



**Te Tari Taiwhenua
Internal Affairs**

27 March 2024

CHARITIES SERVICES
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Mohammed Khan

Sent via email to:

fyi-request-25704-67a6144a@requests.fyi.org.nz

Tēnā koe Mohammed

Official Information Act 1982 Request – OIA 2324-0584

Thank you for your request for information about the New Zealand Jewish Council Incorporated, which was received by the Department of Internal Affairs (the Department) on 12 February 2024 and was rescoped on 20 February 2024 as follows:

- 1) *What, if any, exemptions to the Charities Act have been granted to this organization? Please provide all documents related to any such decisions.*
- 2) *If exemptions have not been granted, why has this group not been de-registered as a charity for lack of compliance? Please provide all documents related to any such decisions.*
- 3) *If exemptions have been granted, is there any other charity that has been granted the same or similar exemptions under Section 25 or any other part of the Charities Act in regards the disclosure of performance reports/financial statements/annual return forms, and which charities are allowed such exemptions?*
- 4) *As it appears that any exceptions have been granted on the basis of a clause of the Charities Act that specifies that this information should only be suppressed if it is in the public interest, which suppressing information about the activities of a lobby group clearly is not, I am requesting all performance reports/financial statements/annual return forms held by the DIA in regards the NZJC. I am already aware of the identities of their officers from whistleblower leaks, so have no objection to any names/addresses or other information regarding said officers being redacted in the release of the documents in question.*

Our Response

Question 1

We can confirm that the charity in question has made two withholding requests to Charities Services under section 25 of the Charities Act 2005, both relating to the withholding of the charity's annual returns.

Regrettably, while gathering information to respond to this request, we have found that Charities Services' original decision to withhold has not been recorded in our internal systems. We have reviewed the original request from the Trust, and it is our view that the withholdings were granted in the interest of restricting access to information that has the potential to impact the privacy or personal safety of any person as this is the only relevant reason information provided from the charity which could be assessed in line with our operational policies.

Upon reviewing our initial decision to withhold, we have revised our decision. We are now no longer withholding the information in its entirety and instead we are now only partially withholding the information under section 25(2)(b) of the Charities Act 2005.

Certain information provided by the Trust as part of their withholding request under the Charities Act has been withheld under Section 6(d) of the Official Information Act 1982 as the Department is of the view that there is good reason to withholding official information exists, as the release of this information would be likely to endanger the safety of any person.

Question 2

No information falls within the scope of this question as withholdings were granted to the charity and therefore this aspect of your request has been refused under Section 18(e) of the Official Information Act 1982 as the information requested does not exist.

Question 3

Please be advised that there is no function within our case management system that allows Charities Services to easily search for this information. There are approximately 900 charities which have requested a withholding through an Updates Details process but in order to determine which of these charities have requested a withholding through section 25(2)(b) of the Charities Act each request would have to be reviewed manually.

In light of this we have refused this section of the request under section 18(f) of the Official Information Act as the information requested cannot be made available without substantial collation or research.

Instead, we wanted to provide a general overview of our withholdings process. Any registered charity can request to withhold information from the public on the Charities Register when it is in the public interest to do so. We receive a lot of requests to withhold information, but we decline **most** of them. There are a number of charities where information is withheld due to safety concerns. When an individual or group's safety is at risk we will always withhold information. If we were able to collate the requested information, the names of the charities in question and any identifying information would be redacted under Section 6 (d) of the Official Information Act due to safety concerns.

Question 4

Please find attached copies of the two requested annual returns. Please note that certain information has been withheld under Section 6(d) of the Official Information Act as the Department is of the view that there is good reason to withholding official information exists, as the release of this information would be likely to endanger the safety of any person.

You have the right to seek an investigation and review of my decisions about your request by the Ombudsman pursuant to section 28(1) of the Act. The Office of the Ombudsman can be contacted by writing to PO Box 10-152, Wellington or by email to info@ombudsman.parliament.nz.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'PJ Cox'.

Penelope Cox
Manager Regulatory
Charities Services