



1 July 2026

9(2)(a) privacy

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Official Information Request

Our Ref: OIA 2026-0157

I refer to your Official Information Act 1982 (OIA) request received by the Public Service Commission Te Kawa Mataaho (the Commission) on 4 June 2026 for:

- *Regarding David Ferguson's appointment as Chief Executive and Chief Review Officer of the Education Review Office:*
 - *When did he apply?*
 - *Was he invited to apply; if so by whom?*
 - *Did he declare any potential conflicts of interest?*
 - *Did he apply at the beginning of the process or did his application come after the process had started?*
- *Copies of documents related to David Ferguson's appointment as Chief Executive and Chief Review Officer of the Education Review Office – including, but not limited to, documents sent to David Ferguson and documents David Ferguson provided as part of his application.*
- *Copies of communications between members of the Public Service Commission's leadership team and David Ferguson on the subject of the role of Chief Executive and Chief Review Officer of the Education Review Office*

Information being released

Chief Executive appointment papers are made available by the Commission following the appointment decision announcement, to support transparency and accountability in the appointment process. Listed in the table below are appointment papers for the Chief Review Officer and Chief Executive, Education Review Office role, which will be publicly available soon on the Commission's website at the link provided in the table.

Item	Date	Document Description	Website Address
1	15 August 2025	MoSR 2025-0647 – REPORT – Lodging the Vacancy Paper for the Chief Review Officer and Chief Executive, Education Review Office	Publicly available soon: https://www.publicservice.govt.nz/publications
2		MoSR 2025-0648 – AIDE MEMOIRE – Vacancy Paper Chief Review Officer and Chief Executive, Education Review Office	
3	18 May 2026	MoSR 2026-0191 – REPORT – Appointment - Chief Review Officer and Chief Executive, Education Review Office	
4	20 May 2026	MoSR 2026-0187 – AIDE MEMOIRE – Talking Points for APH and Cabinet - Appointment of the Chief Review Officer and Chief Executive, Education Review Office	
5		Cabinet paper: Appointment: Chief Review Officer and Chief Executive, Education Review Office Attachments: • Recommendation • Position Description • Summarised CV • Cabinet Minute • Cabinet Summary • Warrant	

Accordingly, I have refused your request for the documents listed in the above table under section 18(d) of the OIA on the grounds the information requested is or will soon be publicly available.

Some relevant information has been removed from documents listed in the above table and should continue to be withheld under the OIA, on the grounds described in the documents.

All candidates complete a declaration of interests as they proceed through a chief executive appointment process. Mr Ferguson undertook this step. When applicable, all real, perceived or potential COIs are actively managed and are lodged with both the Public Service Commission and Education Review Office.

Information being withheld – part one and two

Candidates applying for chief executive roles have an expectation that they will not be publicly scrutinised or criticised for applying for these roles, especially in a way that impacts their future career prospects.

These people therefore have an expectation that their application is received and treated with the utmost confidentiality. All candidates' applications and personal information received during the application process are received and held in confidence.

There are documents covered by these parts of request that I have decided to withhold in full under the following sections of the OIA, as applicable:

- section 9(2)(a) – to protect the privacy of individuals, including that of deceased natural persons.
- section 9(2)(ba)(ii) – to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.
- section 9(2)(g)(ii) – 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 or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

Information does not exist – part three

The Commission does not hold any communications between Mr Ferguson and members of the Public Service Commission Leadership Team *on the subject of the role of Chief Executive and Chief Review Officer of the Education Review Office*. Therefore, I am refusing this part of your request under section 18(e) of the Official Information Act 1982 on the grounds the information requested does not exist.

If you wish to discuss this decision with us, please feel free to contact Enquiries@publicservice.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this response (with your personal details removed) on the Commission's website.

Yours sincerely



Nicky Dirks

Manager – Ministerial and Executive Services
Public Service Commission Te Kawa Mataaho