



3 August 2016

C78997

Mark Hanna
fyi-request-4169-a8a72531@requests.fyi.org.nz

Dear Mr Hanna

I refer to your email dated 12 July 2016, expressing your dissatisfaction about the Department of Corrections (the Department) decision to withhold information regarding strip searches under Section (6)(c) of the Official Information Act (OIA). Your request has been considered under the OIA.

In your email you state 'It is not sufficient to simply assert that disclosure of the information will have a prejudicial effect. The public sector agency must be able to identify, with sufficient particularity, the nature of the prejudicial effect and explain how such prejudice will occur in order to meet the tests for withholding in section 6.'

Further, you have asked 'Please explain exactly how the release of the information I have requested would prejudice the maintenance of the law. As you should have done this in your original response but did not, please respond under urgency'.

I refer you to paragraph three of the Department's response dated 7 July 2016:

"As it is a working reference guide which may be used by thousands of staff nationwide, the document contains a significant amount of information on operational matters and as such cannot be released in its entirety."

Furthermore, the Custodial Practice Manual is the Department's operational guide and if the Department made this guide publicly available it would severely prejudice the Department's ability to manage tens of thousands of offenders both in the community and within prison. Publicly releasing this document would provide operational information to offenders and would prejudice the Department's ability to maintain the law through the prevention, investigation and detection of offences. Providing such information to offenders may encourage them to manipulate staff who are managing their sentences and place staff in significant harm where offenders are aware of our practices, procedures and policies.

The Department continues to withhold the requested information under section 6(c) of the OIA.

I trust the information provided is of assistance. Should you have any concerns with this response, I would encourage you to raise these with the Department. Alternatively you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Yours sincerely



Vincent Arbuckle
Deputy Chief Executive
Corporate Services