

11 April 2022

Oscar  
fyi-request-18935-4c34ecf8@requests.fyi.org.nz

Our ref: OIA 94529

Tēnā koe Oscar

### **Official Information Act request: Discharge without conviction data**

Thank you for your email of 20 March 2022 requesting, under the Official Information Act 1982 (the Act), information regarding discharge without conviction data.

Specifically, you requested:

*... a breakdown of the following statistics for the past 5 year period.*

- 1. Number of people who got a discharge without conviction and what their charges were.*
- 2. Number of people who applied for a discharge without conviction, but we're not given one and what their charges were.*

In response to part 1 of your request, the information is available on the Ministry of Justice (the Ministry) website at: [www.justice.govt.nz/assets/Documents/Publications/5jluvur-Discharge-without-conviction-dec2021-v1.0.xlsx](http://www.justice.govt.nz/assets/Documents/Publications/5jluvur-Discharge-without-conviction-dec2021-v1.0.xlsx). I am therefore refusing this part of your request under section 18(d) of the Act as the information is already publicly available.

Before responding to part 2 of your request, I would first like to explain how the Ministry undertakes reporting on applications made under section 106 of the Sentencing Act 2002 for discharge without conviction.

The Ministry reports on charge outcomes rather than application outcomes. When an application is successful, this is reflected and identified in the charge outcome of 'discharged without conviction'. When an application is not successful, the charge will simply reflect a conviction and sentencing.

This means that, if an application for discharge without conviction is unsuccessful, this will not be identified in the charge outcome. The Ministry is therefore unable to report on unsuccessful applications.

It is for this reason that I am refusing part 2 of your request under section 18(g) of the Act. The information you have requested is not held by the Ministry and I have no grounds for believing it is held by another agency.

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](mailto:info@ombudsman.parliament.nz).

Nāku, noa nā

A handwritten signature in black ink, appearing to read 'Jan Morison', with a long horizontal flourish underneath.

Jan Morison  
**Acting Manager, Ministerial Relations and Services**