



Ministry OIA

Minister:

Vote:

Year:

Their Ref:

Reference:

Prev Ref:

Writer:

Organisation:

Subject:

Business Unit:

Team:

Consultations/contributions:

Other Business Unit	Y / N / NA	
Media Team (if a media, blogger, or FYI website request)	Y / N / NA	
Office of Legal Counsel	Y / N / NA	
Other govt, agency (if it contains information about them, or references)	Y / N / NA	
Judicial office (e.g., Head of Bench)	Y / N / NA	

Are there any other privacy concerns? Y / N

All consultations must be signed and dated.

Directions:

Date Received:

Date Due:

Date Sent:

Please return to Official Correspondence by the due date.

<i>Sign-offs (responsibility of author)</i>	Dep Sec _____
Drafter's name: _____	GM / Manager _____
Peer review and date _____	File Reference _____

Extension date: _____

Reason: _____

Comments: _____

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Ministry OIA

Minister:

Vote:

Year:

Their Ref:

Reference:

Prev Ref:

Writer: (Media)

Organisation:

Subject:

Business Unit:

Team:

Consultations/contributions:

Other Business Unit	Y / N / NA	
Media Team (if a media, blogger, or FYI website request)	Y / N / NA	
Office of Legal Counsel	Y / N / NA	
Other govt, agency (if it contains information about them, or references)	Y / N / NA	
Judicial office (e.g., Head of Bench)	Y / N / NA	

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Peer review and date _____	File Reference _____

Extension date: _____

Reason: _____

Comments: _____

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Official Information Act (OIA) Requests

Search Site

Official Information Act requests are requests for Official Information held by the Ministry. This page contains helpful information on how to deal with OIAs including process guides and templates.

Ministry vs. Ministers' OIA requests

- A Minister's OIA is a request for information made to the Minister, and passed on to the appropriate team to draft a response. The response is signed out by the Minister, and sent to the requester by the Minister's office.
- Ministry OIAs are requests for official information made directly to the Ministry. The response is printed on Ministry letterhead and signed off by your team's Deputy Secretary (or, if appropriate, the General Manager).

Minister's OIA: draft reply	Ministry OIA: direct reply
Received by Minister	Received by Ministry
Minister to sign out response	Deputy Secretary to sign out response.
Ministry has 15 days to send final draft to Minister's office	On Day 15, a copy of the final response must be sent electronically to the Minister's office under the 'No Surprises' approach, with a Minister's Coversheet (Note: Associate Minister media/political OIAs are to go over 7 working days before it is due to the requester, not 5)
Printed on Minister's letterhead	Printed on Ministry letterhead
On Day 15, the original final draft must be sent to the Minister's office in hard copy via official correspondence with a copy of the coversheet.	Ministry has 20 days to send final response to requester

Remember: send an electronic copy of the OIA response (with coversheet) to the Official Correspondence team once you have sent it to the requester.

Minister's Office Coversheets

Any OIAs sent over to the Minister's Office needs a coversheet.

[OIA Coversheet](#)

Documents out of scope

[OIA Coversheet for complex requests](#)

The OIA Process

OIA process guide

[OIA process guide](#) - a guide to steer you through the process. 3.1

Flowchart for OIA process

[Flowchart for OIA process](#) - a visual guide through the process. 3.2

Frequently asked questions

[FAQs](#) - Frequently asked questions about OIAs. 3.3

Templates and examples

- [Extension letter example](#) 3.4
- [Transfer letter examples](#) (for giving to the requester and other agency) 3.5
- [Example for releasing and withholding](#) 3.6
- [Example for withholding all information](#) 3.7

Additional information

Guidelines for Legal Privilege

Click [here](#) to read the guidelines 'What is Legal Privilege.' 3.8

When to request legal advice from OLC

Document out of scope

[Request for legal advice form](#) - use this form to seek OLC assistance on your OIA request or response.

Consulting with other departments

It may be necessary to consult with a third party (e.g. a different government department) before releasing a response if the request for information relates to, or may affect, that party - [checklist for consulting with a third party](#) 3.9

Redactions

[Guide to redacting documents.](#) 3.10

Please note: Redactions should be made in white for Minister Adams OIAs. Redactions should be made electronically, and not hand written.

Additional Resources

Thrive training module for OIAs [3.11](#)

Guidelines for charging [Hyperlink to www.justice.govt.nz](http://www.justice.govt.nz)

Public Sector Guidance on OIAs [Hyperlink to the Public Sector Intranet site](#)

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Official Information Act 1982

Process Guide

1. Definition of an OIA request
2. Is the request specific enough?
3. Duty of assistance
4. Timeframes
5. Transfer - section 14
6. Previously released material
7. Making deletions
8. Administrative reasons for refusal
9. Grounds for withholding information
10. Other reasons for withholding information - section 9
11. Media OIA requests

1. Definition of an Official Information Act (OIA) request

- All requests for information are potentially OIA requests, including substantive requests for publicly available and previously released information.
- If there is uncertainty about whether a request should be registered as an OIA, check with the Official Correspondence team.
- "Official information" means any information held by the Ministry or Minister and includes documents, emails, drafts, recordings, videos, and information in officials' heads.
- If it's an oral request, seek written confirmation that the request is as the requester intended.
- There are two types of OIA – Minister's OIAs or Ministry OIAs:
 - Minister's OIAs – Minister is the decision maker.
 - Ministry OIAs – A member of the Senior Leadership Team (or delegate) is the decision maker.

2. Is the request specific enough?

Interpret the request carefully.

- If the request is too broad, consider whether to ask the requester to narrow the scope of the request.
- If the request is unclear, contact the requester to clarify. If this is done within the first 7 days, the clock resets and the OIA is restarted from the date the requester clarifies.
- Can refuse if it involves substantial collation and research s18(f), or consider charging the requester ([read charging guidelines](#)) [Hyperlink to www.justice.govt.nz](http://www.justice.govt.nz)

3. Duty of assistance

Your duty under section 13 of the Act is to provide “reasonable assistance” to the requester. To fulfil this duty:

- Help the requester to refine or clarify the request if necessary.
- If the requester’s intention is clear, don’t be obstructive.
- Interpret the scope of the request fairly.

4. Timeframes

- Timeframes run from the date the request was received. Assess the time available as soon as the request hits your desk.
 - Minister’s OIAs need to be given to the Minister’s office within 15 working days. The Minister’s office will send it on to the requester.
 - Ministry OIAs need to be provided to the Minister’s office on day 15, under the ‘no surprises’ approach. They may provide feedback. The Ministry has to send the response to the requester.

5. Minister’s OIA briefing

- When sending a Minister’s or Ministry OIA over to the Minister’s Office, it must be accompanied by an OIA briefing coversheet that summarizes the request and what is being released.
 - [OIA briefing coversheet](#)
 - [OIA briefing coversheet for multi-part \(complex\) requests](#)

Documents out of scope

6. Extensions

- You can extend the time for responding within the first 20 working days for
 - requests requiring large amounts of information – s15A(1)(a) or
 - if consultation is required – s15A(1)(b).
- Extensions can only be sought within the first 20 working days. It is best practice to extend only once, so be sure to allocate yourself a reasonable amount of time.
- Communicate the reason for the extension being sought and the new timeframe set to the requester.

7. Transfers (s14)

- Transfer all or part of a request when
 - you believe another agency or Minister holds the information -s14 (b) (i) or
 - the request relates more closely with the functions of another agency or Minister -s14 (b) ii
- The transfer must occur within 10 working days from receipt of the request.

- It is best practice to confirm with the other agency that they can accept the transfer before going ahead and transferring.
- Notify the requester and the agency to which the request is being transferred in writing.
- The 20 working day timeframe starts again for the responsible agency.
- There will be times when OIA requests should be transferred from the Ministry to the Minister or vice versa. This should be done early and in discussion with the Minister's Office.

8. Previously released material

- Release the information promptly.
- Notify those previously consulted on its release.
- If the request may attract public, political or media interest, discuss with the Media team.
- If previously released by the Minister, transfer this request to the Minister.

9. Redactions

- Document must show that material has been deleted and why - write the ground relied on (e.g. s(9)(2)(f)(iv)) or "out of scope" (if applicable) over the redacted area.
- If entire pages are redacted, do not release blank pages – at the bottom of the last page with text write "pages x to y are withheld under [ground]"
- .
- White out deletions, don't black out.
- Use OIA paper with the watermark "RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982."
- Information that is irrelevant to the request, or information out of scope can be deleted without providing reasons but this must be explained in the response "Part of this document was not provided because it does not form part of your request."
- If the remainder of the document does not fall within the request but is not sensitive, there is a judgment call to be made.
- Always inform requester of the right to complain to the Ombudsman.

10. Administrative reasons for refusal:

- The information is or will soon be publicly available s18(d) - you must be sure of this and it must be very soon.
- The request will involve substantial collation or research s18(f)- if refusing under this ground you must consider asking the requester to refine and/or extend the time frame under s15A. ([Ombudsmen guidelines on administrative reasons for refusal](http://www.ombudsman.parliament.nz))

Hyperlink to www.ombudsman.parliament.nz

11. Grounds for withholding information:

- Conclusive reasons s6 -
 - (a) security and defence of New Zealand
 - (c) maintenance of law

- (d) endanger the safety of any person
- Section 9 – Other reasons for withholding information
Section 9 involves a two stage test:
 - i. Section 9(2) - is it necessary to withhold the information to protect one of the interests in s9(2)?
 - bear in mind the purpose of the Act and the principle of availability.
 - ii. Is the withholding ground in s9(2) "*outweighed by other considerations which render it desirable, in the public interest, to make that information available?*"

12. Other reasons for withholding information under section 9 include:

- s9(2)(a) protect the privacy of natural persons
 - this covers names as well as identifying details (e.g. email addresses, phone numbers)
- s9(2)(b) protect commercial confidentiality
- s9(2)(ba) protect an obligation of confidence
- s9(2)(f) maintain constitutional conventions which protect:
 - confidentiality of communications with the Sovereign or Governor-General
 - collective and individual Ministerial responsibility
 - the political neutrality of officials
 - confidentiality of advice tendered by Ministers of the Crown and officials.
- s9(2)(g) maintain the effective conduct of public affairs through:
 - the free and frank expression of opinions by or between Ministers of the Crown and officials.
- s9(2)(h) protect legal professional privilege
- s9(2)(j) enable the Crown to carry on negotiations

13. Media OIA Requests

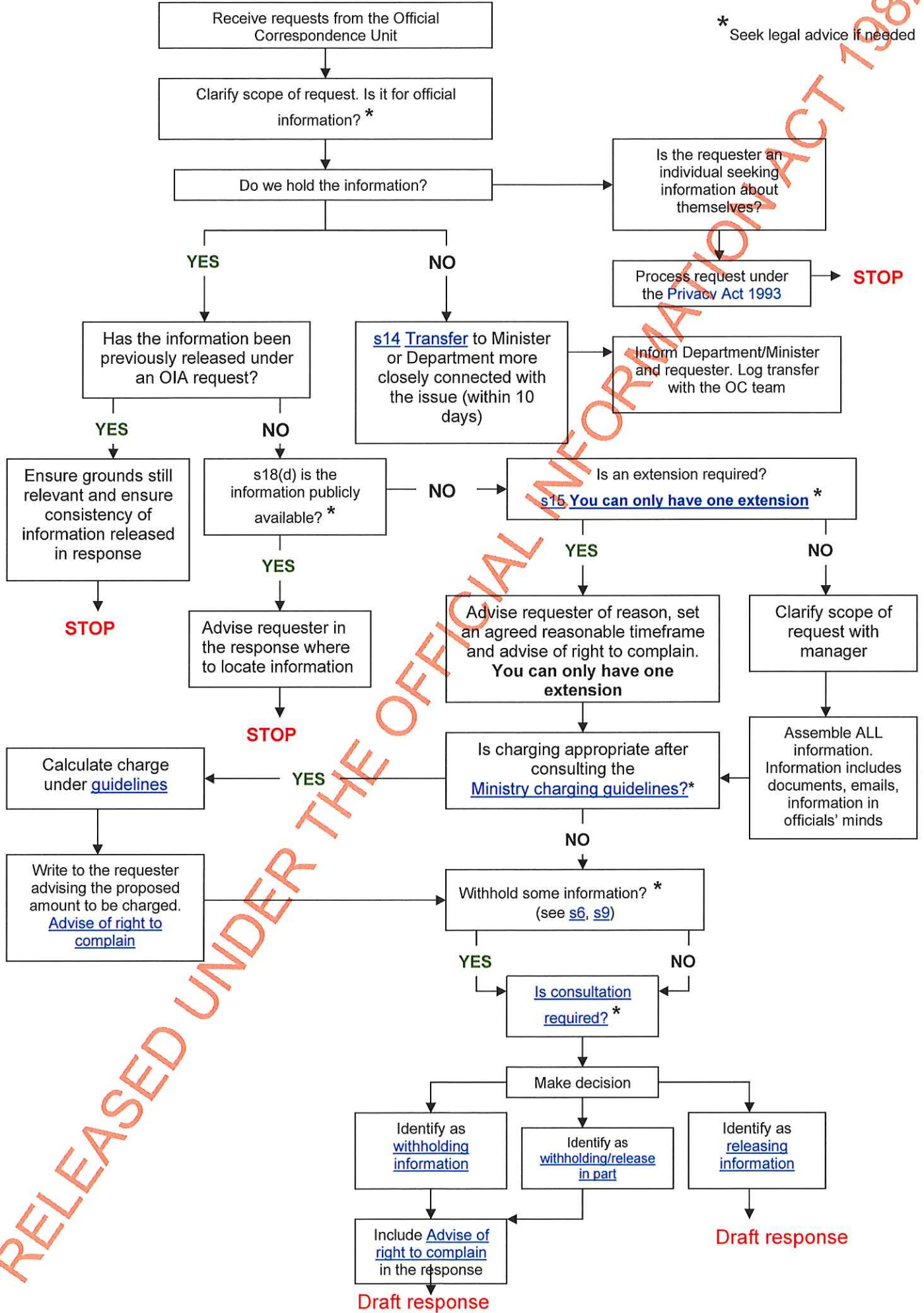
- If the request came from a reporter or other media source (e.g. blogger or FYI website), it should be checked over by the Media Team before sign out. Always provide them with an early draft.
- The Media Team are responsible for giving OIA responses to the media, so email the signed version to them for send out.

14. Filing

- On the coversheet, there is space for noting which teams or other agencies were consulted. This is to be filled in as it is important to have a log of who was involved.
- Send an electronic version (PDF) of the final response to the OC team for filing. Include the coversheet and original request.
- Keep the physical file in your unit's archive.

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Clarifying the scope and information included in a response



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Official Information Act 1982 frequently asked questions and handy hints

These answers to some commonly asked questions and recurring issues may assist you in responding to OIA requests. For a comprehensive guide to responding to Ministerial and Ministry OIA requests see Official Correspondence page ([link](#))

OIA process overview



1. Which Act? Official Information Act 1982 or Privacy Act 1993?

- Requests from a natural person (not a company) for information held about themselves are dealt with under the Privacy Act ([linked](#))
- Other requests (from natural people not about themselves, or from companies) are dealt with under the Official Information Act ([linked](#))
- There is no set way in which an OIA request can be made. They can be written or verbal. Where verbal, you may want to consider asking the requester to put it in writing to clarify or writing to the requester to ensure you have understood the request correctly.
- If you are not sure which Act applies, seek advice from the Office of Legal Counsel

2. What if we don't hold the information?

- If we don't hold the information that has been requested but you believe it is held by another department or Minister, you can transfer the request to that agency (after politely consulting with that agency first).
- If we hold the information requested, but you believe that the information is more closely connected with the functions of another department or Minister, you may want to transfer the request to that agency of Minister, again, after consulting with them.
- Transfers should be made within 10 working days of receiving the request. See example transfer letters [here](#).

3. How much time do I have?

- The statutory requirement is for OIA requests to be completed within 20 working days of the date received. OIAs should be sent to the Minister's office by day 15 as they check these before they are released.
- You should scope the request as soon as it hits your desk to make sure that you have the information and can respond to the request.
- If you have any questions about the request, you should discuss these with the requester.
- If you have concerns about the information being released, and the potential impact, you should discuss with your manager as soon as possible.
- Transfers to other departments must be made within 10 working days of receiving the request. See examples of transfer letters.
- The time for responding can be re-set if the agency or requester clarifies the request within the first 7 working days, or if the requester clarifies the request after 7 days.
- A time extension is possible for large amounts of information or where consultation is required. Be reasonable when setting a new timeframe for response and ensure you have contacted everyone prior to setting the new date. Example extension letters (linked)
- YOU CAN ONLY MAKE EXTENSIONS WITHIN THE FIRST 20 WORKING DAYS!

4. Information, not documents

- Official information means any information held by a government department, organisation or Minister of the Crown and includes but is not limited to: documents, emails, drafts, tape recordings, video recordings, and information in officials' memories.
- If the requester is asking for your opinion on an issue or asking you to create information that is not already held, then this is not an OIA request.
- Sometimes you may need to clarify the scope of the request with the requester. When this is required, the 20 day count starts again from the day that clarification is received so long as you seek clarification within the **first 7 working days**. When you are unsure of what the requester wants always clarify as soon as possible and inform the Official Correspondence team.
- Be careful to answer the request as worded, subject to the duty to assist – is the request for every document ever created on the subject or just for some specific information?
- *Note:* Courts and tribunals – in their judicial capacity – are not subject to the Act and have their own rules about access to information.

5. Do I include information created after the request was received?

- No, only the information held at the date the request was received is relevant. Although, if a significant paper has been published or a decision made since the request was received and before we respond, it may be unreasonable to exclude that information.
- Note the duty to assist as per Section 13 of the Act.

6. Paper management

- For large requests a document inventory is essential.
- Make redactions in MSWord (where possible) otherwise use Adobe Pro. ICT can arrange Pro licences for staff who work regularly with OIA requests. If neither option is possible, print the document and redact using white tape, never black out.
- Copy documents onto official "RELEASED UNDER THE OFFICIAL INFORMATION ACT" paper or have the text as a watermark.
- Documents must show that material has been deleted and why – reference the legislation used (e.g. s(9)(2)(f)(iv)) or "out of scope" (if applicable) and write this over the redacted area.
- If entire pages are redacted, do not release blank pages – at the bottom of the last page with text write "pages x to y are withheld under [ground]"
- Note the deletion and the relevant grounds for withholding in the covering letter and the table of documents.
- Good filing practices during and at the end of an OIA request save time and hassle later when compiling further responses or dealing with a complaint to the Ombudsmen.

7. Can I withhold officials' names and contact details?

- It depends. The relevant ground to consider is section 9(2)(a) – privacy of natural persons:
 - (2) Subject to sections 6, 7, 10, and 18, this section applies if, and only if, the withholding of the information is necessary to—
 - (a) Protect the privacy of natural persons, including that of deceased natural persons
- This includes names as well as identifying details.
- Staff at manager level should be publicly accountable for their actions, so their names and work contact details (excluding cell phone numbers) will usually be released.
- Never release cell phone numbers, even of managers.

8. Grounds for withholding information

- Refer to Sections 6 – 9 and 18 of the Official Information Act.
- If one of the grounds in section 9 applies you still need to consider whether the public interest in disclosure means that the information should be disclosed.
- If you have to consult with other parties, the final decision on whether to withhold or release lies with the relevant decision-maker: Minister or Ministry -link to checklist when consulting
- Watch for documents containing legal advice or descriptions of legal advice - link to advice on section 9(2)(h)
- Remember section 9 grounds are not conclusive reasons for withholding – if in doubt, please seek advice from the Official Correspondence team or the Office of Legal Counsel.
- If information is already or is soon to be freely publicly available, requests **can** be declined under Section 18 (d) of the Act. This doesn't mean that you **have** to decline the request, but if you do, you should advise the requester where to go to find the information.
- There are no grounds for withholding drafts just because they are drafts.
- Frivolous and vexatious requests or requests for trivial information can be declined under Section 18 (h). In terms of the OIA, for a request to be refused on the grounds that it is "frivolous" or "vexatious" a requester must be believed to be patently abusing the rights granted by the legislation for access to information, rather than exercising those rights in good faith.

9. Do I need to consult with other departments or Ministers before making a decision?

- If other government departments have authored papers which fall within the request or comments from other departments are included in documents which fall within the request, consult with those departments. Link to consultation checklist
- Under the 'no surprises' approach, Ministers' offices are notified of OIA requests received. Depending on whether it is a Ministry or Ministerial OIA request, the response may have to be sent to the Minister's office for notification, consultation or approval. The Ministry provides drafts five days before the response is due to ensure there is time to make any changes the Minister asks for (if it's a Ministerial request) or to consider any comments (if it's a Ministry request).

10. Can I charge the requester for providing the information?

- Section 15(1A) allows the Ministry to charge for the supply of official information.
- It is not generally reasonable to charge for complying with simple requests. However, it may be reasonable to recover some of the costs associated with requests for information that would require **considerable labour and materials**.

- Any charge set must have regard to the cost of labour and resources.
- The Ministry of Justice publish charging guidelines for departments ([link to MoJ Charging guidelines](#)). Any change must be set with regard to these guidelines.

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Use this example when you want to extend the timeframe for response

I refer to your letter of x Xxxxx requesting, under the Official Information Act 1982, [use text of letter]

A response to your request is currently being prepared. However, due to the volume of information requested and the requirement for consultation with other parties – tailor your response, a response cannot reasonably be made within the original time limit.

Accordingly, I am extending the time limit for response to this request for a further 20 working days under section 15A of the Official Information Act and will respond to you by x Xxxx 200X.

You have the right under section 28(3) of the Official Information Act to complain to the Ombudsman, about the decision to extend the time frame for response to your request.

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Letter to AGENCY the request is being transferred to. Two possible reasons for transfer (choose one)

- i. Information is believed to be held by the organisation or-
- ii. Information is believed to be more closely connected with the functions of that organisation.

Dear Sir/Madam,

Please find attached a copy of an email/letter from REQUESTER dated DATE

The requester sent through the following request under the Official Information Act ('the Act'):

I am looking for xx

The Ministry of Justice believes the information to be more closely connected with the functions of/held by AGENCY. I am transferring this request to you for your consideration and direct response, under section 14(b) of the Act.

I have contacted REQUESTER and advised of our intentions to transfer.

Kind regards,

NAME

Ministry of Justice

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Letter to the REQUESTER, informing of the transfer:

Dear REQUESTER

I am writing to acknowledge receipt of your request for information received DD/MM/YYYY. Under the Official Information Act 1982 (the Act) you requested the following:

The request goes here.

Under section 14(b) of the Act, I have transferred this request to AGENCY, as the information you request is more closely related to the functions of/believed to be held by the AGENCY.

You will receive a response from AGENCY in due time. If you have questions, they can be contacted at CONTACTADDRESS@CONTACT.GOV.T.NZ

Yours sincerely,
Ministry of Justice

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Use this example when you want to withhold some information and release other information

I refer to your letter of X Xxxxx 200X requesting, under the Official Information Act 1982, all information held by the Ministry of Justice regarding ...(use text of letter)... and correspondence ...(use text of letter).

The following documents fall within your request and are attached to this response. List document titles and details

- X
- X
- X

Some deletions have been made to these documents (list documents) under section 9(2)(a) of the Official Information Act in order to protect the privacy of natural persons. [Ensure the correct withholding ground is relied upon and the correct section reference is used]

I am satisfied that there are no other public interest considerations that render it desirable to make the information available.

You have the right under section 28(3) of the Official Information Act to complain to the Ombudsman, about the decision to withhold some of the information requested.

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Use this sample letter when you want to withhold all information on the grounds of maintaining free and frank advice

I refer to your letter of x xxxx 2007 seeking information regarding...use text of letter under the Official Information Act 1982.

The following documents fall within your request. List documents and details

- X
- X
- X

These documents have been withheld under section 9(2)(g)(i) of the Official Information Act in order to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers or officers and employees of any department or organisation in the course of their duty. [Ensure the correct withholding ground is relied upon and the correct section reference is used]

I am satisfied that there are no other public interest considerations that render it desirable to make the information available.

You have the right under section 28(3) of the Official Information Act to complain to the Ombudsman, about the decision not to release the information referred to above.

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Legal Professional Privilege

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What is Legal Privilege?

Legal privilege covers all communications between a solicitor and a client for the purpose of seeking or giving legal advice or assistance. It applies equally to communications with in-house legal advisers as it does to communications with external legal advisers.

In Ministry terms, the main types of documents that are likely to be legally privileged are advice (in any form), and communications surrounding advice, provided by the Office of Legal Counsel, Crown Law, or other external legal counsel.

Generally speaking, Ministry information that is legally privileged is not provided to people outside the Ministry and other government departments. Requests for legally privileged Ministry information can usually be declined with reference to section 9(2)(h) of the Official Information Act 1982 ('the OIA') and section 29(1)(f) of the Privacy Act 1993.

Waiver of Legal Privilege

Privilege may be waived expressly or impliedly. Express waiver of privilege is generally when you intentionally waive privilege by disclosing the privileged document/information to an outside party. Implied waiver of privilege occurs, for example, where some of the information contained in a privileged document is quoted or summarised in a communication with an outside party. Implied waiver of privilege is often unintentional, but has the same effect as express waiver of privilege.

Where privilege has been waived, sections 9(2)(h) of the OIA and 29(1)(f) of the Privacy Act no longer provide grounds for withholding the information, and it may have to be disclosed to the requester (and potentially to any further party that requests it).

Dealing with Legally Privileged information within the Ministry and Government

If you are planning on disseminating legally privileged information within the Ministry or to other government departments, you should ensure that the recipients of the information know that it is legally privileged (for example, by clearly marking the information "legally privileged"), and that they should not further disclose the information without consulting you.

Dealing with requests for Legally Privileged information by people outside Government

If someone outside the Ministry/government departments requests a copy of, or information contained in, a legally privileged document, or you are not sure whether a document is legally privileged, OLC should be consulted. If necessary, OLC will then liaise with Crown Law. Ultimately the Attorney-General's consent is needed before a legally privileged document is provided to an outside party.

Guidance in the Cabinet Manual

More information and guidance can be found at paragraphs 4.58 to 4.69 of the Cabinet Office Manual

<http://cabinetmanual.cabinetoffice.govt.nz/4.58>

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Checklist for advisers consulting with third parties when considering requests for information that relates to or may affect those parties:

- If third party consultations necessary to make a decision on a request are such that a proper response to the request cannot reasonably be made within the original time limit, you can extend the time limit for response under s15A(1)(b) – link to [extension example letter](#). Inactive link
- Consider who you are consulting with when you apply these considerations. Government Departments will be more aware of the process than external third parties.

In your letter consulting the third party -

- Explain the nature of the request as relevant to the agency you are consulting.
- Unless there is good reason otherwise, release the identity of the requester – link to [Releasing the identity of requesters when consulting third parties](#). Inactive link
- Give a brief description of the information held by the Ministry which is considered relevant to the third party.
- Set out that the guiding principle under the Official Information Act is to make information available unless there is good reason under the Act to withhold it. Decisions to withhold information can only be made on one of the specified grounds in the Act.
- Request advice as to whether they have any concerns about release of the information (if so, what, and why?) or confirmation that they have no concerns about release.
- Set out a due date for their response in order to enable a timely reply to the requester.
- Where relevant, comment on any public interest considerations involved. If you believe there is unlikely to be a relevant ground for withholding the information, indicate this when consulting so as to manage expectations. eg. “At this stage the Ministry is proposing to release the information in accordance with the OIA. Before making a final decision we’re seeking your views”.
- Explain that while what they say will be helpful, the final decision will be made by the Ministry/Minister under the OIA as to whether there is good reason for withholding the information.

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How to redact information in a document

Purpose of this document

This document will help staff who deal with sensitive documents to properly make redactions (deletions) before publication.

It also outlines the reasons for redacting information that are listed in the Official Information Act 1982 (OIA). Information can be redacted only if it meets these criteria. Otherwise the information must be made public.

This document has 2 sections:

- section A: how to redact documents
- section B: how to decide if we should redact a document, according to the OIA (**please note that this section is just a summary and if in doubt you should read the act before making a decision**).

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Section A: Redacting information in a document

How you redact information will depend on:

- if you have the original Microsoft Word version of the document
- if the document is a PDF and you have Acrobat Professional
- if the document is a PDF and you don't have Acrobat Professional
- if you only have a printed copy of the document.

1. Redacting information when you have the original Microsoft Word document (PREFERRED OPTION)

NOTE: This is the preferred and safest way. You will need the redacted word version of the document to use with Plone if you want the document on the web.

Before you start redacting the information, **SAVE AS** a new version of the document, clearly stating in the name of the new document that this is the redacted version. For example:

ORIGINAL NAME	NEW NAME
family justice review.docx	family justice review redacted version.docx

- **DELETE** the information that you need to redact.
- Insert a text box over the space created by the information you deleted. Please ensure that you have deleted the information first.

Warning: Make sure you deleted the information first. Do not put a text box over the information you want to redact. This will allow people to see the information behind the box. .

- Write in the box the section of the OIA under which the information has been withheld: '[Withheld under the Official Information Act 1982 section N (x)(z)(v)]'. (See section B for more information.)
- **SAVE** the document
- **SAVE AS** a PDF

The information has now been properly redacted.

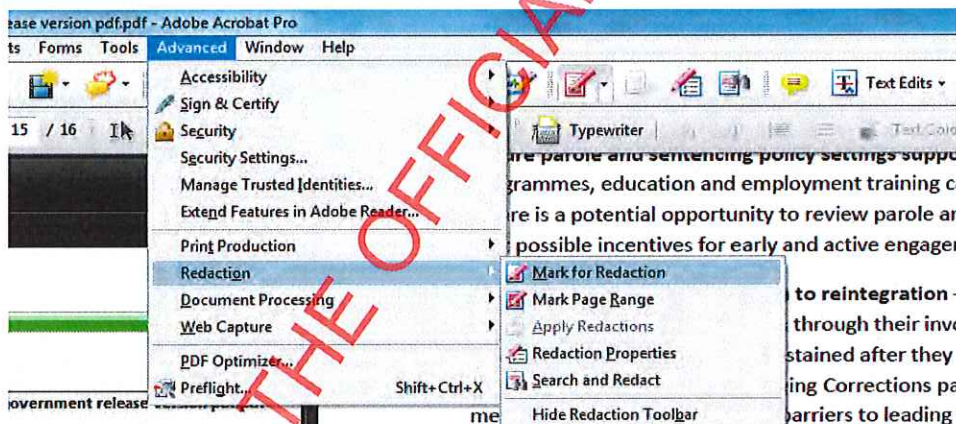
Make sure that you use or send the new redacted PDF.

2. If you have the electronic document in PDF and you have access to Adobe Professional

- OPEN the document using Acrobat Professional
- SAVE AS a new version of the document, clearly stating in the name of the new document that this is the redacted version (see the example under item 1.1).
- Click the **MARK FOR REDACTION** button on the toolbar.



- If this button is not available on your toolbar, click on the **ADVANCED** tab and then on **MARK FOR REDACTION**.



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- Highlight the area to be redacted.

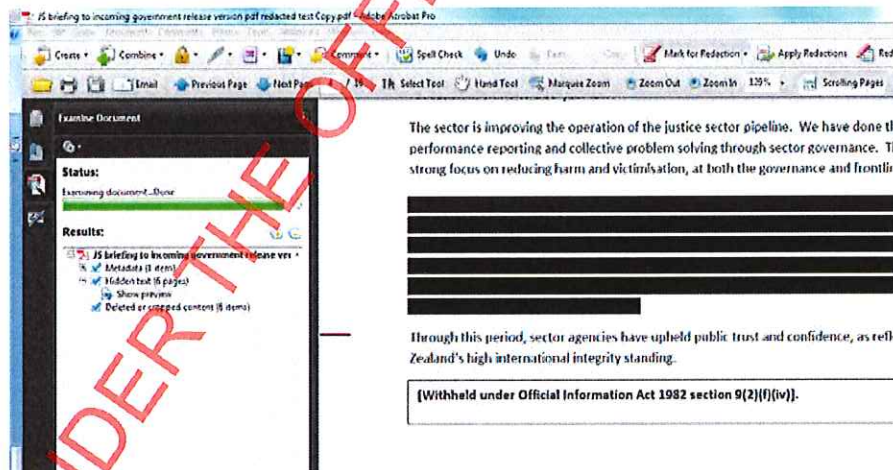


The sector is improving the operation of the justice sector pipeline. We have done this by performance reporting and collective problem solving through sector governance. This strong focus on reducing harm and victimisation, at both the governance and frontline level

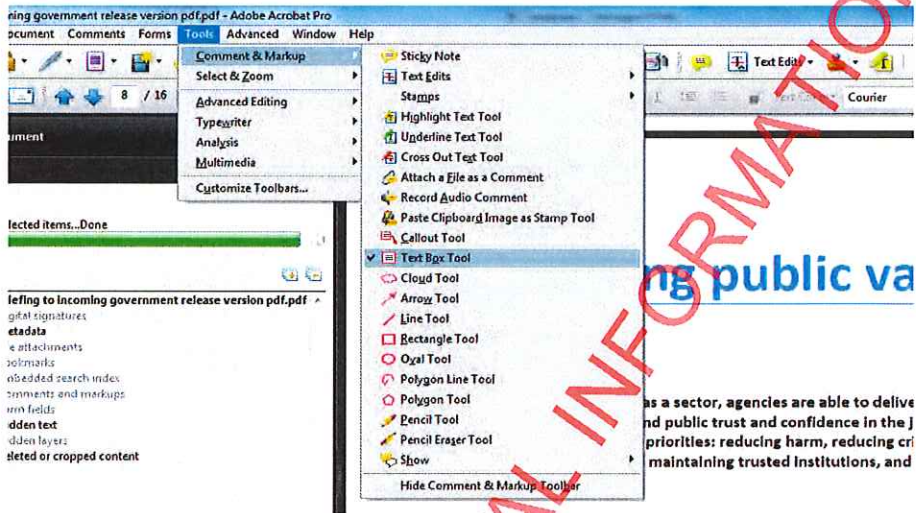
Justice sector agencies have operated within flat baselines for a number of years. Careful financial management has allowed agencies to contribute over [Withheld under Official Information Act 1982 section 9(2)(f)(iv)] to the Justice Sector Fund, over [Withheld under Official Information Act 1982 section 9(2)(f)(iv)] of which has been redistributed to higher value uses across agencies. A unique funding arrangement has only been in place for two years, but has significantly improved both sector efficiency and collaboration.

Through this period, sector agencies have upheld public trust and confidence, as reflected in New Zealand's high international integrity standing.

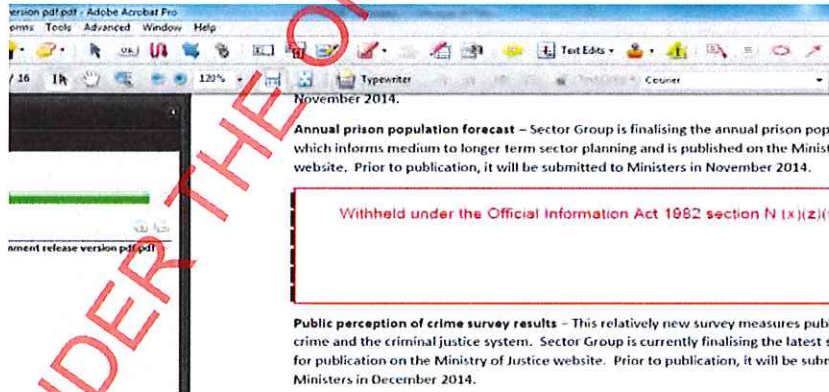
- Click on the **APPLY REDACTION** button on the toolbar or go to the **ADVANCED** tab and click on **APPLY REDACTION**. The text will be replaced with bars.



- Click on the **TOOL** tab on the main navigation and then on the **COMMENTS AND MARK UP** section and then on the **TEXT BOX** button.

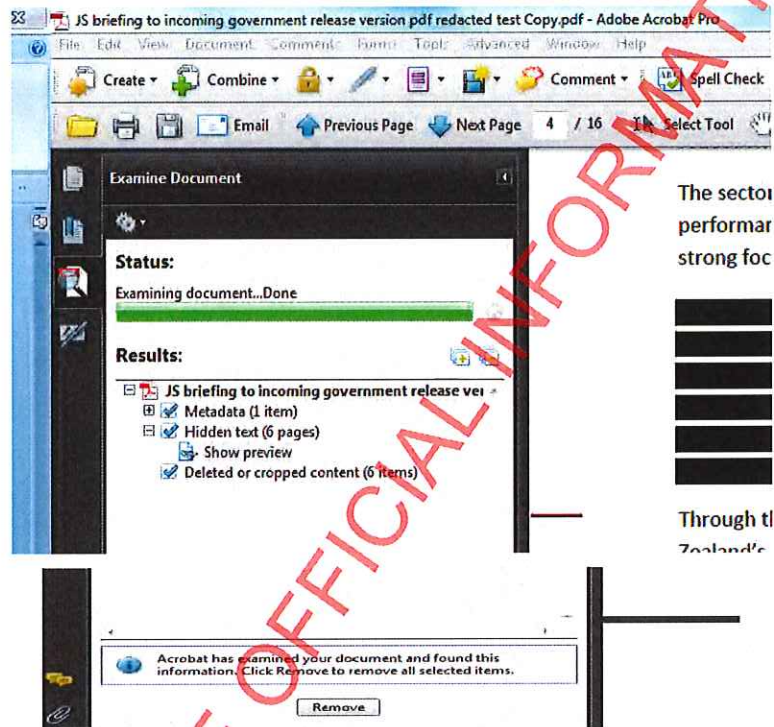


- Create a box on the top of the text you have redacted and write '[Withheld under the Official Information Act 1982 section N (x)(z)(v)]'.

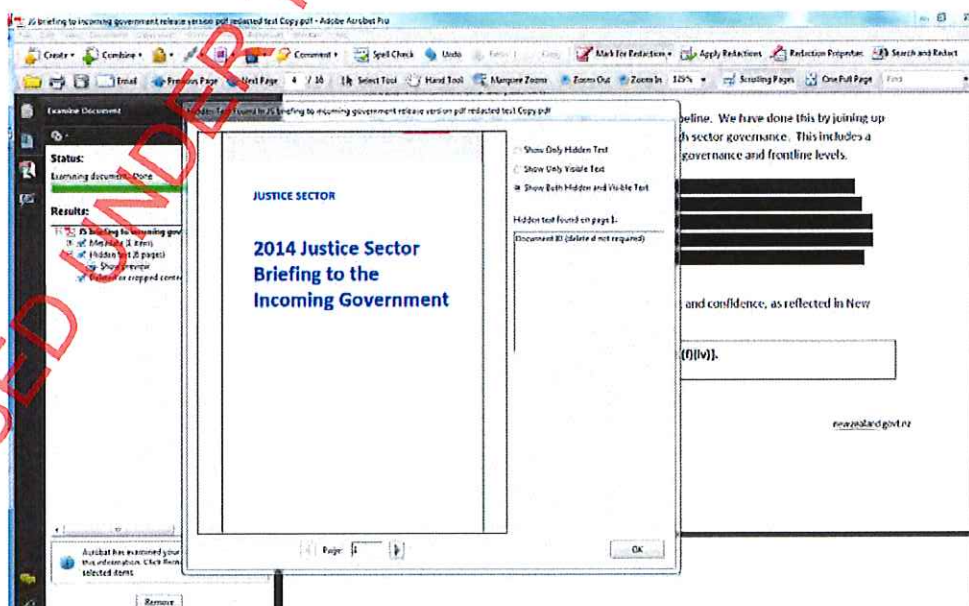


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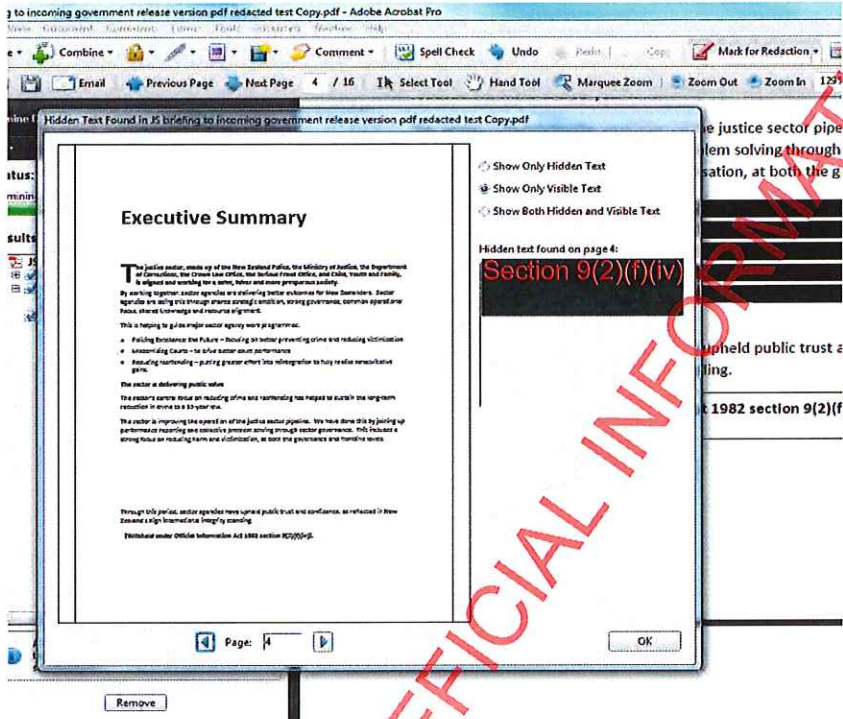
- On the status bar, click on the **SHOW PREVIEW** button. To check if all hidden text has been redacted, look at the side navigation column. Look under metadata, hidden text or deleted or cropped text content – if it says anything like (X items) or (Y pages), go to the bottom of the column and click on the **REMOVE** tab.



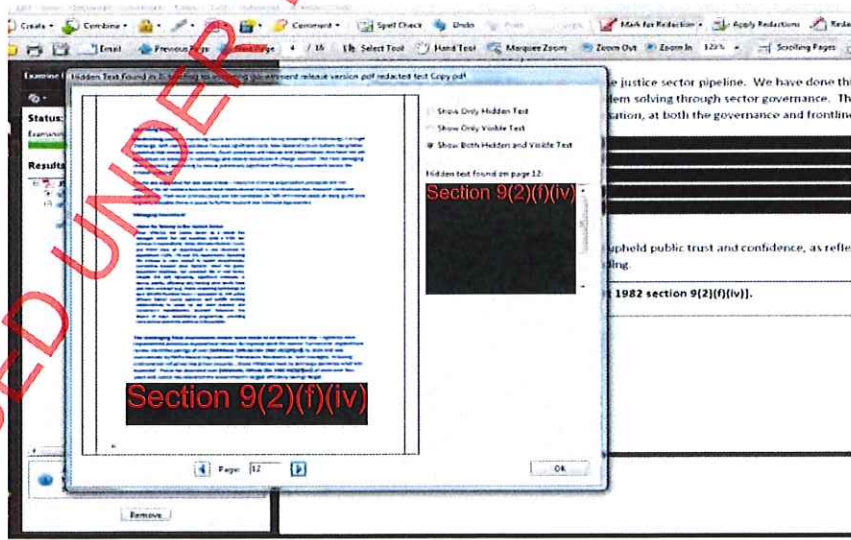
- Click on **SHOW BOTH HIDDEN AND VISIBLE TEXT**.



- Scroll through the pages and check if the section you redacted has been replaced.

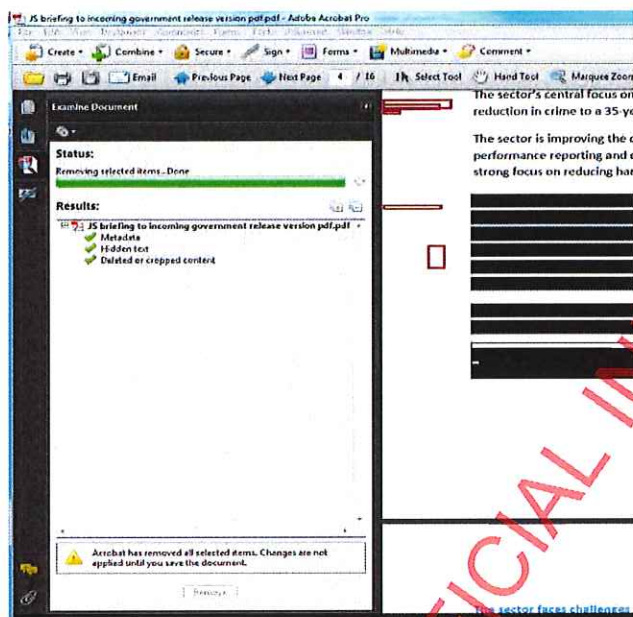


- If any information is showing in red, this means that information is still hidden in the document and other people will be able to see this information.
- If this is the case, please repeat the redaction process.



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- Once all redacted text has been removed, please check if the side has changed to advise that the selected items have been removed. The ticks become green and the message at the bottom of the column changes.



WARNING: SAVE AS the document again.

3. If you have the electronic document in PDF but you don't have access to Adobe Professional

It is **VERY IMPORTANT** that you follow this process if you need to send a redacted PDF but you don't have Adobe Professional.

WARNING: Unless the PDF has been properly redacted, there is no guarantee that other people will not be able to see the layers behind what your screen is showing.

- Copy the text in the PDF and paste it into a Word document.
- Follow the instructions under item 1 **Redacting documents when you have the original Microsoft Word version.**

4. Using specialised redaction software

The software will have its own instructions. Make sure you follow it to the letter.

5. Scanning documents

This process cannot be used for websites, as it breaches e-government standards.

WARNING: This method is suitable only if you want to send the scanned redacted Word or PDF document by email or post.

5.1 Document in electronic format

- Block the text by putting a text box over the part you want to redact.
- Write in the box the section of the OIA under which the information has been withheld: '[Withheld under the Official Information Act 1982 section N (x)(z)(v)]'. (See section B for more information.)
- Print the document.
- Scan the document.
- Close the original document. Say **NO** when asked if you want to save the document.
- Email or post the **SCANNED** document, **NOT THE BLOCKED DOCUMENT** (otherwise people will be able to see what you blocked).

WARNING: DO NOT SAVE the document with the text box, otherwise some of your colleagues may think it has been properly redacted. If you MUST save the document please make sure that the title says NOT PROPERLY REDACTED.

5.2 Document in paper format

- Photocopy the document.
- Use a permanent ink pen and block the areas you want to redact.
- Write in the margin the section of the OIA under which the information has been withheld: '[Withheld under the Official Information Act 1982 section N (x)(z)(v)]'.
- Make sure it is all well blocked.
- Scan the document.
- Email the scanned document, or print it if it is going to be sent by post.

WARNING: Do NOT send the document that you have redacted with the pen.

Section B: Official Information Act

It is against the law to withdraw information

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- [Log in](#)

Office of the Ombudsman

Search Site

Search

The Office of the Ombudsman handles complaints against government agencies and undertakes investigations and inspections.

When a complaint is made to the Ombudsman about an Official Information Act request, the Official Correspondence team logs this as an Ombudsman Complaint OMC. It is then assigned to the Office of Legal Counsel, who will liaise with the team who handled the original request.

The Office of the Ombudsman also has a [handy OIA calculator](#) for calculating the due date of an Official Information Act request.

[Hyperlink to www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

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4



PART OF THE MINISTRY OF JUSTICE

Guidelines from Minister Finlayson's office for the Office of Treaty Settlements

13 November 2015

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Contents

Subject / Topic

Page

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[REDACTED]

[REDACTED]

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[REDACTED]

OIA requests

Out of scope

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10

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Pages 3-10 out of scope

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OIA requests

Reports on OIA requests (including responses to Ombudsman complaints if further information will be released) should be submitted **five working days ahead of the deadline to release the information** to provide the Minister and his office time to check the material.

For **departmental** releases (i.e. to be signed out by the Deputy Secretary Treaty) please provide:

- 1 original report including a numbered list of material to be released/withheld (note if previously released) and draft release letter;
- 1 copy of all material relevant to the request with no deletions made, marked up to show what is proposed for deletion and the grounds for withholding – do not make this an appendix of the report (just note in the report that the Minister's office has been provided release material to review).

For **ministerial** releases (i.e. to be signed out by the Minister) please provide:

- 1 original report including a list of material to be released/withheld (each document proposed for release should be numbered) and draft release letter;
- 1 copy of the original material with no deletions made, marked up to show what will be deleted and the grounds for withholding – do not make this an appendix of the report.

If any **joint reports** are proposed to be released then **seven working days** needs to be allowed for consultation with the other Minister/s offices. Please also provide an additional copy of the marked up original material.

Names and contact details of staff in Ministers' offices should be withheld.

If there is no material to release (i.e. it doesn't exist) then a report to the Minister is not necessary. A report is required, however, if relevant material exists but it is proposed to be withheld in full.

Risk assessment

Reports on OIA requests must contain a "Risk Assessment" section outlining the risks of releasing the information and state which counsel have considered the proposed response, e.g. OTS General Counsel Services, Office of Legal Counsel or Crown Law Office.

The risks assessment should cover:

- the risk level (high/medium/low) and why that level of risk has been given;
- how OTS expect the documents for release to be used (are they related to a Tribunal application/a media inquiry/etc.); and
- is there anything that will be done to mitigate the risk/is OTS concerned about the level of risk.

Pages 12-22 out of scope

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OTS 20 DAY TIMELINE FOR DEALING WITH OFFICIAL INFORMATION ACT REQUESTS

Days 2-3 - ASSESS THE OIA

- OIA is received by business group and allocated to a manager.
- Manager allocates OIA to appropriate team member to consider/prepare reply
- At this stage the manager should be aware of the request, the content and considering what, if any, the response is likely to present
- The manager needs to consider 1) if we hold the information requested 2) the scope of the request 3) the size of the request 4) the complexity of the request and if this is sat with the right person and lastly 5) the sensitivity/topicality of the request

Note:

If the OIA request is from the media or a reporter, you must include communications in the planning of your response. Additionally the response must be approved by the MoJ Communications Media Advisor BEFORE going to Dep Sec for approval

Day 2-4 - SEEK CLARITY

Is the request clear? If not make contact with the requester and work with him/her to clarify

Day 2-5 - ASSESS THE RISK

The manager is to consider the risk this OIA and the answer may present to the Ministry

- Engage OLC at this stage
- Consult communications
- Discuss with your LT manager

Day 10 - SEND OIA TO LT MEMBER

Pass the response and supporting documentation to your LT member to sign off. Note the paperwork should have been seen by your manager before this time also.

Note:

If the OIA request is from the media or a reporter, you must obtain approval by from the MoJ Communications Media Advisor BEFORE going to Dep Sec for approval

Day 10 - TRANSFER THE OIA

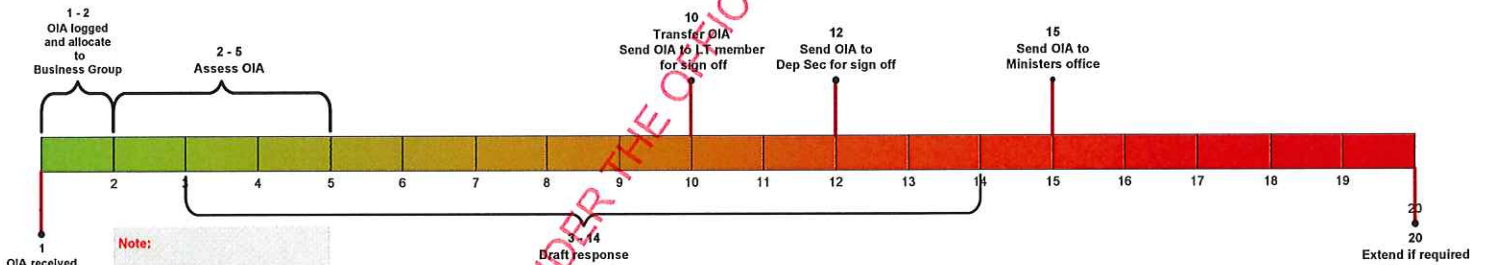
If the OIA is going to be transferred it must be done today.

Day 12 - SEND OIA TO DEPUTY SECRETARY

The OIA is sent to the Dep Sec for approval

Day 16 - SEND OIA TO MINISTERS OFFICE

The OIA is sent to the Ministers office



Note:

At this time you should be able to ascertain if an extension is required. You will need to seek approval from the Deputy Secretary to extend the timeframe and will need reasons covered under the act.

You have until working day 20 to notify the requester of the extension and the reasons.

Day 3-14 - DRAFT RESPONSE

- Draft the response
- Compile documents to be included
- Agree with your manager what needs to be requested, included and is out of scope
- Manager to QA throughout

Day 20 - EXTEND

This is the final day in you can notify the requester of an extension

If made after this date the Ministry breaches the Act

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