



30 October 2012

Joshua Grainger

Email: [fyi-request-530-9de11eee@requests.fyi.org.nz](mailto:fyi-request-530-9de11eee@requests.fyi.org.nz)

Dear Joshua Grainger

**Follow-up Request Relating to Names of Officials' on Committees Supporting Current Cabinet Committees**

I refer to your email of 1 October 2012 asking that reconsideration be given to "*the withholding of the names of the officials who sit on Official's Committees, given the advice in the Ombudsmen Quarterly Review, volume 8 issue 3.*" Your request related to the response of 27 September 2012 you received to your original request of 30 August 2012 relating to Officials' Committees supporting the current Cabinet Committees.

We have carefully reconsidered your request for the names of the relevant officials. While we were happy to release the details of the operation of the Officials' Committees that support the current Cabinet Committees, we consider that it is appropriate to continue to withhold the names and direct contact details of the individual officials currently on those committees.

Officials' Committees which support Cabinet Committees in effect consider issues arising from the same papers which are to be considered by the Cabinet Committees but in the context of considering these issues from an inter-agency or whole-of-government perspective to provide enhanced support to Ministers on the relevant Cabinet Committee. The identity of individual officials being in the public domain could potentially have a negative impact on this process if individual officials themselves were seen in the public domain to be involved in debates around issues that are under active consideration by the Cabinet and its

Committees. State servants are required to be politically neutral when exercising their functions. This requirement comes with a corresponding expectation that State servants are entitled to be protected from being drawn into the public domain by the type of potential public scrutiny that could arise from their identities being in the public domain in association with these specific Officials' Committees. The entitlement of State servants to public anonymity and thus privacy is one of the cornerstones of New Zealand's public administration system.

The issue is not the naming of senior staff members per se (at least some of this information is likely to be publicly available), but the proposal to link particular names to specific Officials' Committees which are associated with considering many of the same issues currently being considered by the Cabinet and its Committees. Protecting individual State servants from undue public scrutiny and identification is crucial to maintaining the conventions that protect the political neutrality of officials and the individual responsibility of Ministers.

These considerations have been taken into account when reconsidering your request and it is in this context that we have continued to withhold the relevant Officials' names and direct contact details under section 9(2)(a) of the Official Information Act as withholding the information is necessary "*to protect the privacy of natural persons, including that of deceased natural persons*". The following sections of the Official Information Act are also relevant in the context of this request:

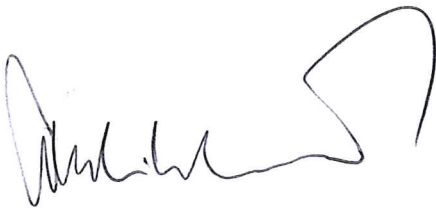
- Section 9(2)(f)(iii) as withholding the information is necessary to "*maintain the constitutional conventions for the time being which protect the political neutrality of officials.*"
- Section 9(2)(g)(ii) as withholding the information is necessary to "*maintain the effective conduct of public affairs through the protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment.*"

No public interest in this information has been identified, that would be sufficient to override the reasons for withholding it.

In terms of the public interest in the quality of advice from State servants to their Ministers, advice is provided by government departments and agencies and accountability for that advice is through the usual accountability and performance mechanisms in place throughout the public service. Each department or agency is accountable for the advice it provides, much of which is available for public scrutiny through the Official Information Act.

I remind you that you are entitled to ask the Ombudsman to investigate and review the decision to withhold this information under section 28(3) of the Official Information Act.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Kibblewhite', with a large, stylized flourish at the end.

Andrew Kibblewhite  
Chief Executive