9(2)(a) privacy of a natural person 6(c) maintenance of the law 6(b) international confidences 9(2)(b)(ii) commercial position

	h) Pricing model for Passport Review			
	all briefings, notes, memos, emails, text messages regarding the discovery that an entire month of ministerial expenses was missing from quarterly figures, how it was dealt with and how the discovery, progress on the issue and conclusion was conveyed to any government ministers	Part	Substantial collation and research and consultation	9(2)(a) privacy of a natural person
	1. former Energy Minister Gerry Brownlee and former Prime Minister John Key's itineraries and travel plans during November 20, 2010 until November 27, 2010. That is including the departure location/time and the destination/arrival time for any flights, chartered planes, military flights and ministerial driven cars. 2. I would also like copies of both former ministers' diaries over those dates.	Part	Facilitated collation from the Parliamentary servers	18(f) substantial collation and research
	As per the conditions of paragraph 7 of the minute of 2 November 2018, all documents and correspondence provided to the Inquiry on an open or redacted basis by Police, the State Services Commission, Department of Corrections, Ministry of Justice, Minister of Police and Deputy Commissioner Haumaha.	Part	Substantial collation and research and consultation	18(d) soon publicly available 9(2)(a) privacy of a natural person 9(2)(h) legal professional privilege 9(2)(g)(i) free and frank opinion
	As per the conditions of paragraph 7 of the minute of 2 November 2018, all internal Inquiry documents not related to its deliberations	Part	Substantial collation and research and consultation	18(d) soon publicly available 9(2)(a) privacy of a natural person 9(2)(h) legal professional privilege 9(2)(g)(i) free and frank opinion
	As per the conditions of paragraph 7 of the minute of 2 November 2018, any correspondence sent to or from the Inquiry that is not subject to order 6 or order 7(a)	Part	Substantial collation and research and consultation	18(d) soon publicly available 9(2)(a) privacy of a natural person 9(2)(h) legal professional privilege 9(2)(g)(i) free and frank opinion
	1-restrictions on name changes (titles, prisoners, etc) 2- sealed name changes (name changes sealed or secured for security reasons) and the protections in place to prevent the release of these sealed details 3-my name change was sealed by the Deputy Registrar General, if I believe that an Internal Affairs officer released my details or failed to secure those details. How do i address that concerns? 4-the name and PO Box details of the Deputy Registrar General of BDM.	Full	Request letter was lost in internal mail	
017/18	Full list of expenditures related to the exhibition (He Tohu) at the time of its completion. I ask that this includes the initial projected costing(s) as well. - I request the list of expenditures also includes the costs of transferring documents from Archives New Zealand, to the National Library.	Full	Substantial collation and research	

Breakdown of 7Mil cost of He Tohu Project	Full	Substantial collation and research	
All briefings, reports, aide memoirs, memos, correspondence (including emails) and other relevant documents related to any DIA investigation into the release of Winston Peters' superannuation payments into the public arena. the information sought is to be used as part of a report into the process followed by government agencies, including the DIA, in investigating how the information was released. as the information will be used to ensure greater public understanding of this issue, I ask that any fee is waived.	Part	Substantial collation and research and consultations	9(2)(a) privacy of a natural person
 correspondence between named individuals from January 2008 to December 2011, including texts; the same information between other named individuals from January 2011 to 11 March 2015; and correspondence between DIA employees and named individual from January 2011 to 11 March 2015. 	Part	Substantial collation and research and consultations	9(2)(a) privacy of a natural person
any correspondence between Jian Yang (member of parliament), using his parliamentary email address, and the Prime Ministers and Ministers of Foreign Affairs and Trade and staff in their offices from November 26 2011 to 26 October 2017, using the search terms "visit", "trip", "China", and "Chinese".	Refuse	Facilitated collation of information from the Parliamentary servers	18(e) does not exist
a list (or preferably an excel spreadsheet) detailing all ministerial staff employed by Ministerial Services in each ministerial office, including that of the Prime Minister as well as parliamentary under-secretaries. For each staff member, could you please provide the following information: First and last name Work email address Work phone number Their position (e.g. Senior Private Secretary, Ministerial Advisor)	Refuse	Consultations necessary to make a decision on release	9(2)(a) privacy of a natural person
1. any communication between DIA and participants to the Commission (as listed in Appendix four of the Commission's final report) relating to how on-going access to and storage of documents would be managed after the Commission completed its work; 2. any internal DIA emails, memos, reports, records of conversations, and decisions of meetings relating to how ongoing access to, and storage of, documents would be managed after the Commission completed its work; 3. any communication between DIA and the Commission's staff, the Commission members (the Commissioners) and legal counsel to any parties relating to ongoing access to and storage of documents; 4. Any communication between DIA and any other Government agency or Cabinet Minister's office relating to the above; 5. Any communication with Archives New Zealand relating to the above.	Part	Substantial collation and research and consultations	9(2)(h) legal professional privilege
1. copies of all information held by the Department of Internal Affairs relating to Gordon Jon Thompson's employment as acting chief of staff (or any other role) in the office of the Prime Minister. That is expected to include correspondence with Mr Thompson or any other party acting for Mr Thompson, with the PMO to which DIA was barty, or between DIA and the PMO, or between Mr Thompson and DIA; 2. the amount and date of any and all payments made through DIA to Mr Thompson since January 2017, and the reasons for those payments; 3. the amount and date of any and all payments made through DIA to Thompson Lewis Ltd since January 2017.	Part	Substantial collation and research and consultations	9(2)(a) privacy of a natural person 9(2)(h) legal professional privilege 9(2)(g)(i) free and frank opinion 6(a) national security
any documentation, reports, briefings or communications either sent or received by the Department of Internal Affairs relating to the overpayment of the accommodation allowance to Jacinda Ardern and Winston Peters.	Part	Substantial collation and research and consultations	9(2)(a) privacy of a natural person
1. Any communication between the Department of Internal Affairs/Ministerial Services and GJ Thompson about cotential conflicts of interest in relation to his employment as ministerial staff 2. Any communication between the Prime Minister's Office and the Department of Internal Affairs/Ministerial Services concerning potential conflicts of interest in relation to GJ Thompson's employment as ministerial staff	Part	Substantial collation and research and consultations	9(2)(a) privacy of a natural person 9(2)(g)(i) free and frank opinion

	3. Any communication between the Department of Internal Affairs/Ministerial Services and the State Services Commission concerning potential conflicts of interest in relation to GJ Thompson's employment as ministerial staff 4. Any information held by the Department of Internal Affairs/Ministerial Services about potential conflicts of interest in relation to GJ Thompson's employment as ministerial staff, including any consideration of, or decision made about, management of those potential conflicts of interest 5. Any Department of Internal Affairs/Ministerial Services policy concerning conflicts of interest 6. Any correspondence between the Department of Internal Affairs/Ministerial Services and any other person, and any correspondence internal to the Department of Internal Affairs/Ministerial Services, about the response to: 1. questions sent to named person on 22 February 2018 by named person concerning GJ Thompson; and 2. questions sent to named person on 20 February by named person concerning GJ Thompson.			9(2)(h) legal professional privilege
	 When, and how frequently are Ministers paid? What advice is given to Ministers as to their pay and allowances upon becoming ministers? Can you please provide a copy of any advice given to the Rt Hon Jacinda Ardern, and Rt Hon Winston Peters. For comparison, please also provide advice given to Hon Clare Curran (chosen as a Minister from Outside Wellington, who is also a fan of Open Government). Do Ministers receive pay slips, or other documentation when they are paid? Is any such information given with each pay, or with some but not all pays? Please provide such pay slips, or other advice about individual payments that has been provided to Rt Hon Jacinda Ardern, Rt Hon Winston Peters and Hon Clare Curran since they took office last year. What information has been given to Rt Hon Jacinda Ardern, and Rt Hon Winston Peters about the provision of their accommodation in Wellington? Please provide copies of any such information. What information was provided to Rt Hon Jacinda Ardern, and Rt Hon Winston Peters when the apparent error in payment of a Accommodation allowance was discovered? Please provide copies of such information. 	Part	Substantial collation and research and consultations	9(2)(a) privacy of a natural person
2016/17	Information about 1st and 2nd investigations of gambling venue and subsequent reviews by Regulatory Investigations	Part	Substantial collation and research and consultations	9(2)(b)(i) trade secret 9(2)(h) legal professional privilege 9(2)(b)(ii) commercial position 9(2)(g)(i) free and frank opinion
	Defendents that have absconded on straight bail and have not yet been rearrested, how many are known to have left NZ by way of a forged or counterfeit passport? Defendents that have absconded on electronic monitoring bail and have not yet been rearrested, how many are known to have left NZ by way of a forged or counterfeit passport? Defendents that have absconded on straight bail and have not yet been rearrested, how many are known to have left NZ by way of a false passport? Defendents that have absconded on electronic monitoring bail and have not yet been rearrested, how many are known to have left NZ by way of a false passport?	Refuse	Substantial collation and research	18(e) does not exist 18(g)(iⅈ) is not held by DIA or other agency
	Details of the case where the Family Court made an order under section 85 of the BDMRR Act that the Registrar- General should correct the birth register to reflect that the applicant's sex was 'indeterminate'.	Full	Substantial collation and research and consultations	
	Tokaanu dredging	Part	Substantial collation and research and consultations	9(2)(g)(i) free and frank opinion