



23 NOV 2018

Marcus
Email: fyi-request-8644-64e4004d@requests.fyi.org.nz

Reference: OIA-2018/19-0228

Dear Marcus

Official Information Act request about the status of information that was the subject to previous Official Information Act requests

Thank you for your Official Information Act 1982 (the Act) request received on 26 October 2018. Your request was part of a request you made on 11 October 2018 to the Prime Minister that was transferred to the Department of the Prime Minister and Cabinet (DPMC). The part of your request transferred was:

Additionally, I'd like to refer to the subject lines provided by the Prime Ministers office in OIA references: OIA-2017/18-0141 and PMO 132-2016. You'll see there are a list of OIAs that were rejected under Section 6.

I'd like to know if the status of any of those subjects have changed. To clarify, I'd like to know there is any previously rejected/redacted information can be now be provided along with the first request...."

The two responses you refer to in your current request appear to be responses you received to previous requests you made to the former Prime Minister (Rt Hon John Key) in 2016 (PMO 132-2016) and to DPMC in 2017 (OIA-2017/18-0141). Both requests were for lists of titles of responses to requests made by others covering specific timeframes where information was withheld under section 6 of the Act. As explained in both responses, the responses included in the lists provided to you may have only included some information withheld under section 6.

You asked "*[whether] the status of any of those subjects have changed. To clarify, I'd like to know there is any previously rejected/redacted information can be now be provided along with the first request [latest request made to the current Prime Minister for which you have received a response].*" We have understood this current request to be asking whether any of the information withheld under section 6 of the Act that was the subject of the requests listed in the two previous responses would be now releasable, given the passage of time.

In the response you received to your 2016 request to the former Prime Minister (PMO 132-2016) you were provided with a list of six responses which were identified as withholding some information under section 6. For the response you received to your 2017 request to DPMC (OIA-2017/18-0141) you were provided with a list of seven responses.

We have now gone through the information held by DPMC for these original thirteen responses and identified the information that was withheld under section 6 of the Act from

the requestors at the time responses were made to their requests. The requests themselves date from 2015 to 2017. I note that DPMC assisted with the drafting of the response to your 2016 request to the former Prime Minister but DPMC may not hold all the relevant information that was in scope of the requests identified as these were requests made to the former Prime Minister.

DPMC's perspective from the preliminary assessment we have undertaken of the original withheld information, is that the reasons for withholding the information under section 6 at the time remain valid. Accordingly, I can confirm that the information that was the subject of the original responses and withheld under section 6 of the Act would continue to be withheld.

Most of the information was withheld to protect the security or defence of New Zealand or the international relations of the Government of New Zealand and the situation has not substantially changed in relation to the information we assessed. However, while making the assessment, it became apparent that a large portion of the information withheld under section 6 originated from sources outside of DPMC. Therefore, if a new request for this information was received, we would need to consult relevant agencies to seek their views prior to reaching a final decision.

In addition, while assessing the information, we now believe that one of the requests included in the list of seven requests provided to you in response to your 2017 request to DPMC was not in fact in scope of your request. This was the request with the title "*Record of OIAs from February 2017.*" This request referred to another response to an OIA where some information was withheld under section 6 of the Act but did not actually withhold any information under section 6 in the response itself.

In terms of the information you have been provided, as far as we are aware you have only received lists of the titles of the previous requests and have not received copies of responses or any information that was released to the requestors. If you were interested in receiving any of the information that was subject of any of the responses included in the lists provided previously, you may wish to consider making a fresh request for that information. If you are interested in submitting such a request, for ease of reference, I have copied here the lists of titles of requests originally provided to you:

Titles of requests from DPMC response of 10 November 2017 (OIA-2017/18-0141)

- Intelligence and advice to the NZ government related to the 9/11 event
- Record of OIAs from February 2017 **[as noted above this response did not itself withhold any information under s 6]**
- Preparation for Trump Administration
- NSS Handbook examples of 1080 and domestic incident
- The Steel Industry and Trade Issues
- Meetings with Australian officials on social security
- Interactions with United States Film Industry Representatives

Titles of requests from Office of the Prime Minister response of 23 September 2016 (PMO 132-2016):

- Detention and Deportation of New Zealanders from Australia
- Prime Minister's Recent visit to Sri Lanka
- Communications regarding the 2016 US Presidential election
- Britain Possibly leaving the European Union
- Panama Papers
- Decision to Extend New Zealand's Training Mission to Iraq

For completeness, I note you are entitled to ask the Ombudsman to review this response under section 28(3) of the Act. You can contact the Ombudsman online via the Ombudsman website, by email (info@ombudsman.parliament.nz) or by post to The Ombudsman, PO Box 10152, Wellington 6143. Further details can be found on the Ombudsman website at: www.ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Jones', with a large, stylized initial 'J' that loops around the first part of the name.

Karen Jones
Executive Director, Strategy, Governance and Engagement Group

