



# Official Information Act requests involving Ministers

This guide is to be used for Chief Executive Official Information Act requests involving Ministers and the Ministry of Social Development and is based off the Ombudsman's Model Protocol. More detailed information about OIA requests involving Ministers is available on the Ombudsman's website at:

[www.ombudsman.parliament.nz/sites/default/files/2019-08/OIA%20requests%20involving%20Ministers%20August%202019.pdf](http://www.ombudsman.parliament.nz/sites/default/files/2019-08/OIA%20requests%20involving%20Ministers%20August%202019.pdf)

## 1. Principle

- a. The principle of the Official Information Act (OIA) is *availability*, meaning that information should be made available unless there is a good reason not to.

## 2. Notification of requests

- a. The Ministry of Social Development (MSD) will notify the relevant Minister's Office, of any *OIA request involving the Minister*, including where the requested information:
  - relates to their Ministerial functions or activities or delegated functions or activities;
  - could impact on the Minister's functions or activities or delegated functions or activities;
  - was generated by or on behalf of a Minister;
  - is sensitive or controversial; or
  - is likely to be published in the news media, or debated in the House.

## 3. Transfer

- a. MSD will transfer all or part of an OIA request to the Minister's Office, when the requested information is not held by MSD but is believed to be held by the Minister's Office or more closely connected with the functions of the Minister's Office.
- b. The Minister acknowledges that, in the absence of these circumstances, transfer is not permitted and responsibility for deciding on the request rests with MSD.
- c. The need for transfer will be determined on the facts of the particular case, with regard to the specific information at issue.
- d. The Minister's Office will likewise transfer all or part of an OIA request to MSD when that is required under [section 14](#) of the OIA.

## 4. Consultation

- a. MSD will work with the Minister's Office to identify requests requiring consultation.
- b. MSD will provide the Minister's Office with all information necessary for informed consultation. MSD will allow 5 working days for consultation to take place, unless the circumstances of the particular request demand a shorter period of time.
- c. The Minister's Office will respond to all consultations as expeditiously as possible. The Minister's Office will let MSD know if more time is required so that MSD can consider whether it is necessary to extend the maximum 20 working days for making a decision on the request.

- d. The Minister's Office will provide appropriate input in response to MSD requests for consultation. Appropriate input means comments and suggestions regarding:
- the proper application of the withholding grounds and the public interest test;
  - the release of additional information, to place the information that is being released in its proper context;
  - the proactive release of the same information to others, provided there is no undue delay in providing that information to the requester.
- e. The Minister's Office will not provide inappropriate input, such as raising irrelevant considerations (like political embarrassment), or asking or instructing MSD to act in a way that would be contrary to the requirements of the OIA, including withholding or delaying release of official information without any proper statutory basis.
- f. MSD will consider the input of the Minister's Office on an OIA request in good faith and with an open mind, before deciding whether that input provides a reasonable basis for changing its proposed decision on the request. MSD may proceed to make a decision on an OIA request if the Minister's Office does not respond to the consultation, or advise that further time is required.

## **5. Notification of decisions**

- a. If consultation is ongoing with the Minister's Office, MSD will work with the Minister's Office to identify OIA decisions requiring notification.
- b. The Minister's Office will be advised in an email that a notification of decision has been sent to a requestor for the Minister's Office information only.

## **6. Record keeping**

- a. MSD and the Minister's Office will keep full and accurate records of interactions in relation to OIA requests, as required by [section 17\(1\)](#) of the Public Records Act 2005.

## **7. Disputes**

- a. Where an escalation is required regarding the proper application of the OIA, or where there is lack of clarity or questions, please contact the Official and Parliamentary Manager.

For any other assistance, please contact the Ministry's OIA team at [OIA\\_requests@msd.govt.nz](mailto:OIA_requests@msd.govt.nz).