



**Te Tari Taiwhenua
Internal Affairs**

15 May 2023

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John Palethorpe

Via fyi: fyi-request-22467-5610aa1a@requests.fyi.org.nz

Dear John

Your Official Information Act request OIA2223-0735 dated 15 April 2023

I acknowledge your Official Information Act (the Act) request, which was received by the Department of Internal Affairs (Department) on 15 April 2023, requesting:

"...the email correspondence between Deputy Chief Legal Advice at the DIA, Tim Whiteley, and Crown Law's Daniel Perkins or Una Jagose KC relating to the BDMRR prior to Crown Law's email to Mr Whiteley on 20 February 2019. Crown Law's reference for the inquiry Mr Whiteley or his office made is ATT114/2011, as per their advice to him."

I am withholding all of the information that you have requested, as I consider that this is necessary to maintain legal professional privilege. Legal professional privilege applies to all communications between a solicitor and its client, for the purposes of seeking or giving legal advice. The email correspondence attaches and provides views on, and responses to a legal opinion provided by Crown Law to the Department on the Births, Deaths, Marriages and Relationship Registration Bill, and is therefore subject to legal professional privilege.

This privilege has long been regarded as a fundamental element in the administration of justice. As such, the public interest in ensuring the maintenance of this privilege is very high. I have considered whether there are other matters in the public interest that would outweigh the need to protect legal professional privilege. I have concluded that the need to protect legal professional privilege is not outweighed by other considerations which render it desirable, in the public interest, to make the information available.

If you have any feedback or questions about the Department's response, please let us know at OIA@DIA.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

Yours sincerely

Andrea Speir

Chief Legal Advisor

Te Urungi - Māori, Strategy & Performance