



CABINET OFFICE

8 July 2013

Joshua Grainger

Email: fyi-request-918-bedd3971@requests.fyi.org.nz

Dear Mr Grainger

Information request – titles of Cabinet papers

Our reference: CAB 34-13

- 1 On 10 June 2013 this office received from you a request under the Official Information Act 1982 (OIA) for the following:

“the titles of each paper, and the Minister responsible for that paper, that was presented for consideration to the last meetings of Cabinet and each Cabinet Committee.

“In the event that this is seen as too sensitive to disclose, I would like to instead request the same information for the first Cabinet/Cabinet Committee meetings of 2009. This is because the Ombudsman has adopted a view that the strength of the withholding provisions of the OIA weaken over time.”

- 2 I wrote to you on 18 June 2013 noting that I did not consider that you had specified the information requested with due particularity for the purposes of section 12(2) of the OIA, and accordingly that I was not in a position to consider your request.

- 3 On 18 June 2013 this office received from you an email in which you noted as follows:

*“The alternative available in my request was meant to apply if there are grounds to withhold *all* of the documents (under any withholding ground). In the event that some documents are withheld and others aren't, I'll probably deal with it by way of a follow up OIA request depending on the severity of the withholding, rather than attempting to prescribe a rule now.*

“Thinking about it now, it would be good if there was a 'by committee' approach here. If there are grounds to withhold all papers from one Cabinet Committee, whereas for other committees they are released, I would like to request the papers from the equivalent committee for the first meeting of 2009, providing an equivalent committee existed (for example if CBC documents from the last meeting were withheld, but docs from ERD were released, only the CBC documents would be requested from 2009).”

- 4 I am treating your email of 18 June 2013 as a new request.

- 5 Your request is akin to a request for the agendas of Cabinet committee meetings, in that it asks for the titles of papers submitted to particular meetings. As I noted to you in a letter of 2 April 2012, the Cabinet Office has never released Cabinet agendas publicly because my predecessors and I have maintained a consistent position that it would not be in the public interest to do so.
- 6 Accordingly I decline to provide the information requested, under:
- 6.1 section 9(2)(f)(ii) of the OIA, to maintain the constitutional conventions for the time being which protect collective and individual ministerial responsibility;
 - 6.2 section 9(2)(f)(iv) of the OIA, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials; and
 - 6.3 section 9(2)(g)(i) of the OIA, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown and officials.
- 7 I do not think that there are any public interest considerations that outweigh the reasons for withholding the information.
- 8 Please note that you have the right to complain about this decision to the Office of the Ombudsmen under section 28(3) of the OIA.

Yours sincerely


Rebecca Kitteridge
Secretary of the Cabinet