



CABINET OFFICE

17 March 2022

Chuck Schooner  
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Ref: OIA-2021/22-1004

Tēnā koe Chuck Schooner

**Official Information Act request: PM or Ministers using personal email accounts**

Thank you for your Official Information Act request received on 17 February 2022. You requested:

*"Is the Department of Prime Minister and cabinet aware of either the PM or Ministers using private emails, communication devices to conduct official government business or communications with entities relating to government business.*

*What are rules, procedures, audits in place to ensure that this is not occurring?"*

The Department of the Prime Minister and Cabinet does not hold information on 'the Prime Minister or Ministers using private emails, communication devices to conduct official government business or communications with entities relating to government business'. I therefore decline this part of your request under section 18(g) of the Act where the information is not held by the Department.

There are no specific rules prohibiting the use of personal email or communication devices for ministerial correspondence. Ministers have obligations in relation to information they create or receive as a Minister that apply regardless of the platform or forum used to communicate at any given time, including ensuring information is protected from unauthorised use and disclosure, that timely responses can be made to requests for access to that information, and that accurate records can be preserved of ministerial decision-making.

Chapter 8 of the Cabinet Manual contains guidance on Ministers' responsibilities around official information and management of their records. Under paragraph 8.25 of the Cabinet Manual, Ministers are expected to always be clear about the capacity in which they are creating or using information. When creating or receiving information in their official capacity, Ministers must have systems in place to ensure this information is managed appropriately.

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All information held by a Minister in their official capacity is subject to the Official Information Act 1982, including where such information is created via personal email accounts or communication devices. Ministers also have responsibilities under the Public Records Act 2005 to maintain full and accurate records of all information received in their ministerial capacity. These records include information held in various formats, such as emails or text messages sent or received on devices like mobile phones.

Ministerial Services at the Department of Internal Affairs and the Chief Archivist at Archives New Zealand also provides guidance to Ministers and their staff on information management obligations under the Public Records Act 2005.

A copy of the Cabinet Manual is available on the Department of the Prime Minister and Cabinet's website: [Cabinet Manual 2017 - June 2017 \(dpmc.govt.nz\)](http://dpmc.govt.nz)

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

We do not intend to publish this response on the Department of the Prime Minister and Cabinet's website.

Nāku noa, nā



Michael Webster  
**Secretary of the Cabinet**