



25 October 2022

Tēnā koe

On 10 October 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information regarding a response you received on 3 March 2022 from Hon Carmel Sepuloni, Minister of Social Development, and a response you received on 7 March 2022 from the Ministry, in response to requests you made under the Act:

- *All internal and external communications and correspondence you had regarding both these Official Information Act requests and responses, inclusive of:*
 - *Communications and correspondence with any Government Minister and/or their office*
 - *Communications and correspondence with any other Government department or external organisations and individuals*
 - *Communications and correspondence within MSD*
 - *Communications and correspondence regarding any media inquiries about these Official Information Act requests and responses*

You stated in your request that you would like the following adhered to:

- *"Communications and correspondence" includes texts, messages exchanged via social media functions, notes taken from meetings or phone calls and messages exchanged via any digital cross-platforms (ie Whatsapp, Teams, Wee Chat). It also includes all incoming/outgoing communications and correspondence (ie both the original correspondence or communication and all replies).*
- *The substance of all correspondence and communications is disclosed in full rather than paraphrased*
- *Where the substance of correspondence and communications is withheld, I request the details of who sent it, the purpose of the communications/correspondence, the time and date it was sent and received, and the mode of communication (ie text, email, Whatsapp).*
- *If the substance of any correspondence and communications within scope is withheld, I request a timeline setting out an exhaustive list of*

all correspondence and communications about these two requests and responses.

Your request for this information is refused in full under section 9(2)(g)(i) of the Act to protect the effective conduct of public affairs through the free and frank expression of opinions. I believe the greater public interest is in the ability of individuals to express opinions in the course of their duty.

I have considered the public interest in releasing this information due to an error which was identified. I believe that this interest was met when the error was publicly acknowledged and corrected by the Ministry: www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/official-information-responses/2022/september/7032022-information-on-the-revoking-of-the-border-exemption-correction-to-original-response-.pdf.

Further, the interest in ensuring decision makers are held accountable for the decisions made on requests made under the Act is served through the existence of the mechanism for an Ombudsman's independent investigation and review of such decisions. I note that you have raised your concerns with the Office of the Ombudsman, and that matter is ongoing.

I have noted your concerns regarding the time it took the Ministry to respond to your request. The Ministry responded to your request in 35-working days, accounting for public holidays (Christmas, New Years, Summer holidays) set out in the Act. Agencies are obliged to respond to requests as soon as reasonably practicable and no later than 20 working days after the date of receipt. However, an agency may extend the maximum time limit for making a decision if consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit. This was the case in your request, as external consultations with the Minister's Office, New Zealand Police, Treasury, the Ministry of Health, and the Ministry of Business, Innovation and Employment were required to make a decision on your request.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry's website. Your personal details will be

deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

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Magnus O'Neill
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Ministerial and Executive Services