

5 September 2024

J Hudson
fyi-request-28012-cb2dae1b@requests.fyi.org.nz

Ref: OIA 114897

Tēnā koe J Hudson

Official Information Act 1982 request: Remand

I refer to your request under the Official Information Act 1982 (the Act) of 11 August 2024 to the Department of Corrections (Corrections) for information about remand. On 13 August, Corrections transferred your request in full to the Ministry of Justice (the Ministry) under section 14 of the Act. Specifically, the request transferred to the Ministry was:

I would like to know how many people are incarcerated on remand because their bail was revoked by a judge, only to have the case dismissed with no charges.

This could include:

Judge alone trails where the remanded inmate is dismissed of all charges and released.

Jury trials where the remanded inmate is dismissed of all charges by a jury of their peers and released.

The Ministry does not report on people being remanded in custody because their bail was revoked by a judge, only to have the case dismissed with no charges.

A person can be remanded on bail or in custody at different times, throughout their case. They can also be facing multiple charges, which can have different outcomes. Convictions can be entered on some charges and other charges could be dismissed

Providing this information would require a complex query and/or specialised knowledge to extract the information from the Case Management System. The Act enables people to request official information from Ministers and agencies, including the Ministry. However, the OIA only applies to information that is already held, and the Ministry is not required to create information in order to respond to a request. To gather this information the Ministry would need to create a new reporting category, which is outside of the scope of the Act.

I am therefore refusing your request under section 18(g)(i) of the Act, as the information requested is not held by the Ministry and there are no grounds for believing it is held by another agency subject to the Act.

Please note that this response, with your personal details removed, may be published on the Ministry website at: [justice.govt.nz/about/official-information-act-requests/oia-responses/](https://www.justice.govt.nz/about/official-information-act-requests/oia-responses/)

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by phone on 0800 802 602 or by email to info@ombudsman.parliament.nz

Nāku noa, nā



Jacquelyn Shannon

Group Manager, Regional Service Delivery