

Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence

Minister for Child Poverty Reduction

Minister Responsible for Ministerial Services

Associate Minister for Arts, Culture and Heritage



12 SEP 2022

Harry Peterson
fyi-request-20287-8f521a66@requests.fyi.org.nz

Ref: PMO 2022-251

Tēnā koe Harry Peterson

Official Information Act request relating to communication from PMO to Ministers on dealing with OIA requests

Thank you for your Official Information Act 1982 (the Act) request, received on 26 August 2022. You requested:

“Under the Official Information Act 1982, I am requesting all communication both inwards and outwards of the Prime Minister's office from the date beginning 26 September 2017, concerning briefing Ministers on how to deal with OIA requests, including the contents of any seminars, workshops or meetings held to discuss the OIA with Ministers.

This information may include but is not limited to;

- Text Messages*
- Emails*
- Memos*
- Briefings*
- Meeting Notes”*

Your request was originally received by the Department of the Prime Minister and Cabinet (DPMC) and on 26 August 2022, it was partially transferred to this office and to the Department of Internal Affairs (DIA).

The information you have requested does not meet the criteria under section 2 of the Act to be considered official information.

However, as set out in this Office's letter to the Ombudsman on 22 August 2022, the workshop to which you refer was for the 2020 in-take of Labour MPs. It covered the roles of the Labour Leader's Office and Ministerial Offices and how these offices can assist MPs with various matters, such as constituent queries, parliamentary matters like House debates and other electorate matters. The letter can be accessed here:

<https://s3.documentcloud.org/documents/22165915/letter-to-ombudsman-re-oia.pdf>

I note this letter also includes the agenda from this workshop.

This Government ensures that staff understand their own and their Ministers' obligations to the Act. This is done through information included in induction packs and regular training courses run by DIA, I refer you to the response from that Department for any information they hold.

The Cabinet Office provides Ministers with information about the Official Information Act 1982 as part of the induction for new ministers. That material in part provides: “Requests must be dealt with carefully, conscientiously and in accordance with the law. As a Minister,

you are personally responsible for complying with the duties imposed on you by the Act. You, working with Ministerial Services, should ensure that staff in your office are familiar with the legislation and have access to appropriate guidance." Ministers also receive an oral briefing on the OIA and their responsibilities under the Act from the Ombudsman as part of their induction.

We take our obligations under the Act seriously and work hard to ensure we maintain standards and protocols in respect to the Act.

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

Ngā mihi nui,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Raj Nahna
Chief of Staff

Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence

Minister for Child Poverty Reduction

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Associate Minister for Arts, Culture and Heritage



Peter Boshier
Chief Ombudsman

22 August 2022

Dear Mr Boshier

I am writing in response to your letter received on 19 August 2022 regarding allegations pertaining to a panel discussion about navigating the Labour Leader's Office and Ministerial Offices, which was part of a wider workshop for the 2020 intake of Labour MPs. I note your letter was based on allegations which misrepresented this panel discussion. The workshop was part of a series of regular development opportunities for MPs on a range of matters, such as, electorate visits, parliamentary process, and interactions with the media.

As noted in the attached agenda, this workshop was not dedicated to the Official Information Act (the Act), rather, it was about the roles of the Labour Leader's Office and Ministerial Offices and how these offices can assist MPs with various matters. More specifically, it set out how the Leader's Office can assist MPs with constituent queries, parliamentary matters like House debates, and other electorate matters. Given how busy Ministerial office staff are with supporting their Ministers, it was suggested to MPs that they reach out to staff in the Labour Leader's Office for assistance in the first instance.

In the context of a discussion about how to interact with Ministerial offices more generally, a question was asked by an MP about what information sent to a Ministerial office is covered by the Act. This question followed an example of an MP having sent information to a Ministerial office which was subsequently released under the Act. This clarification was sought because MPs often have to manage sensitive information from their constituents. It was explained that information relating to Ministerial responsibilities is covered by the Act, while information about constituent and caucus matters is not *generally* covered. Additionally, that Ministerial staff are able to assist in both instances and any concern about information being released should not prevent MPs from seeking assistance. We believe this point was misunderstood, or perhaps misrepresented, by Dr Sharma.

The Act is clear on its application to information relating to political party matters and on what is defined as 'official information' under Section 2 of the Act. Additionally, on 26 March 2019, you made a ruling which maintained the position that information held in the Prime Minister's capacity as Leader of the Labour Party is not 'official information' unless it is subsequently used for Ministerial purposes (your reference: 481520). The discussion at the workshop included guidance of a similar nature to your ruling which stated:

Section 2(1) of the OIA defines 'official information' as including any information held by a Minister of the Crown 'in his [or her] official capacity'. Individuals who are Ministers of the Crown can hold information while acting in a number of capacities. Ministers of the Crown can hold information that is not 'official information' because it is held in their;

- *private capacity;*
- *capacity as a Member of Parliament (e.g. electorate information); or*
- *capacity as a member of a political party (e.g. caucus information).*

Information held in these capacities may become 'official information' only if it is subsequently used for official Ministerial purposes.

As you will be aware, this Government is committed to transparency, accountability, and fulfilling our responsibilities under the Open Government Partnership. This commitment is evidenced through this Government's decision to institute the proactive release of Cabinet papers and monthly releases of Ministerial diaries. In addition, as you know we have legislated to require the Public Service to foster a culture of Open Government and have made improvements in agency practices around OIA handling. In practice, this Government ensured the regular proactive release of information during COVID-19 alongside regular briefings and in the last parliamentary term this Government answered over 115,000 Written Parliamentary Questions, and over 90,000 this term so far, compared to 41,500 answered by National in their previous term in government. We've also supported improved parliamentary practices to enhance ministerial accountability, including a new Q+A process during committee of the whole house stages of bills and following ministerial statements in the House.

As part of this commitment, this Government also ensures that staff understand their obligations, and that of their Minister's, to the Official Information Act through information included in induction packs and regular training courses run by DIA, and more recently by your office. Experienced staff are also encouraged to attend these courses to refresh their knowledge of the Act.

The improvements this Government has made to OIA practices, supported by the training and support offered to staff, has led to an overall improvement in OIA requests being completed on time since the Public Service Commission began collecting data in 2016 - despite a 110% increase in the volume of requests during the same period. In June 2016, 91.1% of OIAs were completed on time compared with 97.3% as at May 2022 and just 0.15% of all OIA responses result in a finding of deficiency by your office.

This Government takes our obligations under the Act seriously and we work hard to ensure we maintain good standards and protocols in respect to the OIA.

Please email [REDACTED] if you require further clarification on the contents of this letter. I would also be happy to meet with you or talk with you over the phone if that would be useful.

Yours sincerely



Raj Nahna
Chief of Staff

3:44



Close AGENDA: Class of 2020 planning m... ⋮

Kia ora koutou,

Please see the agenda for Monday's meeting below:

17:00 - 17:30	Whānaungatanga and light refreshments
17:30 - 18:00	Kōrero and Q & A with the PM
18:00 – 19:00	Dinner
19:00 - 19:30	Politics with
19:30 - 20:00	Social Media with
20:00 - 20:30	Panel Discussion: Navigating LLO and Ministerial Offices <ul style="list-style-type: none">• (Deputy Chief of Staff)• (Director - LLO)• (Associate Whip)

If you have any questions, please reach out .!

Ngā mihi,

Released under the Official Information Act 1982