

27 August 2012

Alex Harris

Via email: fyi-request-451-048e3134@requests.fyi.org.nz

Dear Ms Harris

Thank you for your email of 10 August 2012 seeking: the reason for Statistics New Zealand's withholding of drafts, advice, and internal communications (including emails) relating to that its submission to the Law Commission on the Official Information Act(OIA); and a summary of the process Statistics New Zealand used in gathering the advice.

Previous Ombudsman reviews have provided guidance on release of draft material and documentation behind the development of public departmental positions and advice to government and related agencies. A decision on release of The Treasury's drafts of its briefing to the incoming Government in 2005, when described in the Ombudsman Annual Report of that year, included a general analysis of the issue on pages 27 to 28. This commentary addressed the issue of public interest, which is best served when free and frank quality advice is provided, and a factor in ensuring this is that the analysis leading to this advice is not hampered by the foreknowledge of likely release of working documents. The Ombudsman also describes where public interest would suggest that releases of the draft material should be made.

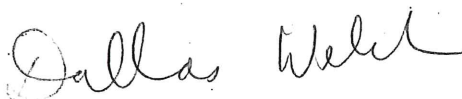
There was nothing in the department's preparation of its submission to the Law Commission that met that Ombudsman description.

The department's submission was prepared by a person familiar with how requests under the OIA were dealt with in the department and with the type of issues that have occurred in the past. The person was also familiar with the way the OIA, the Statistics Act, the Privacy Act and the Public Records Act work together. Discussions were held with other people working in the same work area during this process. As the department has had no major concerns with the OIA, it was not a large undertaking.

Statistics New Zealand's main concern was that proposed changes would not harm any of the fundamental features of New Zealand's statistical system, such as the statutory independence of the Government Statistician on decisions related to the methodology and release official statistics, for example. The present OIA recognises this, and the department's submission reflected this concern, and proposed that this should continue to be the situation in any future revision of the OIA.

I trust this information meets your needs.

Yours sincerely



Dallas Welch (Mrs)
Deputy Government Statistician