

Hon Jan Tinetti

Minister of Internal Affairs
Minister for Women
Associate Minister of Education



11 MAY 2022

Sebastian
fyi-request-19101-8a048633@requests.fyi.org.nz

Tēnā koe Sebastian

Thank you for your email of 10 April 2022 requesting the following information under the Official Information Act 1982 (the Act):

1. *Approach to progressing Recommendation 41 of the Royal Commission of Inquiry Report into the Christchurch terror attacks*
2. *Policy briefing: Update on the review of content regulation in Aotearoa New Zealand*
3. *Challenges of End-to-End Encryption (E2EE) for Digital Safety*
4. *Information Briefing – Draft Online Safety Code of Practice*
5. *Policy briefing: Proposals to implement take-down notice provisions (dated 15 December 2021)*
6. *Review of Content Regulation in Aotearoa New Zealand: What different approaches to engagement can deliver (dated 22 February 2022)*
7. *Information briefing: International Regulatory Frameworks for Online Content research report (dated 23 February 2022)*
8. *Content Regulatory Review timeline (dated 4 March 2022)*

... copies of the following Internal Affairs Status Reports

1. *Status Report – week ending 1 February 2022*
2. *Status Report – week ending 10 February 2022*
3. *Status Report – week ending 17 February 2022*
4. *Status Report – week ending 24 February 2022*
5. *Status Report – week ending 3 March 2022*
6. *Status Report – week ending 10 March 2022*
7. *Status Report – week ending 17 March 2022.*

I am releasing five documents that fall within the scope of the first part of your request. These are attached as **Appendix A**.

Some information is being withheld under the following sections of the Act:

- section 9(2)(a) - to protect the privacy of natural persons;
- section 9(2)(g)(i) - to maintain the effective conduct of public affairs through free and frank opinion;

- section 9(2)(f)(iv) - to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials; and
- section 9(2)(ba)(i) - protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.

I am withholding document three in full under section 9(2)(f)(iv) of the Act. This section allows the withholding of information to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

I am withholding document five in full under section 18(d) of the Act, as this document will be proactively released on the Department of Internal Affairs' website in June 2022 on the following webpage: www.dia.govt.nz/Proactive-Releases.

I am withholding document six in full, under section 9(2)(g)(i) of the Act. This section allows for the withholding of information to maintain the effective conduct of public affairs through free and frank opinion.

There are seven documents within scope of the second part of your request that are available for release. These are attached as **Appendix B**.

Some information is being withheld under the following sections of the Act:

- section 6(c) - to avoid prejudice to the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
- section 9(2)(a) - to protect the privacy of natural persons; and
- section 9(2)(f)(iv) - to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.

As is required by section 9(1) of the Act, I have considered whether the grounds for withholding information from the documents provided with this response are outweighed by other considerations which would make it desirable, in the public interest, to make that information available. In this instance, I do not consider that to be the case.

You have the right, under section 28(3) of the Act, to seek an investigation and review of my decision by the Office of the Ombudsman. The postal address of the Office of the Ombudsman is PO Box 10152, Wellington. Alternatively, you can phone 0800 802 602 or email info@ombudsman.parliament.govt.nz.

Thank you again for writing.

Ngā mihi

A handwritten signature in black ink, appearing to read 'Jan Tinetti', written in a cursive style.

Hon Jan Tinetti
Minister of Internal Affairs

Coversheet Appendix A: Documents for OIA request

#	Name of document	Document date	Summary of contents	Release or withhold
1.	Approach to progressing Recommendation 41 of the Royal Commission of Inquiry Report into the Christchurch terror attacks	15 October 2021	<ul style="list-style-type: none"> Staff members' names redacted to prevent harassment. Some information withheld as decisions are still to be made by Cabinet. Free and frank comments to Minister about the recommendation interacting with other projects the Department is currently undertaking. 	Partial 9(2)(g)(ii) 9(2)(g)(i) 9(2)(f)(iv)
2.	Policy briefing: Update on the review of content regulation in Aotearoa New Zealand	9 December 2021	<ul style="list-style-type: none"> Staff members' names redacted to prevent harassment. Some information withheld as decisions are still to be made by cabinet Re future work plans. Free and frank comments to Minister about future engagement intent and approaches and stakeholder attitudes. 	Partial 9(2)(g)(ii) 9(2)(f)(iv) 9(2)(g)(i)
3.	Challenges of End-to-End Encryption (E2EE) for Digital Safety	3 December 2021	Withholding in full as information is currently under consideration by Ministers (DPMC leading).	Withhold 9(2)(f)(iv)

#	Name of document	Document date	Summary of contents	Release or withhold
4.	Information Briefing – Draft Online Safety Code of Practice 2021	26 November 2021	<ul style="list-style-type: none"> Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied Staff members names redacted to prevent harassment and contact details. Free and frank comments to Minister about the Departments position on the project as it currently is formed. Names of major companies withheld who are providing feedback, data and being consulted with on for the Online Safety Code. Consultation is also being undertaken with Government. 	Partial 9(2)(ba)(i) 9(2)(f)(iv) 9(2)(g)(ii) 9(2)(g)(i)
5.	Policy briefing: Proposals to implement take-down notice provisions	15 December 2021	Withhold in full. This document will be released on Department's website during June 2022.	Withhold 18(d)
6.	Review of Content Regulation in Aotearoa New Zealand: What different approaches to engagement can deliver	22 February 2022	This presentation was created to support a discussion with the Minister about the review and includes free and frank advice for the purpose of testing with the Minister.	Withhold 9(2)(g)(i)
7.	Information briefing: International Regulatory Frameworks for Online Content research report	23 February 2022	<ul style="list-style-type: none"> Information withheld related to ongoing decisions made by Ministers about the review. Staff members names redacted to prevent harassment and contact details 	Partial 9(2)(f)(iv) 9(2)(g)(iii)

#	Name of document	Document date	Summary of contents	Release or withhold
8.	Content Regulatory Review timeline	4 March 2022	<ul style="list-style-type: none"> Information related to ongoing decisions made by Ministers about the review Free and frank comments to Minister relating to timelines, and potential policy options for the regulatory system. Staff members names redacted to prevent harassment and contact details. 	Partial 9(2)(f)(iv) 9(2)(g)(i) 9(2)(g)(ii)

Coversheet Appendix B: Coversheet Appendix B: Internal Affairs Status Reports

#	Name of document	Document date	Withholding comments	Section of the Act
1.	Status Report – week ending 1 February 2022	1 February 2022	<ul style="list-style-type: none"> • Employees mobile phone numbers and names of requestors withheld to protect privacy. • Recommend withholding Tāhuhu Programme: Regional Shared Repository Budget 2022 content as this is an additional Budget request and Cabinet is yet to consider. • Independent review of Lottery grants to statutory bodies entry as Ministers are considering approach. 	Partial 9(2)(a), 9(2)(f)(iv)
2.	Status Report – week ending 10 February 2022	10 February 2022	<ul style="list-style-type: none"> • Employee mobile phone numbers and names of requestors withheld to protect privacy. • Recommend withholding Tāhuhu Programme: Regional Shared Repository Budget 2022 content as this is an additional Budget request and Cabinet is yet to consider. 	Partial 9(2)(a), 9(2)(f)(iv)
3.	Status Report – week ending 17 February 2022	17 February 2022	<ul style="list-style-type: none"> • Employee mobile phone numbers and names of requestors withheld to protect privacy. 	Partial 9(2)(a)
4.	Status Report – week ending 24 February 2022	24 February 2022	<ul style="list-style-type: none"> • Employee mobile phone numbers and names of requestors withheld to protect privacy. • Independent review of Lottery grants to statutory bodies entry as Ministers are considering approach 	Partial 9(2)(a), 9(2)(f)(iv)
5.	Status Report – week ending 3 March 2022	3 March 2022	<ul style="list-style-type: none"> • Employee mobile phone numbers and names of requestors withheld to protect privacy. 	Partial 9(2)(a)

#	Name of document	Document date	Withholding comments	Section of the Act
6.	Status Report – week ending 10 March 2022	10 March 2022	<ul style="list-style-type: none"> Employee mobile phone numbers and names of requestors withheld to protect privacy. TAB NZ company name, to avoid prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial 	Partial 9(2)(a), 6(c)
7.	Status Report – week ending 17 March 2022	17 March 2022	<ul style="list-style-type: none"> Employee mobile phone numbers and names of requestors withheld to protect privacy. 	Partial 9(2)(a)