Public Service Commission
Te Kawa Mataaho

16 October 2026

9(2)(a) privacy

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Official Information Act Request
Our Ref: OIA 2026-0300

I refer to your Official Information Act 1982 (OIA) request received by the Public Service Commission Te Kawa Mataaho (the Commission) on 18 September 2026:

> *"Under the Official Information Act 1982, please provide the following records concerning the Public Service Commission's involvement in the February 2025 Andrew Bayly matter for the period 17 February 2025 to 30 June 2026.*
>
> 1. *Any request, referral, notification or briefing received from ACC, DIA, DPMC, the Prime Minister's Office or a chief executive concerning the incident or the initiation of enquiries.*
> 2. *Records identifying who initiated the enquiry or investigation and whether the Commission understood that a formal complaint had been made.*
> 3. *Advice given about the authority, proper process, natural justice, employment responsibilities or agency jurisdiction for the enquiry.*
> 4. *The record supporting any statement or confirmation that the ACC chief executive initiated the investigation and that no formal complaint had been made.*
> 5. *Any later review, correction, assessment or response concerning whether the account given to Andrew Bayly, the Prime Minister or the public was accurate.*
> 6. *Substantive correspondence with Andrew Bayly or his representatives about the matter, excluding duplicate chains and routine scheduling."*

Our response

It may be helpful to clarify the nature of the Commission's involvement in the matter to which your information request relates. The Commission was not responsible for managing or conducting the original enquiries undertaken following *the February 2025 Andrew Bayly matter* (the matter).

Rather, the Commission became involved subsequently, after receiving correspondence from Mr Bayly's legal counsel concerning the Department of Internal Affair's (DIA's) handling of the matter. In considering that correspondence, the Public Service

Commissioner (the Commissioner) sought and received information from DIA about the steps it had taken following the incident.

The Commissioner was advised that DIA had undertaken preliminary enquiries and information-gathering, but that no formal complaint had been made, no investigation had been commenced or concluded, and no findings had been reached. This context is relevant to understanding the scope of information held by the Commission.

Information does not exist – parts one, two, three, four and five

As stated above, the Commission was not involved in the original enquiries, I am therefore refusing these parts of your request under section 18(e) of the OIA on the grounds the information requested does not exist.

Information publicly available – part six

The Commissioner's response to Mr Bayly's legal counsel provides relevant background to the matters raised in your request and falls within its scope. This information is publicly available and accessible via the link in the table below.

Item	Date	Document Description	Website Address
1	18 June 2025	**PREVIOUS OIA RESPONSE:** Information request regarding response to written question 52604	www.publicservice.govt.nz/assets/DirectoryFile/OIA-2025-0176-Information-request-regarding-response-to-written-question-52604-2025.pdf

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.

Information not released – part six

There are additional documents in scope of part six of your request that I have decided to withhold in full under the following sections of the OIA:

- section 9(2)(b)(ii) - 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)(i) – to maintain the effective conduct of public affairs through the free and frank expression of opinions.

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA.

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