

Andrew Ecclestone
Fyi-request-7805-501a9c6f@requests.fyi.org.nz

Dear Mr Ecclestone

Official Information Act request for documents relating to Law Commission recommendation 37

I refer to your emails of 11 May 2018 to the Ministry of Justice and the Minister of Justice, seeking under the Official Information Act 1982 in electronic form:

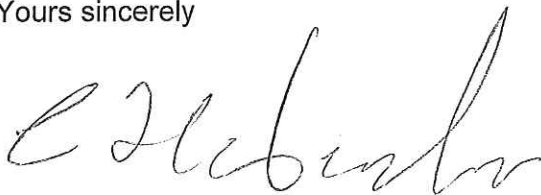
- *“All documents, emails, memoranda, briefings, aide memoire, speaking notes, notes of meetings, handwritten notes made by officials, or other recorded information held by the Ministry, that includes any consideration of Law Commission recommendation 37 on deleting the Ombudsman from the list of entities excluded from the definition of ‘agency’; and*
- *Copies of all correspondence and notes of meetings (handwritten or typed up) that relate to this issue, that the Ministry has held with:*
 - *The Ombudsman or any of his employees or representatives;*
 - *The Privacy Commissioner or nay of his employees or representatives;*
 - *Any other third party.”*

The table included in Appendix A sets out my decision about whether to release these documents to you. Released documents are provided separately.

Recommendation 37 was modified by Cabinet to instead amend the Ombudsmen Act 1975 so that information on how the Ombudsmen deal with personal information would be included in their annual report. I note that this modified proposal has not been included in the Privacy Bill as it is an amendment to the Ombudsmen Act that is not consequential on the other reforms of the Privacy Bill.

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.

Yours sincerely



Chris Hubscher
Manager, Electoral and Constitutional

Appendix A: Table of documents

Document #	Document	Status
1	Note: R37 Act to apply to Ombudsmen (26 November 2012)	<ul style="list-style-type: none"> Released in full.
2	Paper: Government Response to Law Commission Report on the Review of the Privacy Act 1993	<ul style="list-style-type: none"> Withheld under s 18(1)(d) of the Official Information Act as it is publicly available: https://www.justice.govt.nz/assets/Documents/Publications/government-response-to-law-commission-report-on-the-review-of-the-privacy-act-1993.pdf
3	Paper: Supplementary Government Response to Law Commission Report on the Review of the Privacy Act 1993	<ul style="list-style-type: none"> Withheld under s 18(1)(d) of the Official Information Act as it is publicly available: https://www.justice.govt.nz/assets/Documents/Publications/supplementary-government-response-to-law-commissions-report.pdf
4	Briefing: Review of the Privacy Act 1993 – Seeking Decisions on Proposals for Reform and Funding	<ul style="list-style-type: none"> Released in full.
5	Cabinet Paper: Reforming the Privacy Act 1993	<ul style="list-style-type: none"> Withheld under s 18(1)(d) of the Official Information Act as it is publicly available: https://www.justice.govt.nz/assets/Documents/Publications/cabinet-paper-reforming-the-privacy-act-1993.pdf
5A	Appendix One to Cabinet Paper: Reforming the Privacy Act 1993	<ul style="list-style-type: none"> Withheld under s 18(1)(d) of the Official Information Act as it is publicly available: https://www.justice.govt.nz/assets/Documents/Publications/appendix-one-to-cabinet-paper-reforming-the-privacy-act-1993.pdf
6	Drafting instructions to Parliamentary Counsel (20 May 2014)	<ul style="list-style-type: none"> Withheld in full under s 9(2)(h) (legal professional privilege).
7	Table: Privacy Bill v Law Commission and Necessary and Desirable Recommendations	<ul style="list-style-type: none"> Relevant entry released but the remaining 60 pages of the document not provided as they are out of scope.