



28 June 2023

45 Pipitea Street, Thorndon, Wellington 6011

PO Box 805, Wellington 6140

Phone +64 4 495 7200

Email [OIA@dia.govt.nz](mailto:OIA@dia.govt.nz)

Website [www.dia.govt.nz](http://www.dia.govt.nz)

Jan Rivers

fyi-request-22961-

f2a9f65b@requests.fyi.org.nz

Tēnā koe Jan

**Your Official Information Act request, reference OIA22/23-0906**

I am responding to your email of 30 May 2023, requesting the following information under the Official Information Act 1982 (the Act):

*This page states, wrongly according to my understanding of the law, <https://www.govt.nz/browse/law-crime-and-justice/human-rights-in-nz/human-rights-and-freedoms/>, that gender identity is included in the anti-discrimination provisions of the NZ Human Rights Act.*

*However the Law Commission is currently working on Terms of Reference to consider if and how people with a transgender or non-binary status should be protected under the law. In other legal provisions it is these people who are argued to have a 'gender identity'.*

*Please can you advise the reasoning behind this claim and provide any communications between the Department and third parties as well as within the department explaining the rationale for providing this information on the all of government website.*

On 21 April 2022 the words 'gender identity' were added to the Govt.nz website. The Govt.nz website is comprised of information from across government, and it is standard practice within Te Tari Taiwhenua | the Department of Internal Affairs to check any drafted content against the responsible agency or organisation's website. In this instance, the content was taken from Te Kāhui Tika Tangata | the Human Rights Commission.

Te Kāhui Tika Tangata's page on unlawful discrimination states that one of the prohibited grounds of discrimination is "Sex - your sex and gender identity. This also includes pregnancy and childbirth". Therefore, this information was included as per standard practice.

You have also asked for communications between the Department and third parties. We have undertaken a search of emails to determine what internal and external consultation may have taken place. I can advise that we have been unable to locate communications specific to the rationale behind the inclusion of 'gender identity' to the Govt.nz website. Therefore, I am refusing this part of your request under section 18(e) of the Act, as the information requested does not exist.

You have the right, under section 28(3) of the Act, to seek an investigation and review of this response 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.nz](mailto:info@ombudsman.parliament.nz).

We intend to publish our response to your request on [www.dia.govt.nz](http://www.dia.govt.nz). This letter, with your personal details removed, will be published in its entirety. Publishing responses increases the availability of information to the public and is consistent with the Act's purpose of enabling more effective participation in the making and administration of laws and policies and promoting the accountability of Ministers and officials.

Nāku noa, nā



Anita Balakrishnan

**Tumuaki | Director Ministerial, Monitoring, and Capability**