



13 February 2020

Dear [REDACTED]

Official Information Request
Our Ref: SSCOIA 2019-0264

I refer to your official information request received on 8 December 2019 where you have asked:

"I note the release of the Wakem report on the OIA in December 2015 and the Official Information programme your agency began in 2016.

Presumably, the SSC carefully considered the recommendations in the Wakem report, advised the Commissioner and/or the government of the day on an appropriate response and has made some form of progress report to successive ministers from time to time.

- *Please provide a copy of any significant reports or advice prepared on:
 - a) *how the government of the day could respond to the Wakem Report's recommendations, and*
 - b) *what progress has been made by the state sector in relation to the issues raised in the report.**
- *Please provide a copy of the relevant key documents that describe your agency's current work programme on the OIA".*

In 2015 the report of the then Chief Ombudsman, Dame Beverley Wakem, into central government agencies' Official Information Act (OIA) practices found that the OIA has resulted in greater openness and transparency, greater accountability in the conduct of public affairs, and increased the ability of the public to participate in the making and administration of New Zealand's laws and policies. The report notes that, most of the time, agencies are compliant in the way that they operate under the OIA on a daily basis.

The report identified five key areas where Dame Beverley found there to be increasing risks and vulnerabilities in the way that the OIA is being administered in the current environment, with 48 associated recommendations.

In response to your request where you have asked for any significant reports or advice prepared on:

- ***how the government of the day could respond to the Wakem Report's recommendations,***

The Government of the day decided that the Open Government Partnership National Action Plan (NAP) would be used as a vehicle for the Government's response, considering it to be the best way of providing the necessary focus and ensuring progress could be made.

The Cabinet paper on the inclusion of official information commitments in the Second NAP 2016-2018 can be found on the SSC website at the link provided for in the table below.

From 2018, a separate Open Government Partnership (OGP) website was established.

Information for the first two NAPs which includes Cabinet documents, advice to the Minister, submissions, commitment development material and a timeline can be found at the links provided in the table below.

Also included in the table below are the links to the similar assessments, updates and supporting information on the third NAP 2018-2020 and updates on the development of the fourth NAP 2020-2022, which provides information on how to contribute to its development.

I am therefore refusing this part of your request under section 18(d) on the grounds that this information is publicly available.

Item	Document Description	Website link
1	Cabinet Paper - Action Plan for the Open Government Partnership	https://ssc.govt.nz/assets/Legacy/ogp-action-plan-cab-paper-upiul17.pdf
2	Independent reviews and self-assessments, progress updates and supporting information for New Zealand NAPs (2014-2016 and 2016-2018)	https://ssc.govt.nz/our-work/open-government-partnership-ogp/ .
3	Assessments, updates and supporting information on the Third NAP 2018-2020	https://ogp.org.nz/new-zealands-plan/third-national-action-plan-2018-2020/
4	Updates on the development of the Fourth NAP 2020-2022	https://ogp.org.nz/new-zealands-plan/fourth-national-action-plan/

After the publication of Dame Beverley's report, the State Services Commission, also considered what the public sector agencies' responses to the report should be.

A proposed approach was shared with Chief Executives at a meeting held on 22-23 March 2016. Action points from that meeting included an action related to the response to that report.

Please find enclosed the documents listed in the table below. I have decided to release the documents listed below with some of the information marked as out of scope as it does not fall within the scope of your request.

Item	Date	Document Description	Decision
5	March 2016	Key messages: Proposed approach in response to Ombudsman's report on the OIA	Released in Full
6	March 2016	Head of State Services meeting with chief executives action points	Released in Part
7	April 2016	A3 – Propose Approach to Response to Ombudsman's Report on OIA	Released in Full

The SSC's programme of work has been focused on assisting agencies to assess and build on their own capacity and capability, aligned with the themes identified from Dame Beverley Wakem's report, namely: leadership and culture; organisation, structure, staffing and capability; current practices; internal policies, procedures and resources; and performance monitoring and learning. This has been via the building a community of practice by supporting agencies to communicate, collaborate and share best practice and experience.

This is primarily progressed by supporting commitments under the OGP, delivering the Official Information Forum (previously called the OIA Forum), and by working with the Office of the Ombudsman, the latter again under the framework of the OGP.

In October 2016 the State Services Commissioner informed the Chief Ombudsman of SSC's proposed approach as both a system leader and an agency under the umbrella of the Open Government Partnership, which ultimately led to an agreement to take a joint approach to improving OIA responsiveness.

The announcement of SSC's joint work with the Office of the Ombudsman, and the work of the Forum, are available on the SSC website.

Item	Document Description	Website link
8	Media Statement: Joint work to improve OIA responsiveness – 20 October 2016	https://ssc.govt.nz/resources/media-statement-joint-work-improve-oia-responsiveness/
9	Official Information Forum	https://ssc.govt.nz/resources/oia-forum/

Note that on 29 November 2016 the then Secretary for Justice, Mr Andrew Bridgman, delegated the Ministry of Justice's advice and assistance function under section 46 of the OIA to SSC. In the delegation letter to the State Services Commissioner, Mr Bridgman noted that SSC had offered to lead the development of guidance and advice to assist agencies to comply with the OIA as part of the Open Government Partnership programme. The letter notes the delegation is appropriate given the SSC's role in promoting accountability, and as the lead agency for New Zealand's membership of the OGP.

In response to your request where you have asked for any significant reports or advice prepared on:

- ***what progress has been made by the state sector in relation to the issues raised in the report.***

In late 2016, the SSC established its programme to enhance administration of the OIA. A Steering Group including the SSC, the Office of the Ombudsman, the Department of Internal Affairs, the Ministry of Justice, the Department of Prime Minister and Cabinet and Statistics NZ met from December 2016 until May 2017. The terms for reference for that programme are attached.

Item	Date	Document Description	Decision
10	February 2017	Programme Terms of Reference - Enhancing the administration of the Official Information Act	Released in Full

A small internal team at the SSC was established to progress work during this period. The Steering Group and internal team were disestablished with the creation of the new Integrity, Ethics and Standards team at SSC in July 2017, which picked up responsibility for official information initiatives.

Since 2017, the SSC has published OIA statistics for a range of government agencies. These statistics are available here: <https://ssc.govt.nz/resources/official-information-statistics/>.

In 2018, Cabinet approved the expansion of the proactive release of Cabinet material, for introduction from 1 January 2019. This completed a milestone under Commitment 7 of the OGP NAP 2016-2018.

Cabinet papers and key advice related to this initiative were released on the SSC website on 18 September 2018, under Strengthening Proactive Release Requirements here: <https://ssc.govt.nz/resources/proactive-releases/>.

Please find enclosed the documents listed in the table below which contain updates on the State sector's progress in enhancing their OIA practices.

Item	Date	Document Description	Decision
11	24 July 2017	Memo to the State Services Commissioner Official Information Capability Assessment Tool	Released in Full
12	20 December 2017	SSC Report: OIA Statistics Collection	Released in Part
13	20 December 2017	Open Government Holiday Reading Pack	Released in Part
14	16 March 2018	Aide Memoire Official Information Act: Overview of Changes Since Law Commission (2012) and Ombudsman (2015) Reports	Released in Full

I have decided to release the relevant parts of the documents listed above, subject to information being withheld under one or more of the following sections of the OIA, as applicable:

- section 9(2)(a) – to protect the privacy of natural persons, including deceased people
- section 9(2)(f)(iv) – to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials

Similarly, some of the information has been marked as out of scope as it does not fall within the scope of your request and the document listed in the table below I am refusing under section 18(d) on the grounds that this information is publicly available at the link provided for in the table.

Item	Date	Document Description	Website link
15	20 February 2019	SSC Aide Memoire Meeting with Chief Ombudsman and Australian Information and Access Commissioners	https://ssc.govt.nz/assets/Legacy/resources/

Current work programme on the OIA

Dame Beverley made a number of insightful recommendations for how government can improve its performance and improve public confidence in how we comply with the Act. This is a theme that came through strongly in the submissions made by civil society during the development of Open Government Partnership National Action Plans 2016-2018 and 2018-2020.

One commitment in the most recent NAP was for the Ministry of Justice to test the merits of the review of the OIA. The Ministry of Justice, as the Ministry responsible for administering the OIA, has prepared advice to its Minister on this commitment. We are aware that the Ministry has replied to you directly on that matter.

Both the SSC and the Office of the Ombudsman have been working to improve the information and guidance on the OIA for both citizens and government agencies, and the SSC has been supporting agencies to proactively make more information available. The SSC guidance on proactive release can be found at: [OIA Guidance for agencies](#).

As noted above, the SSC's programme of work has been focused on assisting agencies to assess and build on their own capacity and capability, with the work programme informed via the OGP commitments and primarily progressed via the Official Information Forum (previously called the OIA Forum).

The Official Information Forum provides an opportunity for agency leaders and practitioners to come together to discuss official information practices, issues and to learn from each other. Documents from previous Forums can be found at: <https://ssc.govt.nz/resources/oia-forum/>.

A draft provisional programme for the Forum in 2020 is currently being developed by an agency reference group and is expected to be confirmed during February 2020. That provisional programme will be published once confirmed.

Proactive release is expected to feature prominently again in the 2020 forum programme currently being developed, in both a new stream of events for “new practitioners”, and the mainstream for Forum events.

Potential areas for additional or updated agency guidance in 2020 are currently being considered.

OIA Statistics

Government agencies are committed to openness and transparency in the provision of public services to New Zealanders. The OIA gives New Zealanders the right to access information and is important for ensuring government is open and transparent.

The SSC publishes Official Information Act (OIA) statistics covering Crown entities and government departments subject to the OIA every six months. The next release of statistics is currently scheduled for 4 March 2020.

The OIA Statistics for the State services can be found at <https://ssc.govt.nz/resources/official-information-statistics/>.

You may also be interested to know that the Chief Ombudsman launched a new inquiry into whether central government agencies have addressed any weaknesses identified in this investigation five years ago. More information can be found here: <https://www.ombudsman.parliament.nz/news/chief-ombudsman-revisits-not-game-hide-and-see>

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@ssc.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 letter (with your personal details removed) and enclosed documents on the State Services Commission’s website.

Yours sincerely



Nicky Dirks
Managing Principal – Ministerial Services
State Services Commission

Key Messages: Proposed approach in response to Ombudsman's report on the OIA

1 Purpose

The following key messages are intended for the State Services Commissioner to deliver to Chief Executives of government agencies.

The messages are in response to the Ombudsman's report on the Official Information Act released in December 2015, 'Not a game of hide and seek'.

2 Key Messages

- As you know, the previous Ombudsman, Beverly Wakeham, released her report on the implementation of the OIA – “Not a game of hide and seek” – in December.
- Her successor as Ombudsman, Peter Boshier, has also made some public comment in recent weeks about the approach he intends to take, including an intention to publish league tables on agency performance.
- The report found that things were not broken, but that there were areas of vulnerability and opportunity to improve. This included matters of perception in relation to Department's handling of requests and their interaction with Ministers.
- The OIA still works and is generally implemented effectively. It is nevertheless important that we collectively we take these messages on board, and take appropriate steps to make improvements to our processes and address some of the perceptions about the way we implement the Act.
- The Ombudsman's report contains many recommendations, at different levels of detail, some of which will be more relevant to some agencies than others. So where to start?
- At one level it is, of course, the responsibility of Chief Executives to ensure a system for managing the OIA within their respective agencies is in place and they are complying. Making information progressively available and responding to requests for information is part of the core service agencies provide to the public.
- Andrew Bridgman (who has responsibility for administering the Act) and I consider that there is also an opportunity to demonstrate responsiveness as a Public Service through some quick wins that are low cost and which better utilise existing resources, and that we can all deliver on if we are not already doing so.
- I would like us all to commit, over the next six months, to:
 - Publish selected OIA responses on our websites, and consider a more proactive approach when releasing information.
 - Publish accessible information on making OIA requests together with and key statistics on our websites.
 - Review our OIA policies with respect to 'no surprises', consultation and charging.
 - Ensure that appropriate training on the OIA is available to staff at all levels.
- Andrew and I will be leading by example on this.

[INSERT SECURITY CLASSIFICATION]

- To support agencies in this work, the Ministry of Justice and SSC will provide updated guidance on 'no surprises' and charging, and will highlight our existing guidance on consultation with requestors.
- The Official Information Act forum, coordinated by the Ministry of Justice, is also there to help agencies, develop and share best practice, and produce relevant guidance. In 2016 and 2017 we expect that it will focus on resources for requestors, guidance on dealing with email and phone requests, applying the public interest test, and principles for more proactive release of official information.
- Resources like the Forum only work to the extent that agencies make use of them, so I encourage you to develop solutions to common issues together by using the forum, rather than each of us reinventing our own wheels.
- Andrew and I also think that there is merit in facilitating an opportunity for CEs and senior leaders to discuss the high-level issues directly with the Ombudsman and other stakeholders with a perspective to offer. You can expect to hear more about this shortly.
- Finally, as recent media attention has demonstrated, effective engagement with the Ombudsman is vital. The State Services Commission, along with the Ministry of Justice, will be working with DPMC (where relevant) and others to engage with the Office of the Ombudsman on the work it will be leading, to ensure that the overall effect is practical and focused. This includes the issue of performance measures.
- Following this meeting you will each receive an email confirming what I have been talking about with you today, and providing contact points for further information or enquiries.

(In Confidence)

Head of State Services meeting with chief executives 22/23 March 2016

Out of Scope

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]

Maintaining a License to Operate

Out of Scope

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Action Points:

- The State Services Commissioner Iain Rennie and Andrew Bridgeman to identify the key issues from Dame Beverley Wakem's report that require a system response and draft a collective approach for CEs to review. The Commissioner, Andrew and Peter Hughes to then meet with the Chief Ombudsman to discuss what we will focus on and how.
- Out of Scope [Redacted]

Out of Scope

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OFFICIAL INFORMATION ACT

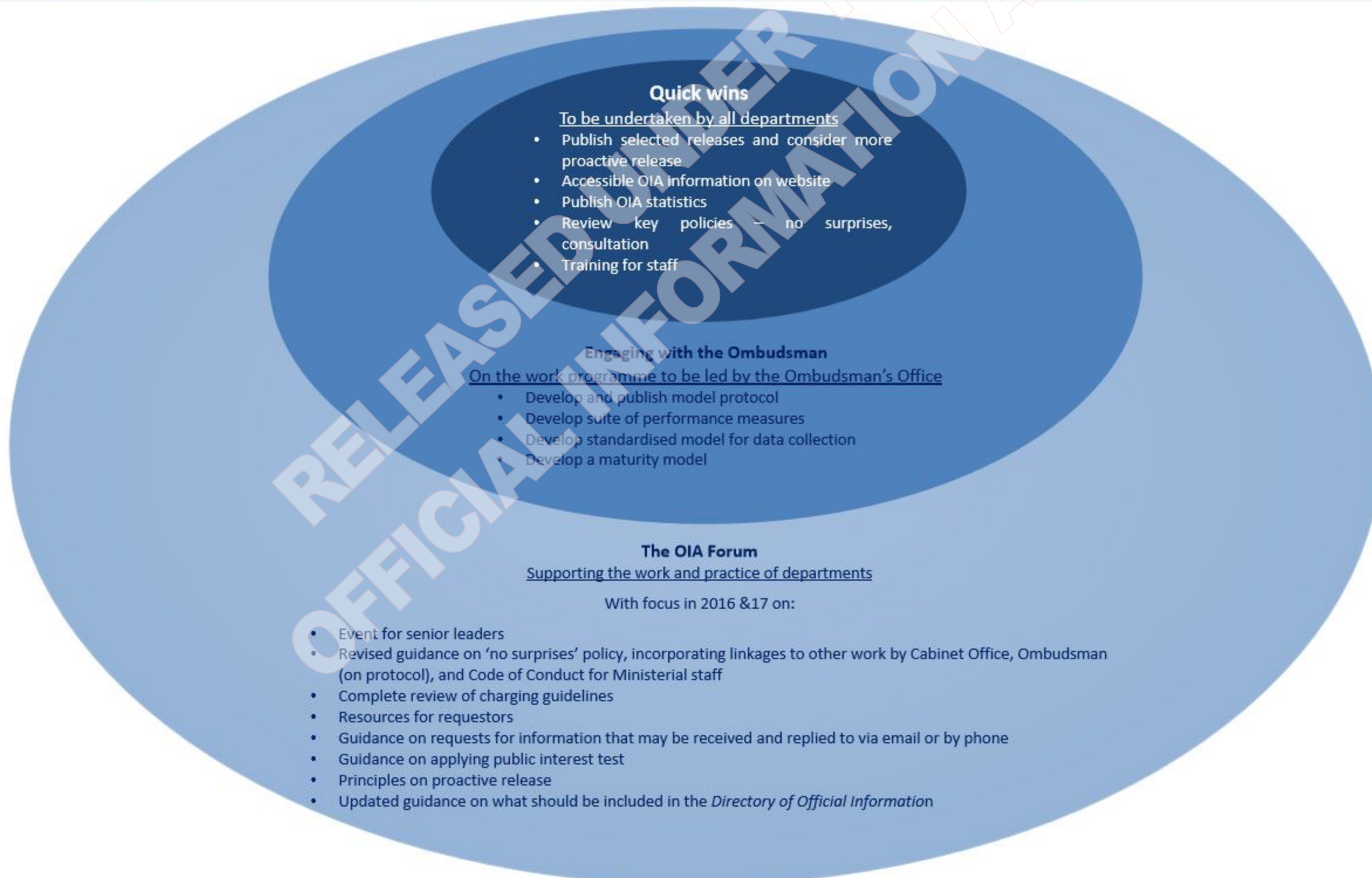
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Proposed Approach to Response to Ombudsman's Report on OIA

Key messages

- Things aren't broken, but there are opportunities for improvement and to address perceptions. OIA implementation in agencies is CE responsibility – core business service to public.
- There are opportunities for agencies collectively to demonstrate intent around a common set of actions – some quick wins all agencies can commit to.
- Engaging with the Ombudsman – SSC and MoJ will work with others to lead engagement on work the Office of the Ombudsman will be leading, and ways the Ombudsman might best assist agencies – Iain, Andrew, Peter.
- The OIA Forum is there to support agencies, including Crown entities, identify issues and to develop and share best practice – will work with others to provide updated guidance in a number of key areas – e.g. 'no surprises', charging guidelines – agencies should support the work of the forum and make use of it.



Programme Terms of Reference

Enhancing the administration of the Official Information Act

Programme name:	Enhancing the administration of the Official information Act
Programme sponsor:	The State Services Commissioner, supported by the Chief Ombudsman
Programme owner:	Dallas Welch, Lead Deputy Commissioner
Programme outcomes:	<ol style="list-style-type: none">1. To lead, oversee, and deliver on an agreed work programme, which will improve public trust and confidence in the operation of the OIA by government agencies.2. To lead and support the governance and management for the agreed work programme to reflect collaboration between the SSC, the Office of the Ombudsman, and other key agencies.

Background:	<p>The Chief Ombudsman's report: <i>Not a game of hide and seek</i></p> <p>In December 2015, the then Chief Ombudsman, Dame Beverley Wakem, released her report <i>Not a game of hide and seek</i>. The focus of the report was on central government agencies' compliance with their obligations under the Official Information Act when responding to requests for information.¹</p> <p>Following a comprehensive examination of how agencies have organised and resourced themselves, and currently operate in practice, Dame Beverley reported that she was satisfied agencies are compliant with the OIA most of the time; and that government officials working within these agencies have a genuine desire to ensure that they are compliant.</p> <p>Her investigation found that both requesters and agencies have perceptions, biases and suspicions arising from past poor experiences. She found most agencies were unaware of the areas where they were vulnerable to non-compliance; and were willing to address these where they could, so as to rebuild public trust and confidence in the operation of the OIA by their agency.</p> <p>She made a series of recommendations for improvement covering:</p> <ul style="list-style-type: none">• leadership and culture• organisation structure, staffing and capability• internal policies, procedures and systems• current practices• performance monitoring and learning. <p>The State Services Commissioner and departmental CEs have discussed and recognised the importance of the report's recommendations.</p>
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¹ The Ombudsman's office is Parliament's independent watchdog on the operation of the OIA by the Executive. The Ombudsman handles complaints and investigates the administrative conduct of state sector agencies in relation to official information requests.

<p>Background contd.</p>	<p>The Open Government Partnership (OGP)</p> <p>The Open Government Partnership is an international multi-stakeholder initiative of governments and civil society committed to making governments more open, accountable, and responsive to citizens. Launched in 2011, New Zealand joined in 2014.</p> <p>http://www.opengovpartnership.org/country/new-zealand</p> <p>At the same time as the engagement around improving OIA processes was beginning, the SSC was also engaging with citizens' groups and New Zealanders to create the 2016-2018 National Action Plan under the OGP. Numerous submissions on the Plan focused on improving the operation of the OIA.</p> <p>The Plan has been approved by Ministers. It includes a commitment to improving official information practices, with a series of six initiatives to be delivered between now and November 2017 in a work programme led by the SSC in partnership with other key State sector agencies.</p> <p>Bringing all this together – engagement between the SSC and the Office of the Ombudsman</p> <p>The State Services Commissioner and the Chief Ombudsman have separate but complementary leadership roles and responsibilities in the State services in relation to the Official Information Act. The Commissioner has established a programme of work to improve government agencies' capability in this area. A central aim of this programme is to improve agencies' official information practices in line with Dame Beverley's recommendations and to deliver on the OGP National Action Plan (Commitment 2). The aims of the programme also align with the Chief Ombudsman's strategic focus on improving agency capability in the processing of official information requests. The Commissioner and the Chief Ombudsman have agreed that supporting each other's work will deliver a more effective result for agencies.</p> <p>The focus of the programme work is threefold:</p> <ul style="list-style-type: none"> • To grow government agencies' leadership in this area so that they can confidently report on compliance with the letter and the spirit of the Act • To encourage pro-active release of official information, including Cabinet papers and related material, building on existing good practice • To advise and guide improvement in government agencies' capability to ensure more consistent performance. <p>The programme has the full support of Public Service chief executives.</p> <p>The Chief Ombudsman and his Office have already identified a number of areas for improvement, including publication of OIA statistics, measures of performance in relation to the OIA, guidance and the approach to handling OIA requests with Ministerial interests. These too are largely reflected in the National Action Plan.</p> <p>The Commission has further proposed that communication with government agencies about the Ombudsman's areas for improvement should be framed in a way that reflects this approach.</p> <p>This terms of reference sets out how that will be done; and proposes a work programme with a commitment to pro-active disclosure.</p>
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<p>Programme Scope:</p>	<p><u>In scope</u></p> <p>The actions and milestones in the proposed OGP National Action Plan for 2016-18 which relate to the OIA and which have been agreed by Ministers. (See Attachment One).</p> <p>Such other actions and milestones that may be directed by the Programme Sponsors.</p> <p>The context includes:</p> <ul style="list-style-type: none"> • The report <i>Not a game of hide and seek</i> • The Open Government Partnership • Work done by the Office of the Ombudsman in response to <i>Not a game of hide and seek</i>. <p><u>Out of scope</u></p> <p>The exercise by the Chief Ombudsman of his functions.</p> <p>Any change to applicable legislation.</p>								
<p>Programme structure:</p>	<table border="0"> <tr> <td style="vertical-align: top;">Chair</td> <td>Mary Slater</td> </tr> <tr> <td style="vertical-align: top;">Steering Group</td> <td>Office of the Ombudsman (Deputy Ombudsman Bridget Hewson, Assistant Ombudsman Emma Leach) SSC (Erik Koed, Assistant Commissioner) Ministry of Justice (Deputy Secretary Rajesh Chhana) DPMC (Deputy Secretary Cabinet Rachel Hayward) DIA/GCIO (Helen Jamison, Government Stakeholder Manager) Statistics NZ (Kelvin Watson, Deputy Government Statistician)</td> </tr> <tr> <td style="vertical-align: top;">Working group</td> <td>SSC (Michael King, Mary Wiles, Sara Cunningham, Morag McConville), Office of the Ombudsman (Antonia Di Maio)</td> </tr> <tr> <td style="vertical-align: top;">EA support</td> <td>SSC (Leanne Kelly)</td> </tr> </table>	Chair	Mary Slater	Steering Group	Office of the Ombudsman (Deputy Ombudsman Bridget Hewson, Assistant Ombudsman Emma Leach) SSC (Erik Koed, Assistant Commissioner) Ministry of Justice (Deputy Secretary Rajesh Chhana) DPMC (Deputy Secretary Cabinet Rachel Hayward) DIA/GCIO (Helen Jamison, Government Stakeholder Manager) Statistics NZ (Kelvin Watson, Deputy Government Statistician)	Working group	SSC (Michael King, Mary Wiles, Sara Cunningham, Morag McConville), Office of the Ombudsman (Antonia Di Maio)	EA support	SSC (Leanne Kelly)
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EA support	SSC (Leanne Kelly)								
<p>Methodology:</p>	<p>The Sponsor and the Chair will invite agencies to contribute personnel to the SG and the WG.</p> <p>The Chair and the Steering Group will:</p> <ul style="list-style-type: none"> • Discuss and agree their Terms of Reference, which will include: <ul style="list-style-type: none"> – Establishing a work programme to deliver on the OGP National Action Plan and other Actions/Milestones which may be agreed by the Programme Sponsor in consultation with the Chief Ombudsman – Oversight of the establishment of the WG – Meeting as needed to provide feedback on / agree the content of 								

Methodology contd:	<p>proposed actions to meet the National Action Plan milestones</p> <ul style="list-style-type: none"> - Leading communication and consultation as needed with government agencies on proposed actions to meet the National Action Plan milestones. (This <u>will</u> include engaging with the OIA Forum, and <u>may</u> include ad hoc briefings to CEs/senior officials) - Assuring the quality of work to meet the milestones - Reporting to the Programme Sponsor and the Programme Owner on progress, including any risks to delivery - Deciding how the work programme will be evaluated - Advising the Sponsor and the Owner in April 2017 whether and how to continue the programme governance and management arrangements. <p>The Working Group will prepare advice for the SG on:</p> <ul style="list-style-type: none"> • the current state for each of the milestones • recommended option(s) to meet the milestones in order to improve public trust and confidence in the operation of the OIA by government agencies.
Deliverables:	<p>The deliverables are the milestones.</p>
Timeframes:	<p>The Steering Group will be established by Monday October 17 2016</p> <p>The Working Group will be in place and working by Tuesday 1 November 2016</p> <p>The programme structure, and the work programme, will be reviewed by 31 March 2017. The SG will then recommend future steps to the Owner and to the Sponsor.</p>
Reporting:	<p>The Chair will report as required to the Programme Sponsor.</p>
Interdependencies:	<p>Work already done to enhance information sharing between the Public Service and the Privacy Commissioner (see SSC #2240042).</p> <p>Update of the Cabinet Manual.</p>
Quality Assurance:	<p>The SG will be responsible for quality assurance of the work programme.</p>
Risks:	<p>The primary risks are:</p> <ul style="list-style-type: none"> • The other key partners do not agree to be engaged <ul style="list-style-type: none"> - To be managed / mitigated by the Chair consulting all on the ToR, and as needed by a direct approach by the Sponsor • The other parties do not commit the Working Group resource needed to support the work programme <ul style="list-style-type: none"> - To be managed / mitigated by a direct approach by the Owner
Evaluation:	<p>The SG to consider how the work programme is to be both formatively and summatively evaluated.</p>

<p>Resources:</p>	<p><u>Programme owner (Lead Deputy Commissioner) – total 12 hours</u></p> <p>Four hours overseeing the Chair’s work</p> <p>Two hours engaging with stakeholders (as required)</p> <p>Four hours briefing the Sponsor</p> <p>Two hours contingency</p> <p><u>Programme director (Mary Slater) – maximum 376 hours to end- March 2017)</u></p> <p>Sixteen hours meeting the Programme Owner and key SSC staff, reviewing background papers and preparing the terms of reference</p> <p>Twenty four hours engaging with programme associates (OoO, MoJ, others)</p> <p>Forty hours preparing for, chairing, and undertaking follow up from SG meetings (8 assumed)</p> <p>Twenty-four hours engaging with stakeholders</p> <p>Balance of time as needed with the Working Group etc.</p> <p><u>Steering Group members – total forty hours (+ 16 for SSC member)</u></p> <p>Forty hours preparing for, participating in, and undertaking follow up from SG meetings (8 assumed)</p> <p>SSC SG member – additional 16 hours drafting the SG ToR</p> <p><u>Working Group members – 10 weeks each</u></p> <p>To undertake the work outlined in the ToR</p> <p>To develop resources to support engagement with stakeholders</p> <p>To report to the SG</p> <p><u>Executive assistant (tbc) – total 80 hours</u></p> <p>Meeting support</p> <p><u>Additional resource</u></p> <p>In addition, specialist resource may be required to support individual projects. This will be identified by project leads as and when required.</p>
<p>Approval to Commence: Date and sign-off</p>	<p>This must be signed off before the work programme can commence.</p>
<p>Programme Completion: Date and sign off</p>	<p>This will be signed off by the Programme Owner at the conclusion of the work programme, based on reporting by the Chair and the SG on completion of the work set out in the ToR. Any exceptions to this will be noted through the reporting mechanisms.</p>

Mary Slater
15 February 2017 (v10)

Attachment 1

Commitment 2: Improving official information practices

We will improve government agency practices around requests for official information under the Official Information Act (OIA).

Objective: To make government information more accessible by adopting a consistent set of agency practices in response to requests for official information.

Status quo: Practice around how agencies handle requests for official information is not uniform, agencies are burdened by increasing administrative load around official information requests, and people find it hard to navigate the system.

Ambition: We are committed to improving how government responds to requests for official information.

Lead agencies: State Services Commission, Ministry of Justice

Timeline: October 2016 – June 2018

Commitment: Improving official information practices		
OGP values	Access to information, civic participation, public accountability, technology and information	
New or ongoing commitment	New	
Lead implementation organisations	State Services Commission, Ministry of Justice	
Verifiable and measurable milestones to fulfil the commitment	Start date	End date
Ensure information about the OIA (how to make requests, etc) and responses to requests are easy to access on agency websites. This could include development of single OIA web pages for agencies.	November 2016	March 2017
Publish OIA statistics (how many requests, time taken to respond, etc)	November 2016	March 2017 (amended by sponsor direction to 31 January 2017)
Develop a clear statement of government policy on proactive release of Cabinet papers and related material	October 2016	June 2017
Develop a suite of consistent measures about OIA performance	November 2016	November 2017
Improve access to official information by publishing responses to requests on government websites and developing principles for more proactive release	November 2016	February 2017
Agencies will be supported to deliver through the development of appropriate guidance and training	November 2016	June 2018

Memorandum

To: Peter Hughes, Debbie Power
From: Amy White
Copies to: Catherine Williams
Date: 24 July 2017
Subject: Official Information Capability Assessment Tool

Background

- 1 The OIA work programme was initiated in late 2016 to help agencies meet the government's commitment in the OGP National Action Plan to improve management of, and access to, official information (Commitment 2). As part of milestone six of this commitment we have been developing a self-assessment tool for agencies to gauge their capability and identify where they can improve.
- 2 This note outlines the prototype capability assessment tool and associated guidance, and the next steps in its development.

The purpose of the self-assessment tool

- 3 The capability assessment tool has been developed to help agencies assess and improve their official information practices.
- 4 It describes the key elements of capability as they relate to official information practices within an agency, and poses a number of lead questions and lines of enquiry across those elements. These provide a systematic way for agencies to understand their strengths and weaknesses, and to identify and prioritise areas for improvement.

How it was developed

- 5 The capability assessment tool is based on the Performance Improvement Framework (PIF) model and is intended to help agencies take a more in-depth look at how they manage official information in order to lift capability, improve performance and support learning and innovation.
- 6 The prototype has been developed with significant input from leaders and OIA practitioners across 21 agencies. It reflects the key indicators of good practice that were outlined in the former Chief Ombudsman's report into central government agencies OIA practices, *Not a game of hide and seek*.
- 7 The Office of the Ombudsman was invited to provide feedback on the draft assessment tool and guidance.

What the tool looks like

- 8 The capability assessment tool (see attached) is based on five domains of capability, which have been identified as being critical to the effective management of official information.
- 9 The tool is not prescriptive about what good looks like as this will vary depending on the agency's context. Agencies with low volumes of OIA requests that are not overly complex do not require the same operating model as a large, decentralised agency with large volumes of OIA requests.

- 10 Three versions of the tool with differing levels of detail cascading from high-level to in-depth have been developed to support different levels of discussion and assessment for a variety of audiences. In all cases, the assessment is undertaken as an improvement exercise.

Pilot and feedback from agencies

- 11 The draft tools and associated guidance are currently being piloted by volunteer agencies (DPMC, DIA, DoC, Maritime NZ, Health (tbc) and MBIE (tbc)) to test their usefulness in assessing official information capability in differing agency contexts.
- 12 The prototype has been particularly well received by many of the agencies involved in its development. A number of them have indicated to us that they are already using the draft tools to assess their capability levels and identify areas for development.

Launch

- 13 We are proposing to launch the Official Information Capability Assessment Tool in September to the agencies currently contributing OIA statistics to the six-monthly data release that SSC coordinates with the Office of the Ombudsman.
- 14 We have had an initial conversation with the Communications team on possible communications approaches, and we will work with them over the next couple of months to finalise key messages and appropriate channels for the release.

Risks and issues

- 15 There is one area to which we wish to draw your attention. We have recently discovered that there is the potential for duplication of a self-assessment tool by the Office of the Ombudsman.
- 16 When the OIA programme was being developed at SSC last year, representatives of the Office of the Ombudsman indicated that they planned to develop OIA performance indicators and a maturity model for agencies as part of their follow-up work on *Not a game of hide and seek*. After learning about our plans, they were relieved to hear that SSC was intending to develop an assessment tool as this was not their area of expertise.
- 17 Since that point, staff from the office have been involved in the OIA programme through the OIA Steering Group and have contributed to various pieces of our work. When the Office released its strategy in early June, we were surprised to see that it includes “performance measures and a maturity model that agencies can use to assess their own OIA practices and capabilities”. No previous mention had been made that they were continuing this work.
- 18 The draft letter (attached) informs the Ombudsman of the work we are undertaking but stops short of commenting on his work programme.

Attachments

- 1 Managing Official Information Capability Assessment Tool Guidance
- 2 Official Information Capability In-depth Assessment
- 3 Draft letter to the Chief Ombudsman


SSC Report: OIA Statistics Collection

Date:	20 December 2017	Report No:	SSC2017/725
Contact:	Catherine Williams	Telephone:	9(2)(a) privacy

	Action Sought	Deadline
Associate Minister of State Services (Open Government) (Hon Clare Curran)	Indicate whether you would like any further information.	
Minister of State Services (Hon Chris Hipkins)	Note the contents of this briefing No action is required.	

Enclosure: No

Executive Summary

- 1 The paper responds to your request that we brief you on public sector agency information and reporting requirements under the State Services Commission's Official Information Act (OIA) work programme.
- 2 You have also requested a briefing on progress in building capability and practice since Dame Beverley Wakem's report "Not a game of hide and seek". We are preparing this briefing and will provide it in the new year.

Recommended Action

We recommend that you:

- a **Note** that the next across agency OIA collection cycle has commenced and will be published in February 2018
- b **Note** that given the OIA applies to more agencies in the wider public sector than are currently covered by the statistics collection, we expect to expand the number of agencies included in the published statistics
- c **Note** that further questions will be included in the July 2018 OIA statistics collection to continue to monitor agencies' adoption of proactive release practices.

Hon Clare Curran
Associate Minister of State Services

SSC Report: OIA Statistics Collection

Purpose of Report

- 3 The paper briefs you on public sector agency information and reporting requirements under the State Services Commission's (SSC's) work programme on the OIA.

Background

- 4 Under Commitment Two of New Zealand's Open Government Partnership Open Government Partnership National Action Plan 2016-18, the Government has committed to improving agency practices around requests for official information under the OIA. Part of that commitment includes publishing OIA statistics and developing a suite of consistent measures about OIA performance.
- 5 On 31 January 2017, SSC published the first-ever State services-wide set of OIA statistics covering 110 agencies¹. This first set of data covered the 2015/16 financial year and reported the number of logged OIA requests along with the number and proportion handled within the legislated timeframe. The second set of statistics was published on 5 September 2017 and covered the 2016/17 financial year.
- 6 Following the most recent collection, the State Services Commissioner wrote to all agency CEs for whom OIA statistics were reported noting the performance of their agency and seeking their personal leadership to support their agencies OIA practices where they need improving.

Current collection

- 7 The current collection approach to OIA statistics captures the following five elements:
- 7.1 the number of requests received during a designated 6 month time period
 - 7.2 the proportion of these requests where legislative timeliness requirements were met
 - 7.3 the number of responses proactively published on an agency's website
 - 7.4 the number of complaints investigated by an Ombudsman
 - 7.5 the number of final views issued against an agency by an Ombudsman.
- 8 Following the collection and publication of OIA statistics from the 2015/16 and 2016/17 financial years, the next collection cycle has commenced and will cover the six month period 1 July to 30 December 2017. These data will be published in February 2018.

Expansions of data sets

- 9 The SSC intends to continue to publish statistics on a six monthly basis. The scope (range of reported statistics) and reach (number of agencies included) may expand over time. SSC is also working to create a more consistent and comprehensive set of data for

¹ OIA statistics were published centrally for all departments and Statutory Crown Entities subject to the Official Information Act 1982.

analysing agencies' performance over time. The definitions of key statistics will be standardised to improve consistency and comparability.

- 10 The OIA applies to more agencies in the wider public sector than are currently covered by the statistics collection, and over time we expect to expand the number of agencies included in the published statistics.

Proactive release policies and practices in agencies

- 11 In addition to your Cabinet paper currently underway on amending the proactive release requirements on agencies, there is other work in train around proactive release.
- 12 The Commission has conducted an informal survey of agencies contributing to the OIA statistics collection about their proactive release of official information. There were responses from 86 agencies to our November survey. Data shows that agencies are moving towards increased proactive release of information.
- 13 There were 12 agencies either having or expecting to have a proactive release policy in place by the end of 2017, 14 agencies are currently developing a policy with implementation expected in the new year, and a further 32 have indicated that development of a policy is on their work programme.
- 14 The 6 monthly OIA statistics currently includes one question relating to the proactive release of responses to OIA requests. Further question(s) will be included in the January - June 2018 collection (as the July-December 2017 collection is already underway) to continue to monitor agencies' adoption of proactive release practices.

SSC REPORT



Open Government - Holiday Reading Pack

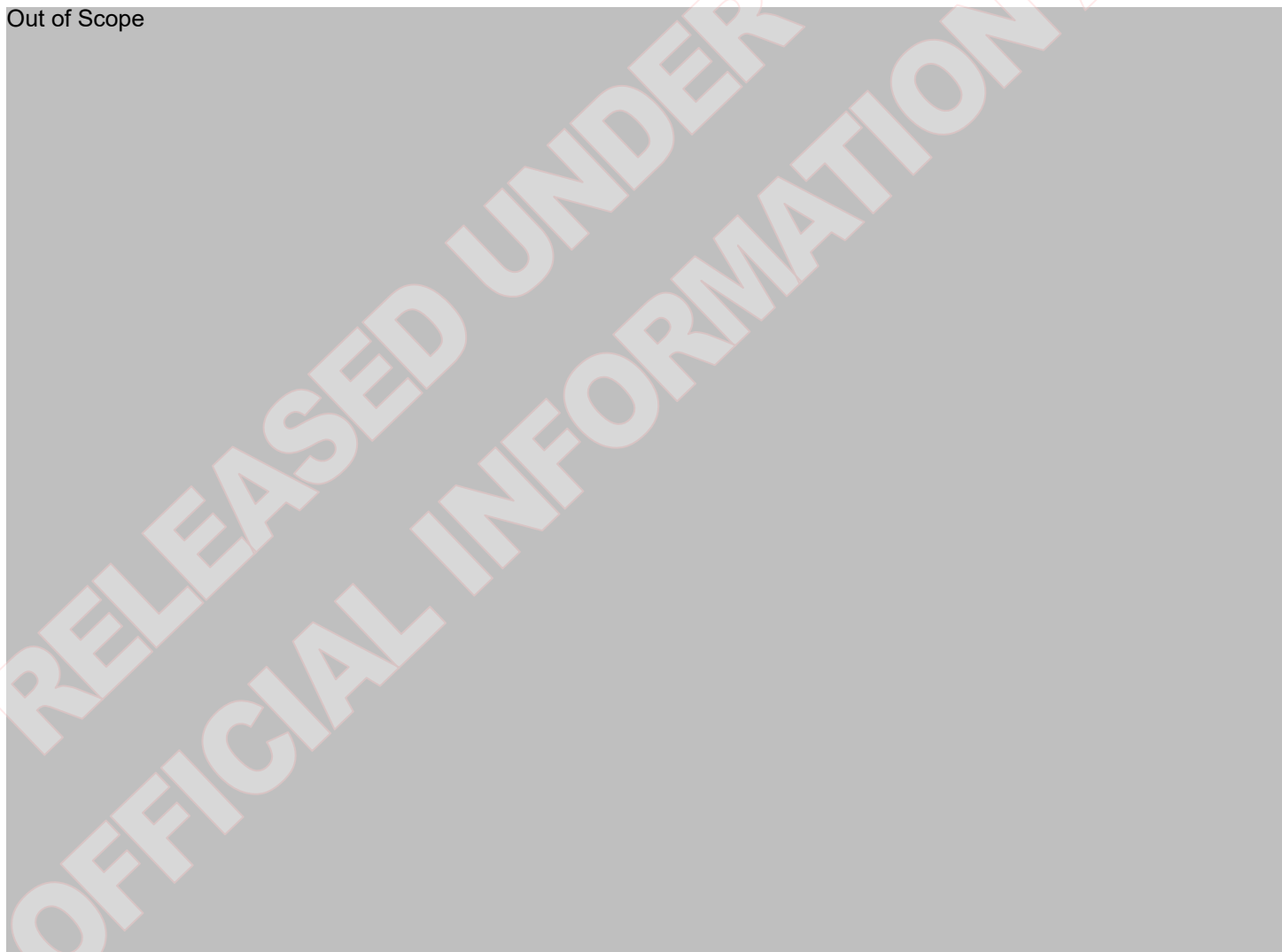
Date: 20 December 2017

Report No: SSC2017/820

Contact: Catherine Williams Deputy Commissioner, Integrity Ethics and Standards

Telephone: 9(2)(a) privacy

Out of Scope



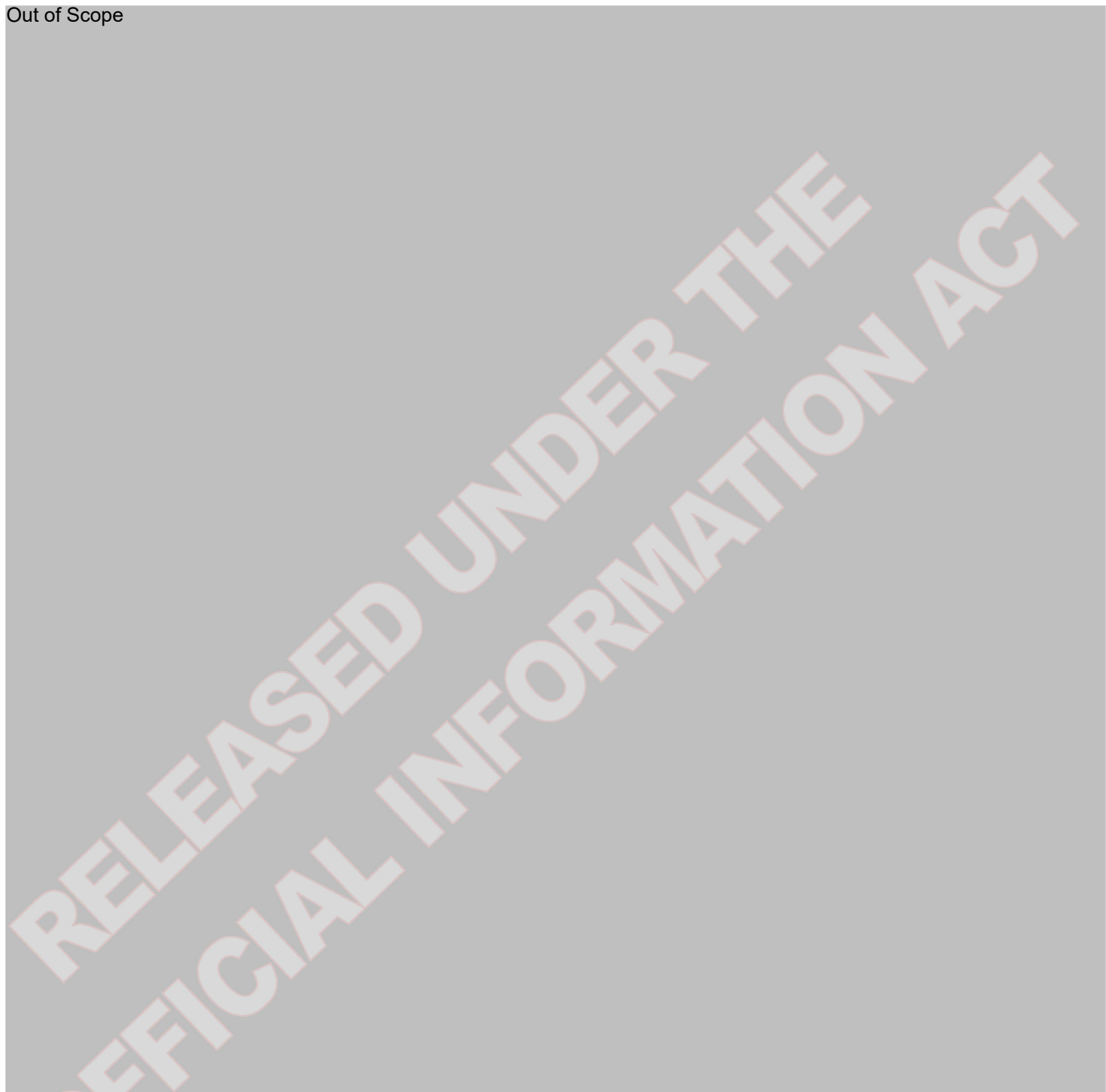
Hon Clare Curran
Associate Minister of State Services
(Open Government)

Out of Scope



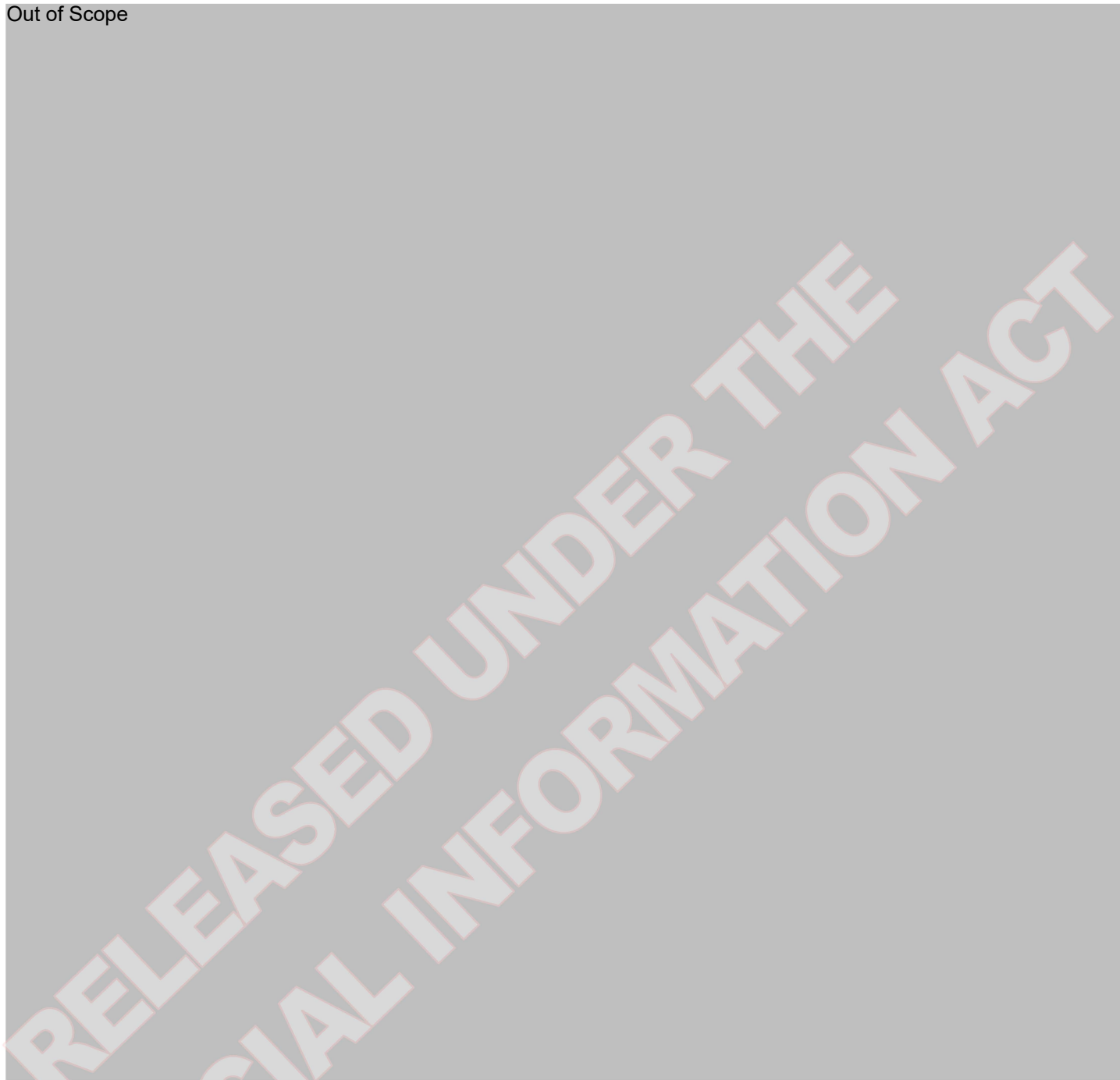
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Open Government Programme

Key Points

- Open government is necessary to meet the expectations of New Zealanders – it plays an important role in New Zealand's democratic system and underpins the public's respect, trust, and confidence in the integrity of government.
- New Zealand does well by international standards but needs to keep focussed to meet evolving expectations
- The State Services Commission (SSC) plays a leadership role across multiple programmes of work that contribute to greater openness and transparency in government and the wider state sector.

SSC has a leading role in building and maintaining high standards of integrity across the State Services. Increasing the openness and transparency of government supports meeting the increased expectations of citizens to be informed and engaged. Our commitment to Open Government is a foundational pillar in maintaining trust and legitimacy of government.

Work Programme	Focus	Outcomes
Official Information	Setting standards and providing guidance Capability development through Official Information fora for leaders and practitioners, workshops and seminars Measuring OIA performance by publishing statistics twice a year	Improving government agencies' official information practice and capability so that official information is increasingly available
Proactive release	Guidance and capability building Cabinet paper	Supports government and agencies to lift levels of proactive release
Open Government Partnership	Leadership	SSC leads the development and implementation of the National Action Plan
	Delivering Commitment 2 (official information) and 5 (engagement)	SSC is responsible for delivering two commitments in the National Action Plan

International rankings

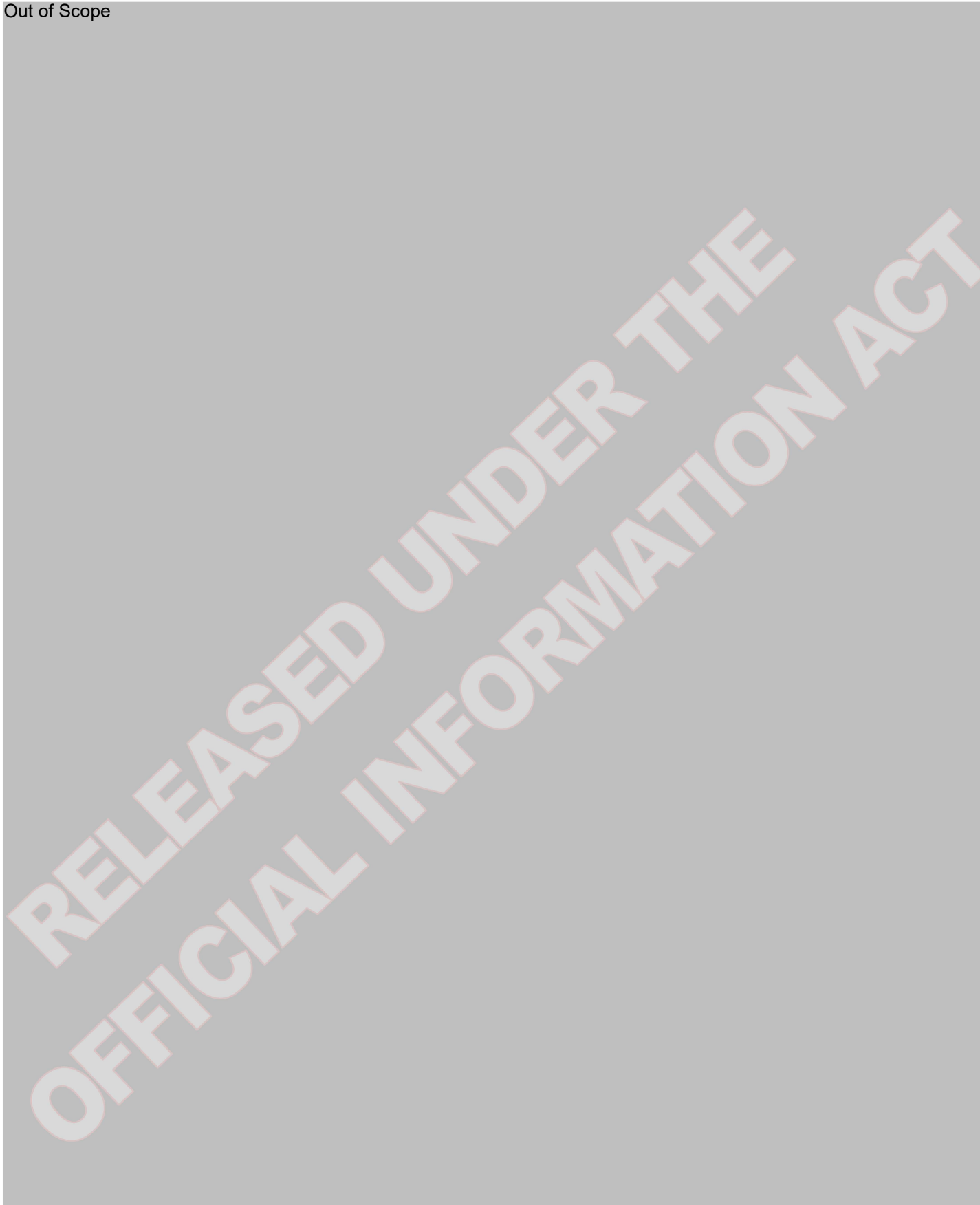
New Zealand is rated well internationally:

- 1st in the Open Budget Index 2015 by the International Budget Partnership
- 1st equal with Denmark on Transparency International's Corruption Perceptions Index 2016
- 2nd in the World Justice Project's Open Government Index 2015
- 3rd equal with Australia, Luxembourg, and Uruguay in the Freedom in the World 2017 report by Freedom House
- 4th on the Economist Intelligence Unit's Democracy Index 2016
- 7th on the Open Data Barometer
- 8th in the World Justice Project's Rule of Law Index 2016
- 9th on the 2017 Social Progress Index

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Official Information Statistics

Background

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Appendix

Official Information Act response times improving

Information source – SSC Website

Published: 5 September 2017

Last updated: 5 September 2017

State Services Commissioner Peter Hughes has today published the Official Information Act statistics for the 2016/17 year showing an improvement in the timeliness of responses.

Agencies responded to 93% of all requests on time (39,000 of 41,935 in total), which is up 5.4 percentage points from the 87.6% recorded for 2015/16.

“Government agencies need to be open and transparent with New Zealanders,” Mr Hughes said. “When New Zealanders ask us for information we need to respond properly every time.”

The latest statistics cover 111 different agencies who collectively handled 41,935 requests, which is a 4.1% increase on the 40,273 requests in 2015/16. The number of requests to each agency ranged from 0 to 11,257 with a median number of 73.

Agency on-time performance ranged from 62.9% to 100% of requests handled within legislated timeframes. A total of 40 agencies achieved 100% on time performance.

“It’s good to see that timeliness is improving, but there is still plenty to do,” Mr Hughes said.

“The Official Information Act sets clear timeframes for responses and we need to be meeting them every time,” he said.

District Health Boards have improved overall, with the median on time performance across the group increasing from 82.4% to 88.8%, and 15 of the 20 DHBs improving. However, DHBs remain the poorest performing group overall.

“The increase in timeliness is good to see but DHBs need to keep working hard as significant improvement is still required,” said Mr Hughes.

“A small number of Public Service departments showed poorer on-time performance than last year. This is not good enough and I have written to the Chief Executives asking them to provide me their plans to improve their agency’s performance in this area,” said Mr Hughes.

By contrast, the Departments of Conservation and Corrections both handled significantly more requests this year (53% and 39% increases respectively) **and** improved timeliness performance (from 73% to 90% and from 91% to 97% respectively).

“This is an excellent result and I commend the Chief Executives and staff of these agencies for their commitment and hard work,” Mr Hughes said.

Six agencies (NZSIS, GCSB, Civil Aviation Authority, Ministry of Justice, Ministry for the Environment and Heritage NZ) reported degraded timeliness performance as a result of restricted building access following the Kaikoura earthquake in November 2016.

SSC will be publishing a range of OIA guidance material over the coming months. This material is designed to give useful and practical assistance and help streamline the process for State servants who respond to OIA requests. This guidance is being developed with assistance and advice from the Office of the Ombudsman.

“This guidance will help agencies improve their processes and help staff to get the responses right,” said Mr Hughes



AIDE-MÉMOIRE

Official Information Act: Overview of Changes Since Law Commission (2012) and Ombudsman (2015) Reports

Date: 16 March 2018 **Security Level:** In Confidence

For: Hon Clare Curran, Associate Minister of State Services (Open Government)

Report No: SSC2018/251

Official Information Act: Overview of Changes Since Law Commission (2012) and Ombudsman (2015) Reports

Purpose	<p>This paper includes a set of A3s that provide:</p> <ul style="list-style-type: none"> • An overview prepared by the State Services Commission of progress on the recommendations in the Chief Ombudsman's 2015 report <i>Not a game of hide and seek</i>, and • An overview prepared by the Ministry of Justice of the Law Commission's 2012 report <i>The Public's Right to Know: Review of the Official Information Legislation</i>.
Minister	Hon Clare Curran, Associate Minister of State Services (Open Government)
Background	You requested an overview of progress since the Chief Ombudsman's 2015 report <i>Not a game of hide and seek</i> , and information on what has happened since the Law Commission's 2012 review of the Official Information Act.
Chief Ombudsman's recommendations on agency practices	<p>The attached A3 summarises the work completed to date by the State Services Commission and what is being planned for the future, against the five priority areas identified in the report.</p> <p>The OIA work programme focuses on lifting agency performance in three key areas – compliance with the Official Information Act, proactive release of information, and building agency capability. It will have a particular focus on proactive release in 2018.</p>
Law Commission's recommendations on official information legislation	The attached table from the Ministry of Justice summarises the Law Commission's key recommendations along with how the previous Government chose to respond and the work that has been progressed to date.
Next steps	We are working with the Ministry of Justice to provide a follow-up report by 23 March on possible approaches to the question of legislative change, for your consideration.

Author: Mary Wiles, Capability Specialist, Integrity, Ethics and Standards

Responsible Manager: Erik Koed, Assistant Commissioner

Recommendation	Previous Government's response	Work progressed to date
The legislative vehicle		
<ul style="list-style-type: none"> Re-draft and re-enact the OIA and LGOIMA to achieve better order and structure, and to modernise and simplify the language 	<p>Disagreed, but committed to keep the operation of the official information legislation under review and progress other recommendations as competing priorities allowed.</p>	<p>Not applicable</p>
The withholding grounds		
<ul style="list-style-type: none"> Make the 'good government' withholding grounds easier to understand (constitutional conventions and free and frank advice). Introduce three new withholding grounds for protecting: <ul style="list-style-type: none"> Sensitive commercial information relating to financial position information provided for the purpose of an investigation or inquiry sensitive cultural information (there is currently limited provision for this in the LGOIMA but not the OIA). Where third party information comes under the scope of a request, require that the third party be given advance notice. 	<p>Agreed in principle to withholding grounds for sensitive commercial information relating to financial position.</p> <p>No specific response in relation to the other recommendations.</p> <p>The Government committed to assessing whether the recommendations for clarification were appropriate for inclusion in legislative vehicles such as the Statutes Amendment Bill when they became available.</p>	<p>While the Office of the Ombudsman, and SSC, has published guides on the existing withholding grounds over the past three years, they do not address the need identified by the Report to express existing concepts in plainer language, or to introduce new protections for certain types of information.</p>
Requests and resources		
<ul style="list-style-type: none"> Better define the term "due particularity". Extend the "substantial collation and research" refusal grounds to recognise that other elements of processing a request (e.g. consultation) can present unreasonable burden on agencies. Clarify the definition of "vexatious requests". 	<p>No specific response</p>	<p>No work progressed</p>
Processing requests		
<ul style="list-style-type: none"> Clarify: <ul style="list-style-type: none"> that one extension can be taken above the standard 20-day timeframe. that partial transfers of requests are permitted. the process for handling "urgent" requests. 	<p>No specific response</p>	<p>The Official Information Amendment Act 2015 clarified that partial transfers are permitted.</p>
Complaints and remedies		
<ul style="list-style-type: none"> Align the two distinct review processes that the OIA provides for (the Ombudsman conducts reviews according to the OIA or the Ombudsman Act, depending on the type of information) Introduce an additional grounds for complaint to the Ombudsman for unsatisfactory agency process (e.g. late responses) Allow an individual whose case has resulted in Ombudsman recommendations to bring proceedings against the agency 	<p>No specific response</p>	<p>No work progressed</p>

Proactive release		
<ul style="list-style-type: none"> Place a duty on agencies subject to the OIA/LGOIMA to take all reasonably practicable steps to proactively make official information available (although accounting for things like their resources). 	No specific response	In 2017, the Cabinet Manual was amended to include an expectation that "Cabinet material (Cabinet and Cabinet committee papers and minutes) on significant policy decisions will be released proactively once decisions have been taken". SSC published proactive release principles and guidance to help agencies develop their own policies and procedures. Advice on a possible non-statutory process for strengthening proactive release expectations is currently being developed.
Oversight and guidance		
<ul style="list-style-type: none"> The function of providing oversight for official information legislation should be established by statute and carried out by a statutory office holder. 	Disagreed - considered that the oversight provided by the Office of the Ombudsman is sufficient	SSC, and the Office of the Ombudsman, have continued to strengthen their oversight roles. SSC established a work programme to improve public sector OIA practice in 2016. In 2016 the Secretary for Justice delegated to the State Services Commissioner the Ministry of Justice's responsibility for providing advice or assistance to departments and organisations about the OIA.
<ul style="list-style-type: none"> Establish a new charging framework that is cohesive, consistent and principled. 	No specific response	A review of the charging framework was begun by the Ministry of Justice. A review of the charging framework is now planned for 2018.
<ul style="list-style-type: none"> Enhance guidance, particularly by: <ul style="list-style-type: none"> - publishing Ombudsman cases routinely - replacing the Ombudsman's 'Practice Guidelines' with new guidelines that use case examples, and clarify principles and presumptions - producing of a full commentary analysing Ombudsman decisions. 	Agreed – expressed support for the Ombudsmen's work to progress recommendations regarding guidance.	The Office of the Ombudsman has been reviewing and updating its official information legislation guides, which include case studies and succinct and accessible explanations of key principles and concepts. It also regularly publishes notes on OIA and Ombudsman Act cases on its website. Justice is not aware whether work has been progressed on a full commentary on Ombudsman decisions. The SSC has also published a suite of guidance for agencies as part of its work programme to improve agency OIA practices.
Scope of the Acts		
<ul style="list-style-type: none"> Extend OIA coverage to include courts administration. 	Agreed	The District Courts Act 2016 and the Senior Courts Act 2016 established a scheme for determining what information was to be classified and 'court information', and what was to be 'Ministry of Justice' information. Information about the administration of the courts, such as expenditure, resources and statistics is now deemed Ministry of Justice information, and therefore subject to the OIA.
<ul style="list-style-type: none"> Extending OIA coverage to include Officers of Parliament (the Ombudsman, Auditor General and the Parliamentary Commissioner for the Environment), Parliamentary Counsel Office, Office of the Clerk, Parliamentary Service and Speaker of the House. 	Disagreed – considered that current Parliamentary processes for developing rules around access and use of information are satisfactory, and better achieve the desired balance between access to information and the proper functioning of Parliament.	No work progressed
<ul style="list-style-type: none"> Arrange a working party to resolve inconsistencies between schedules in the OIA and LGOIMA, and to ensure all agencies which need to be covered by the scope of the Acts are listed. 	No specific response	No work progressed
Compatibility with other legislation		
<ul style="list-style-type: none"> Resolve inexplicable differences between the OIA and LGOIMA, and clarify their relationship with each other and with other legislation. Consider combining the OIA and LGOIMA. 	No specific response regarding alignment Disagreed that the two Acts be combined.	No work progressed
<ul style="list-style-type: none"> Produce guidance for agencies on the interaction between official information legislation and the Government release and reuse policy. 	No specific response	No work progressed

OFFICIAL INFORMATION ACT

SYSTEM-WIDE PROGRESS

In 2016, following the release of the Chief Ombudsman's report *Not a Game of Hide and Seek*, a major work programme was established to improve agencies' compliance with the letter and spirit of the Official Information Act (OIA). The programme is driven by the State Services Commission and owned by State service Chief Executives – recognising that it takes an all-of-system commitment to lift performance in this area.

System performance has lifted significantly since 2016. While there's room for improvement in some areas, we're seeing an increase in engagement from agencies across the State service, and a real effort to do better across the board. The result has been an improvement right from the worst performers, all the way through to the best performing agencies.

We are continuing to support agencies to lift their performance, while also looking ahead at how we can drive up proactive release of official information.

Key statistics

There has been an increase in the volume of OIA requests for each of the three periods measured. Despite an increased workload, agencies have improved the time taken to respond. For the most recent half-year period from July to December 2017, agencies received a total of 21,323 requests.

REQUESTS ON TIME

87.6%

AVERAGE AGENCY TIMELINESS

91.4%

93.0% 95.3%

93.7% 97.3%

Period

2015/16

2016/17

Jul-Dec 17

Progress made against priority areas identified in *Not a Game of Hide and Seek*

LEADERSHIP AND CULTURE

Chief Executives, Ministers, and leaders routinely demonstrate a commitment to their agency meeting its OIA obligations and foster a culture of openness about the work of the agency



'...I became the Chief Ombudsman, about the same time as Peter Hughes became the State Services Commissioner, and were determined that we would set the tone, we would reduce delays and we would speak publicly and release statistics to be able to demonstrate those departments and Ministers that weren't performing...it's made a demonstrable difference' (Chief Ombudsman Peter Boshier)

Strong, coordinated leadership from the State Services Commissioner and the Chief Ombudsman, supported by Chief Executives, has been critical in driving up system performance. Commitments to improve OIA practices have been reflected in the OGP 2016-18 National Action Plan – giving this important area added visibility and priority.

ORGANISATION, STRUCTURE, STAFFING, AND CAPABILITY

Appropriate, flexible structures have been established within the agency to deal with OIA requests



'We used SSC's Capability Toolkit 'to undertake a current state self assessment and to help to design a future work programme' (the Department of Conservation)

We've developed and published a self-assessment toolkit for agencies to help them understand their current capability and identify areas for improvement. This fit-for-purpose approach ensures that we respond to the needs of individual agencies. We're working with agencies that have established good practices to develop case studies that showcase for others the way they go about managing OIA requests.

CURRENT PRACTICES

The practice in an agency aligns with its policies and procedures



'We reached a really good point in the afternoon ... a lot of agreement on the practicalities of how we handle posting responses online.' (National DHBs Workshop)

SSC has established an OIA Forum, which provides a network for OIA leaders and practitioners to share good practice. The well subscribed Forum was convened four times in 2017. In response to agency demand, we have also run a number of workshops on topics such as proactive release and how to use the Capability Toolkit – in addition to more general training on the OIA. Uptake has been high, which reflects an increase in the level of engagement on OIA across the State service.

INTERNAL POLICIES, PROCEDURES, AND RESOURCES

The agency creates or adopted appropriate OIA-related policies and procedures, which are accurate and promote good decision-making



The most common forms of OIA training are on-the-job (approximately 75%) and coaching or mentoring (approximately 50%)

We surveyed 85 agencies in 2017 and found that there's a strong demand for guidance from SSC on the OIA. We've published a series of tools and guidance for agencies on the SSC website, with practical advice on effective implementation of the OIA and proactive release. We're planning to publish further guidance based on the needs identified by agencies – including on release of officials' names, and the charging guidelines.

PERFORMANCE MONITORING AND LEARNING

There are meaningful and appropriate performance measures for responding to OIAs linked to the agency's strategic or operational plans, and key performance measures are actively monitored



Over 40,000 requests are received by agencies each year – and 95.3% of them are now responded to on time

In 2016 the Chief Ombudsman and the State Services Commissioner agreed to work together on performance monitoring and reporting. Since January 2017, SSC has published a half-year set of OIA statistics for the 110 agencies which make up the State services. Chief Executives are using these statistics to drive performance in their agencies. Guidance has also been provided to agencies on what OIA requests should be logged, monitored, and reported on – and a range of suggested OIA performance measures for internal and public reporting.