

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



13 SEP 2022

S Hill

fyi-request-20289-c20e06e9@requests.fyi.org.nz

Ref: PMO 2022-239

Tēnā koe S Hill

Official Information Act request for emails from Gaurav Sharma where his bullying by Labour Party members was discussed

Thank you for your Official Information Act 1982 (the Act) request, received on 19 August 2022. You requested:

"(...) all emails from Dr. Gaurav Sharma in which the topic of his bullying by Labour Party members was discussed."

We have interpreted your request to be for all emails sent from Dr Sharma to the Prime Minister's Office where the topic of bullying by Labour party members was discussed.

As has long been the case, any correspondence sent and received by the Leader of the Labour Party general is not considered official information as per section 2(1) of the Act. See a similar response relating to the treatment of such information from 2014:

<https://fyi.org.nz/request/1910/response/6769/attach/3/15092014165258%200001.pdf>. This information is therefore refused under section 18(g) of the Act as the information requested is not held by a Minister of the Crown, public service agency or organisation subject to the Act.

It is important to note that section 2(1) of the Act defines official information as including any information held by a Minister of the Crown 'in his or [her] official capacity. As noted in this office's letter to the Ombudsman on 22 August 2022, publicly available here:

<https://s3.documentcloud.org/documents/22165915/letter-to-ombudsman-re-oia.pdf>, the Ombudsman has made rulings in the past which have maintained the position that 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.

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

Ngā mihi nui,

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

Raj Nahna
Chief of Staff