



7 September 2012

Alex Harris

By email: [fyi-request-452-74034d93@requests.fyi.org.nz](mailto:fyi-request-452-74034d93@requests.fyi.org.nz)

Dear Ms Harris

**OIA request: SSC OIA 07-12-10**

- 1 Please find enclosed the material you requested relating to development of SSC's submission on the Law Commission's review of the Official Information Act 1982, "*The Public's Right to Know*".
- 2 You sought:
  - 2.1 a copy of SSC's submission to the Law Commission's review; and
  - 2.2 drafts, advice, and internal communications (including emails) relating to that submission.
- 3 In relation to this material:
  - 3.1 I have assumed that you are seeking SSC's formal responses in late 2010 and early 2012 to the Law Commission's draft paper, and accompanying material. There was some very early consultation material on this issue by the Law Commission, specifically a survey conducted in 2009, which has not been included as it did not relate to the Commissioner's response to the specific proposals put forward in the 2010 paper; and
  - 3.2 I have not included comments provided by SSC on papers prepared on the review by Treasury and DIA, because:
    - 3.2.1 your request is for SSC's own submissions, and material related to their development; and
    - 3.2.2 I understand your request has been made to a large number of agencies, and the requests to the other agencies will encompass material provided to them by SSC in any event.
- 4 You will see that I have redacted a series of information under section 9(2)(g)(i) and 9(2)(f)(iv). Officials exchanged free and frank opinions in the preparation of the submission. In addition, some of the material will continue to be relevant to advice to be provided to Ministers in the context of the Government's response to the Law Commission's report. This includes material produced within SSC, a file note of a meeting between Ministry of Justice and SSC staff, and a subsequent memorandum dated 24 November 2010. A related email between the Ministry of Justice and SSC has also been withheld. This material is also withheld under section 9(2)(f)(iv) and 9(2)(g)(i). Given this material is being placed on your website, direct dial phone numbers of officials have also been removed in order to: bolster the ability of those

officials to operate in a politically neutral manner and to avoid improper pressure or harassment of those officials (e.g. to minimise direct lobbying calls); or prevent the use of those numbers for improper purposes (such as telemarketing).

- 5 The public interest in release of this material, namely the public interest in scrutinising policy development associated with the Commission's review of this key component of the accountability regime, is not considered in this case to outweigh the value of enabling free and frank exchange of opinion between officials and ability to brief ministers on matters currently under review.
- 6 You have the right to complain to the Ombudsmen in relation to this decision to withhold material.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gordon Davis', written in a cursive style.

Gordon Davis  
Chief Legal Advisor