

Hon Chris Hipkins  
Minister for the Public Service

The next steps in the public release of official information

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This is a suite of documents released by the Hon Chris Hipkins, Minister for the Public Service that has informed the Government's proactive release of information policy.

Office of the Minister for the Public Service

Chair, Cabinet Government Administration and Expenditure Review Committee

## **The next steps in the public release of official information**

### **Proposal**

- 1 This paper contains proposals to further progress our open government work programme by:
  - 1.1 Improving reporting on the release of information;
  - 1.2 Encouraging agencies and Ministers to make more information available proactively;
  - 1.3 Ensuring information is more searchable and accessible; and
  - 1.4 Assessing practices relating to the Official Information Act, and progressing our commitments under the Open Government Partnership.

### **Executive Summary**

- 2 The way that information is created, used and distributed continues to transform in the 21<sup>st</sup> Century. Maintaining public trust in Government means that accessibility and transparency of information needs to keep pace with these changes, and with citizens expectations of increased access to official government information.
- 3 As a Government we have made significant progress in improving openness and transparency. We have:
  - 3.1 legislated to require that the Public Service fosters a culture of Open Government;
  - 3.2 made improvements in agency practices around the handling of requests for official information under the Official Information Act;
  - 3.3 routinely published ministerial diaries online; and
  - 3.4 supported improved parliamentary practices to enhance ministerial accountability, including through the new Q&A process during committee stages and following ministerial statements in the House.
- 4 There is now an opportunity to further progress openness and transparency by improving proactive release practices across government. In this space we have already:
  - 4.1 made more Cabinet material available to the public than ever before as a result of our policies on proactive release;

- 4.2 increased publication of lists of advice and papers received on departmental and agency websites; and
  - 4.3 piloted the routine proactive release of all official briefings from departments and agencies in some ministerial offices.
- 5 In implementing these changes with my office and the departments I am responsible for, I have found this approach has significantly improved efficiency and reduced double-handling of material. Many OIA requests and WPQ replies now simply refer the requestor to the information already released.
- 6 Despite this progress, there is more we can do to meet New Zealanders' expectations around open and transparent access to information and to improve the efficiency and effectiveness of our processes for managing information. This paper sets out proposed next steps for our approach to the public release of information, centred on:
- 6.1 **Improving our reporting on release practices**, by including information on proactively released Cabinet materials in the data the Commission collects and expanding the statistics that are published on OIA responses.
  - 6.2 **Encouraging agencies and Ministers to make more information available proactively where possible, and streamlining processes for release of information**. There is an opportunity to expand our approach to proactive release to include:
    - 6.2.1 the release of agency briefings and advice.
    - 6.2.2 the regular release of commonly requested material, such as the titles of briefings and advice.
    - 6.2.3 supporting the assumption of proactive release of OIA responses.
  - 6.3 **Increasing accessibility of released information and expanding reporting on release practices**. The searchability, functionality and structure of agencies' websites varies greatly. The Public Service Commission has created a central hub that provides users with a single point of access to agency proactive release web pages. Work is underway to further develop the hub and improve the searchability and accessibility of released information.

## Background

- 7 Open and transparent government is a critical driver of public trust and confidence in government. Through our response to the COVID-19 pandemic over the past two years, we have seen how important trust and confidence can be to the effectiveness of government. An important aspect of the transparency and openness is our approach to enabling public access to official information. This includes how we respond to requests for official

information, but also the information that we make available to the public proactively and how this information is delivered.

- 8 Our Government has already made significant progress in strengthening openness and transparency through our approach to official information:
  - 8.1 We have included open government as a core Public Service principle under the new Public Service Act 2020, accompanied by a requirement for chief executives to foster a culture of open government in their agencies;
  - 8.2 We have made significant improvements in the handling of OIA requests. The percentage of OIA responses completed within the statutory timeframes has increased from 91% in 2015 to consistently over 97%.<sup>1</sup> This is all the more impressive since it has been achieved during a period where an unprecedented number of requests were received;
  - 8.3 Since 2019 we have increased transparency by publishing ministerial diaries;
  - 8.4 Through our sponsorship of changes to the Standing Orders during the last term of parliament we improved parliamentary practices to enhance ministerial accountability, including through the new Q&A process during committee stages and following ministerial statements in the House;
  - 8.5 We have supported New Zealand's participation in the Open Government Partnership (OGP) and are currently in the process of working collaboratively with civil society groups to develop a new OGP Action Plan. Among other areas of focus, this plan will include further initiatives to support openness and transparency of official information.
- 9 We can further our openness and transparency by improving proactive release practices across government, which will also improve the efficiency and effectiveness of our processes for managing information releases between departments and ministers' offices. We have made some progress in this area already:
  - 9.1 More Cabinet material is available to the public than ever before. In 2018 Cabinet agreed that ministers will proactively release, and publish online, certain Cabinet material within 30 days of final decisions being made, unless there is good reason not to publish;
  - 9.2 Ministers have increasingly published lists of all advice and papers received on departmental and agency websites, improving transparency and reducing the volume of requests for such information

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<sup>1</sup> OIA data was collected annually in 2015/16 with 91.1% response rate within the statutory timeframe. Since July-December 2017, data has been collected six monthly. OIA response rate within the statutory timeframe has been consistently over 97% since January-June 2019.

through less efficient means such as written parliamentary questions;  
and

- 9.3 We have piloted the routine proactive release of all official briefings from departments and agencies in some ministerial offices.
- 10 This is a strong start, but there is more we can do to improve the amount of information we are proactively releasing and how accessible and searchable this information is.

### **Improving reporting on information release**

- 11 It is important that we have the data to know if the steps we are taking to improve release practices are working, and that this data is itself transparent to the public. The Public Service Commission already publishes OIA statistics regularly, but this can be further strengthened by asking that the Commission:
- 11.1 gather information from agencies on the number of Cabinet papers released six-monthly, and reporting this, by portfolio, to the Minister for the Public Service; and
- 11.2 expand the set of OIA statistics the Commission collects and publishes to include OIA measures routinely included in select committee responses.

### *Reporting on the release of Cabinet papers*

- 12 In 2018 Cabinet agreed ministers will proactively release, and publish online, Cabinet material within 30 days of final decisions being made, unless there is good reason not to publish (CAB-18-MIN-0418 and CO (18) 4 refers). The policy has made a strong statement about New Zealand's commitment to being transparent and open – agencies have reported interest from overseas jurisdictions in the policy, which remains unique in comparable jurisdictions, such as Australia, Canada and the United Kingdom.
- 13 The Commission reviewed the policy in 2019 and found that it was operating as intended. A large number of papers are being released – around 600 in the first nine months of the policy being in place, according to publicly available information. Agencies covered by the policy have developed processes and supporting procedures to address the increased volume, complexity and sensitivity of the material they are now expected to routinely prepare for release.
- 14 Cabinet also agreed that a reporting regime for the policy be put in place, as it is important that we have a view of the levels of compliance with the policy across agencies and portfolios. The agencies consulted during the 2019 review preferred central collection of this data by the Commission rather than individual reporting. To give effect to Cabinet's previous agreement to a reporting regime, I propose that the Commission gather information on the number of Cabinet papers departments have published on behalf of their ministers (i.e. by portfolio) at six-monthly intervals, alongside the existing OIA

statistics collection. The information collected by the Commission will cover, by portfolio:

- 14.1 The number of Cabinet papers which have been approved for release by the relevant portfolio Minister; and
- 14.2 The number of Cabinet papers released.
- 15 This data will tell us of the proportion of papers being released following Ministerial agreement, and trends in the number of papers made publicly available. I propose that, once collected, this information be reported by the Commission to the Minister for the Public Service. I would expect to release the information.
- 16 I have asked the Commission to work with the Cabinet Office to update the relevant Cabinet circular as necessary to reflect these arrangements and to make requirements for the collection and reporting of information clear to agencies.

#### *Enhancing OIA statistics reporting*

- 17 The Public Service Commission has collected OIA statistics since 2017 on agencies' OIA request volumes, timeliness under the legislation, and the publication of OIA responses. This data illustrates a performance lift in the key metrics of timeliness (i.e. within legislated timeframes, including extensions) and publishing of OIA responses. This information sits alongside statistics from the Office of the Ombudsman on OIA complaints.
- 18 A number of other OIA measures are regularly publicly reported by Public Service departments and some Crown entities, most notably via the select committee questionnaires for annual reviews and estimates of appropriations. This includes number responded to within 20 working days, average response time, extensions and transfers. However, these statistics are reported individually by agencies in these questionnaires, using varying methodologies.
- 19 I propose the Public Service Commissioner expand the set of statistics the Commission publishes centrally to include OIA measures routinely included in select committee responses. This will become a resource to which these agencies can refer in their select committee responses, rather than duplicating their reporting. These statistics would be collected from agencies using the same processes as existing statistics reported by the Commission, and are already produced by agencies in response to select committee requests.

#### **Making more information made proactively available, particularly about key government decisions**

- 20 The current approach to accessing information under the OIA is reactive. It is premised on the idea that individuals must request information before its release can be considered. This is the case even if releasing that information

more broadly would be in the public interest and carry little or no risk to the effective operation of government.

- 21 Consequently this Government has adopted an approach where we are increasingly releasing information proactively without any prior request from the public. This approach to official information better promotes accountability, openness and transparency and public trust in our government.
- 22 There are three areas where I believe we could further our efforts in relation to proactive release:
- 22.1 Proactively releasing advice provided from agencies to ministers, where appropriate;
- 22.2 Identifying and proactively releasing materials that are commonly requested from agencies under the OIA; and
- 22.3 Proactively releasing OIA responses on agency websites.

*Release of advice provided from agencies to ministers*

- 23 Since 2018 I have had in place a process whereby all briefings received by me include recommendations from the relevant agency on whether the report is suitable for proactive release immediately, at some specified date or milestone in the future, or should not be released for the time being.
- 24 By making this decision at the point I consider the advice, the department has a clear instruction and mandate to prepare the information for release and publish it as agreed. I and my agencies have found that this process has significantly improved efficiency and reduced double-handling of material. Many OIA requests and written Parliamentary question replies now simply refer the requestor to the information already released. I am encouraging other Ministers to consider adopting this approach.
- 25 I propose that we look to extend these practices to a wider range of agencies and the advice that they provide to their Ministers. In the first instance I encourage Ministers to discuss their individual expectations around proactive release with their departments and agencies. I have provided a high-level guide to support ministers and their offices in these conversations at **Annex 1**.
- 26 I recognise the extent to which proactive release practices can be implemented will vary across portfolios and will depend on a range of factors, and accept that the approach I have taken to proactive release with my agencies will not work for all agencies and Ministers' offices. I suggest Ministers' offices looking to extend proactive release practices work closely with agencies to identify any complexities that may need to be worked through to develop an appropriate approach for their portfolio.
- 27 Many agencies should already have some of the necessary processes and policies in place to support the proposed practice. Agencies have been adopting and updating proactive release policies and processes to enable the publication of OIA responses and Cabinet papers. All such material proposed

for release must undergo a considered, reliable, robust, and thorough review process, including applying the principles of the OIA (e.g. assessing any reasons for withholding, including national security considerations) and assessing potential liability.

- 28 Building on these existing practices, agencies can streamline the proactive release process by building recommendations into the drafting, consultation and approval process for other key government decision material. The Public Service Commission can provide further guidance and support to any agencies looking to implement the necessary processes following conversations with their Ministers.

*Identifying and proactively releasing commonly requested material*

- 29 While many OIA requests pertain to a specific or unique piece of information, there are some types of information that are both regularly produced by agencies and regularly requested by the public under the OIA. There are many examples of this across the public sector, such as the release of investigation reports, statistical reports, and environmental reporting.
- 30 In these cases, the current approach results in a reactive and ad hoc release of information which is inefficient and more open to error. Releasing the relevant categories of information proactively would achieve the same outcome from a release perspective, but would also likely save time and effort for agencies, reduce errors, and foster a more positive relationship between agencies and the public.
- 31 I propose that we encourage Public Service departments and Crown agents to consider whether there are categories of information suitable for regular proactive release (with or without redactions), by considering the types of material produced by the agency and looking at what is most commonly requested. These agencies could work with Minister's offices to shift to a practice where this information is proactively released on a regular basis.
- 32 A specific category of such information common to all departments is lists of titles of briefings and other advice provided to ministers, which are frequently requested under the OIA or via written Parliamentary question.
- 33 I encourage Ministers and their offices to consider asking Public Service agencies to publish these lists (where there are no grounds to withhold titles under the Official Information Act) on a regular basis, as part of their conversations with these agencies about expanding proactive release practices. Agencies will need to factor in the Speaker's ruling on timeliness of information releases referred to in replies to written Parliamentary questions<sup>2</sup> when considering the timing of the publication of these lists.

*Supporting the assumption of proactive release of OIA responses*

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<sup>2</sup> In May 2021 the Speaker ruled that if the information requested in a written question will not be made available for two weeks or more, the Minister must provide a substantive reply to the written question rather than refer the member to information that will be released in the future.  
[https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb\\_20210505\\_20210505\\_16](https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20210505_20210505_16)

- 34 Proactive release also includes the publication of information that has previously been released to an individual requester under the OIA. In the six months to December 2021, 2,594 OIA responses were published by agencies, providing access to the information contained in the responses to the public more generally.<sup>3</sup>
- 35 Current guidance provided to agencies encourages them to consider publication of OIA responses, but recommends that, before doing so, they reassess the information released under the OIA to determine whether it is suitable for general publication. This framing does not set clear expectations for agencies as to when such information should and should not be proactively released.
- 36 I propose that we should work towards publication of OIA responses unless there is a good reason for specific responses not to be published; for example, where the information requested relates to or is of specific interest to an individual, or where disclosure is not authorised by the Privacy Act 2020. I have asked the Public Service Commissioner to update guidance on the publication of OIA responses to reflect these expectations, and understand that he intends to write to agencies to notify them of this shift.
- 37 The Commission will work with agencies in the development of this guidance (including guidance on what are good reasons to withhold an OIA from proactive release), and to monitor the uptake of this practice, acknowledging that agencies with larger volumes or less mature proactive release systems and processes will require time to implement this. Released responses should ideally be published to a single location on each agency website, which can be provided to the Commission for incorporation into a single central point of access.

### **Making released information more searchable and accessible**

- 38 For the release of information to effectively contribute to our goals of an open and transparent government, the information must be easily accessible. Citizens should be able to locate released materials on agency websites, as well as from a central web location. It is also important that the information released is responsive to the needs of citizens and is easy to navigate.
- 39 Finding proactively released material should be made as simple as possible, but currently the searchability, functionality and structure of government agency websites varies greatly.
- 40 The Public Service Commission has created a central hub that provides users with a single point of access to the web addresses of proactive release pages on the agency websites, where they exist. It is available on both the Commission website and [www.data.govt.nz](http://www.data.govt.nz). This allows users to navigate directly to the locations agencies use for proactive release to find information, rather than having to search via individual agency sites.

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<sup>3</sup> [Latest OIA statistics released | Te Kawa Mataaho Public Service Commission](#)

- 41 The current hub is an Excel spreadsheet. The Commission will convert this to a dedicated webpage to promote the visibility and utility of the hub in the medium- to long-term. The Commission will continue to update this resource every six months as part of its regular OIA statistics collection (discussed further below).
- 42 Allowing people to search across departments for proactively released material would further increase the accessibility and utility of this information. I have asked the Commission to explore options for improved search functionality allowing people to search across departments for proactively released material.

### **Assessing practices relating to the OIA, and progressing our commitments under the Open Government Partnership**

- 43 I believe that encouraging the adoption of proactive release practices described above will significantly increase the transparency of government information. However, there are no doubt other ways that we can continue to improve agency practices around official information, and other initiatives that could be pursued to improve openness and transparency.
- 44 For example, recently there have been some questions raised around the treatment of media enquiries and questions on social media platforms as Official Information Act requests. This can create uncertainty for agencies responding to these types of queries. Guidance for agencies in this space could be useful to ensure flows of information between agencies and the public are not adversely affected.
- 45 I have asked the Public Service Commission to undertake further work assessing agency practices relating to the OIA, which may ultimately result in guidance and resources for agencies in this area. I also note that the Commission continues to progress a wider Open Government work programme including supporting work under the Open Government Partnership, which may result in further initiatives to increase openness and transparency.

### **Financial Implications**

- 46 This paper encourages conversations with agencies which may result in expansion of their proactive practices.
- 47 While there may be an initial administrative burden in implementing these new practices, I and my agencies have found that this process has significantly improved efficiency and reduced double-handling of material. Agencies should already have many of the necessary processes and policies in place to support the proposed practice. Costs to date of changes to our proactive release approach, including the publishing of Cabinet materials, have been absorbed into departmental or agency baselines.
- 48 The cost of implementing agency proactive release plans will vary by factors including the categories of information an agency releases (if any), the volume

of information processed by an agency, the number of OIA requests it receives, and the accessibility requirements that may need to be applied to some proactive releases (discussed at paragraph 53 below).

- 49 Agencies may need to review capacity and system requirements as they begin to implement any proactive release policies developed with their Ministers, and evolve business practices and systems to make more official information proactively available. This may mean some staffing or IT costs are seen in future Budget discussions.

### **Treaty of Waitangi/Tiriti o Waitangi considerations**

- 50 The programme of work around official information that has been run by the Commission, and these proposed enhancements are designed to improve flow of information to parties outside of the Crown, including the Crown's Treaty partner.
- 51 I note that the Ministry of Justice has recommended that te Tiriti o Waitangi implications be considered in any future review of the OIA. It notes there may be barriers particular to Māori being able to access information, and that it is not clear if the OIA disproportionately affects Māori in the ability to access information and thereby their ability to participate in political life.

### **Population Implications**

- 52 I recognise that the proposals in this paper are focused on increasing accessibility of government information in a written digital format. The digital divide means that some New Zealanders including older people, disabled people, immigrants, and people without access to a computer, may be less able to access this information.
- 53 While making all proactively released information available in multiple formats would be prohibitively costly, I suggest that in developing their proactive release policies, agencies work with Ministers and their offices to identify categories of information that are the most important to make available in other forms, such as printed or audio-visual material, or Easy Read and NZSL translations, to help promote equity of access for all New Zealanders.

### **Human Rights**

- 54 There are no implications for the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

### **Consultation**

- 55 All departments and departmental agencies have been consulted.

### **Communications**

- 56 Changes will be communicated via the Public Service Leadership Team, the Commission's existing communications channels, and cross sector networks such as the Official Information Forum.

## Proactive Release

- 57 I propose to release this paper once decisions have been confirmed by Cabinet and advised to affected agencies.

## Recommendations

The Minister for the Public Service recommends that the Cabinet Government Administration and Expenditure Review Committee:

1. **note** that openness and transparency is an important driver of public trust and confidence in government, and citizen engagement and participation;
2. **note** that our Government has made significant improvements in openness and transparency, including making Cabinet materials publicly available, proactively releasing more information, and driving improved Official Information Act 1982 (OIA) responses through reporting;
3. **note** that we have an opportunity to further improve openness and transparency of official information by:
  - 3.1. Improving reporting on the release of information;
  - 3.2. Making more information available proactively, particularly about key government decisions;
  - 3.3. Ensuring information that is released is more searchable and accessible; and
  - 3.4. Assessing practices relating to the Official Information Act, and progressing our commitments under the Open Government Partnership;
4. **note** that since 2019 we have had a policy that all Cabinet and Cabinet committee papers and minutes must be proactively released and published unless there is good reason not to do so;
5. **agree** to require departments to provide information to the Public Service Commission on the number of Cabinet papers released six-monthly, and that the Commission report this, by portfolio, to the Minister for the Public Service;
6. **note** that several OIA measures, beyond those published six-monthly by the Commission, are regularly reported by Public Service departments and Crown entities via the select committee questionnaires with varying methodologies;
7. **agree** the Public Service Commissioner expand the set of OIA statistics the Commission publishes to include OIA measures routinely included in select committee responses, to improve access, utility and consistency;
8. **note** that I am encouraging Ministers to discuss their expectations around proactive release with their agencies, with a view to increasing the breadth and depth of information proactively released, using the guide in **Annex 1**;

**I N C O N F I D E N C E**

9. **note** that as part of these conversations I propose we encourage agencies to identify categories of information suitable for regular proactive release, by considering the types of material produced by the agency and what is most commonly requested;
10. **note** that I would also encourage Ministers to discuss with Public Service agencies whether they could regularly publish lists of titles of advice that has been provided to ministers;
11. **note** that the Public Service Commissioner is adjusting expectations around the publication of OIA responses, asking that agencies work towards publication of OIA responses except where there is a good reason not to;
12. **note** that I have asked the Public Service Commission to provide guidance and support to agencies as they implement any necessary policies and procedures to achieve this shift, along with the other proposals in this paper;
13. **note** that agencies would specifically be expected not to proactively release or redact any OIA response where the information requested is personal to the original requestor;
14. **note** that transparency of released information requires that this information be easily accessible through agency websites and from a central web location, and is further supported by publication of statistics on official information practices;
15. **note** that the Public Service Commission operates a central hub for proactively released material, and is exploring options for allowing people to search across departments for proactively released material;
16. **note** that I have asked the Public Service Commission to undertake work to identify further opportunities to progress openness and transparency, including through guidance on operational practices relating to the Official Information Act and initiatives under the next Open Government Partnership National Action Plan.

Authorised for lodgement

Hon Chris Hipkins

Minister for the Public Service

## **Annex 1: Guide for implementing proactive release practices**

To support ministers in implementing proactive release, I have outlined the process that I use with my office and the agencies I am responsible for. In the interests of consistency across Government, it is proposed that Ministers use this as a starting point for developing or refining processes with their agencies, and adjusting where the particular nature of their portfolios calls for them. I have found the following to be an effective set of steps for achieving good proactive release practices.

### **Step 1: Set a proactive release policy**

Agencies should have a clear proactive release policy, agreed with the Minister's office, that helps officials to make decisions on proactive release. This policy should be aligned with the provisions of the Official Information Act (OIA) – essentially, if (or when) there would not be grounds to withhold all or the main parts of a piece of advice if it were requested under the OIA, then it should be proactive released. In effect, this creates a presumption that information should be released unless there is a good reason not to.

### **Step 2: Proactive release assessment and recommendation**

As part of producing a report, briefing note or aide memoire for the Minister, the agency assesses whether that piece of advice should be proactively released, and makes a recommendation to the Minister within the body of that document. This recommendation should:

- Be specific about the proposed timing for release. If the release is not immediate or by a specified date, the contingent conditions for release should be clear (e.g. when Cabinet decisions are taken on an issue) (once again, this should align with the point at which the advice would be released if an OIA request were received)
- Consider staged releases for lengthy (e.g. multi-year) processes; for example, releasing at the point of interim and final decisions. This makes the release process more manageable and the decision process more transparent.
- Be clear about circumstances where no release is planned, now or in future, either because there are good reasons not to release it (which align with grounds under the OIA) or because certain types of advice are transparently outside the scope of the proactive release policy (probably the main category in this regard is advice on ministerial appointments).

This can be operationalised via a set of standard recommendations included in advice paper templates, with different options for officials to select from. Every advice paper received from agencies should therefore include a release recommendation. Te Kawa Mataaho Public Service Commission and the Ministry of Education have developed standard templates that other agencies may adopt.

### **Step 3: Proactive release of titles**

Ministerial offices should develop a process with agencies for assessing the titles of reports, briefing notes and aide memoires for advice for release ahead of the document itself, taking the Minister's decision on the proactive release of the paper itself as a starting point. Release of titles might occur on a weekly, fortnightly or monthly basis, depending on the volume of papers.<sup>4</sup> In general, where release has been approved and the paper is being prepared for release (see Step 4 below), then the title can be released, unless it needs to be deferred until after an imminent event (e.g. a policy announcement). If a paper has been submitted but has not yet been considered by the Minister, its title would generally not be released, unless the title was routine and generic.

### **Step 4: Mark up redactions**

The agency prepares a version of the relevant document with any necessary redactions following Minister's decision on release. To ensure a robust and consistent process, agencies should undertake redactions in a way consistent with their other legislative requirements, notably:

- whether the material would be released if requested under the OIA;
- privacy considerations; and
- other legal considerations (e.g. contractual obligations, copyright, defamation or requirements of other legislation).

Agencies should aim to draft redactions at the point of advice while context is still front of mind, regardless of the agreed timing of release. This also helps to streamline the release process.

### **Step 5: Review and release**

The redacted version of the material is provided to the Minister's office for review ahead of release. The office and the agency should have agreed standard expected timeframes for this process, including for delivery of a redacted version to the office, and for the office's review. A reasonable end-to-end timeframe to work towards is that the paper approved for initial (rather than deferred) release should be publicly available within 30 business days of the Minister's decision on the paper.

Where release is agreed for a future date or contingent on future decisions, the ministerial services team in the agency should be responsible for maintaining a register of the scheduled releases and ensuring these are ready for review and release at the agreed time.

### **Step 6: Publication**

<sup>4</sup> Agencies should consider the Speaker's ruling on timeliness of information releases referred to in replies to written Parliamentary questions when considering the timing of the publication of these lists. In May 2021 the Speaker ruled that if the information requested in a written question will not be made available for two weeks or more, the Minister must provide a substantive reply to the written question rather than refer the member to information that will be released in the future.

[https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb\\_20210505\\_20210505\\_16](https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20210505_20210505_16)

**I N C O N F I D E N C E**

Documents are published on the agency's website, in an easily accessible location. It should be easy to navigate to the proactive release section of the website from the agency's home page, either through a direct link or drop-down menu. The proactive release page should be well-structured, with the ability to easily identify the most recently released information.

It may be more accessible for information-users if the proactive release page includes all categories of proactively released information, including the ministerial advice covered by this process and other material released by the agency (e.g. published OIA responses). For certain categories of information agencies could also consider including factual explanatory notes to ensure the information is understood in its context, in the same way that letters accompanying OIA releases often include an explanation of the context for the information.



# Cabinet Government Administration and Expenditure Review Committee

## Minute of Decision

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*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

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### The Next Steps in the Public Release of Official Information

**Portfolio**                      **Public Service**

On 5 May 2022, the Cabinet Government Administration and Expenditure Review Committee:

- 1        **noted** that openness and transparency are important drivers of public trust and confidence in government, and citizen engagement and participation;
- 2        **noted** that the government has made significant improvements in openness and transparency, including making Cabinet materials publicly available, proactively releasing more information, and driving improved Official Information Act 1982 (OIA) responses through reporting;
- 3        **noted** that there is an opportunity to further improve openness and transparency of official information by:
  - 3.1        improving reporting on the release of information;
  - 3.2        making more information available proactively, particularly about key government decisions;
  - 3.3        ensuring information that is released is more searchable and accessible;
  - 3.4        assessing practices relating to the OIA, and progressing the government's commitments under the Open Government Partnership;
- 4        **noted** that since 2019, there has been a policy that all Cabinet and Cabinet committee papers and minutes must be proactively released and published unless there is good reason not to do so [CAB-18-MIN-0418 and CO (18) 4];
- 5        **agreed** that departments be required to provide information to the Public Service Commission (the Commission) on the number of Cabinet papers released six-monthly, and that the Commission report this, by portfolio, to the Minister for the Public Service;
- 6        **noted** that several OIA measures, beyond those published six-monthly by the Commission, are regularly reported by Public Service departments and Crown entities via the select committee questionnaires, with varying methodologies;
- 7        **agreed** that the Public Service Commissioner expand the set of OIA statistics the Commission publishes to include OIA measures routinely included in select committee responses, to improve access, utility and consistency;

- 8 **noted** that the Minister for the Public Service is encouraging Ministers to discuss their expectations around proactive release with their agencies, with a view to increasing the breadth and depth of information proactively released, using the guide in Annex 1 to the paper under GOV-22-SUB-0010;
- 9 **noted** that as part of these conversations, the Minister for the Public Service proposes to encourage agencies to identify categories of information suitable for regular proactive release, by considering the types of material produced by the agency and what is most commonly requested;
- 10 **noted** that the Minister for the Public Service will also encourage Ministers to discuss with Public Service agencies whether they could regularly publish lists of titles of advice that has been provided to Ministers;
- 11 **noted** that the Public Service Commissioner is adjusting expectations around the publication of OIA responses, asking that agencies work towards publication of OIA responses except where there is a good reason not to;
- 12 **noted** that the Minister for the Public Service has asked the Public Service Commission to provide guidance and support to agencies as they implement any necessary policies and procedures to achieve this shift, along with the other proposals discussed in the paper under GOV-22-SUB-0010;
- 13 **noted** that agencies would specifically be expected not to proactively release or redact any OIA response where the information requested is personal to the original requestor;
- 14 **noted** that transparency of released information requires that this information be easily accessible through agency websites and from a central web location, and is further supported by publication of statistics on official information practices;
- 15 **noted** that the Public Service Commission operates a central hub for proactively released material, and is exploring options for allowing people to search across departments for proactively released material;
- 16 **noted** that the Minister for the Public Service has asked the Public Service Commission to undertake work to identify further opportunities to progress openness and transparency, including through guidance on operational practices relating to the OIA and initiatives under the next Open Government Partnership National Action Plan.

Rebecca Davies  
Committee Secretary

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**Present:**

Hon Grant Robertson (Chair)  
Hon Dr Megan Woods  
Hon Chris Hipkins  
Hon David Parker  
Hon Stuart Nash  
Hon Jan Tinetti  
Hon Michael Wood  
Hon Kiri Allan  
Hon Dr David Clark  
Hon Meka Whaitiri

**Officials present from:**

Office of the Prime Minister  
Officials Committee for GOV



# Cabinet

## Minute of Decision

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*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

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### The Next Steps in the Public Release of Official Information

#### Portfolio                      Public Service

On 9 May 2022, following reference from the Cabinet Government Administration and Expenditure Review Committee, Cabinet:

- 1        **noted** that openness and transparency are important drivers of public trust and confidence in government, and citizen engagement and participation;
- 2        **noted** that the government has made significant improvements in openness and transparency, including making Cabinet materials publicly available, proactively releasing more information, and driving improved Official Information Act 1982 (OIA) responses through reporting;
- 3        **noted** that there is an opportunity to further improve openness and transparency of official information by:
  - 3.1      improving reporting on the release of information;
  - 3.2      making more information available proactively, particularly about key government decisions;
  - 3.3      ensuring information that is released is more searchable and accessible;
  - 3.4      assessing practices relating to the OIA, and progressing the government's commitments under the Open Government Partnership;
- 4        **noted** that since 2019, there has been a policy that all Cabinet and Cabinet committee papers and minutes must be proactively released and published unless there is good reason not to do so [CAB-18-MIN-0418 and CO (18) 4];
- 5        **agreed** that departments be required to provide information to the Public Service Commission (the Commission) on the number of Cabinet papers released six-monthly, and that the Commission report this, by portfolio, to the Minister for the Public Service;
- 6        **noted** that several OIA measures, beyond those published six-monthly by the Commission, are regularly reported by Public Service departments and Crown entities via the select committee questionnaires, with varying methodologies;
- 7        **agreed** that the Public Service Commissioner expand the set of OIA statistics the Commission publishes to include OIA measures routinely included in select committee responses, to improve access, utility and consistency;

- 8 **noted** that the Minister for the Public Service is encouraging Ministers to discuss their expectations around proactive release with their agencies, with a view to increasing the breadth and depth of information proactively released, using the guide in Annex 1 to the paper under GOV-22-SUB-0010;
- 9 **noted** that as part of these conversations, the Minister for the Public Service proposes to encourage agencies to identify categories of information suitable for regular proactive release, by considering the types of material produced by the agency and what is most commonly requested;
- 10 **noted** that the Minister for the Public Service will also encourage Ministers to discuss with Public Service agencies whether they could regularly publish lists of titles of advice that has been provided to Ministers;
- 11 **noted** that the Public Service Commissioner is adjusting expectations around the publication of OIA responses, asking that agencies work towards publication of OIA responses except where there is a good reason not to;
- 12 **noted** that the Minister for the Public Service has asked the Public Service Commission to provide guidance and support to agencies as they implement any necessary policies and procedures to achieve this shift, along with the other proposals discussed in the paper under GOV-22-SUB-0010;
- 13 **noted** that agencies would specifically be expected not to proactively release or redact any OIA response where the information requested is personal to the original requestor;
- 14 **noted** that transparency of released information requires that this information be easily accessible through agency websites and from a central web location, and is further supported by publication of statistics on official information practices;
- 15 **noted** that the Public Service Commission operates a central hub for proactively released material, and is exploring options for allowing people to search across departments for proactively released material;
- 16 **noted** that the Minister for the Public Service has asked the Public Service Commission to undertake work to identify further opportunities to progress openness and transparency, including through guidance on operational practices relating to the OIA and initiatives under the next Open Government Partnership National Action Plan;
- 17 **noted** that the Public Service Commission will work with the intelligence and security agencies on managing security issues as a part of the guidance to agencies for developing their proactive release and OIA policies.

Michael Webster  
Secretary of the Cabinet

*Secretary's Note: This minute replaces GOV-22-MIN-0010. Cabinet added paragraph 17.*

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