

# Open Government Partnership New Zealand

## National Action Plan 2018-2021

### End of Term Report

#### Commitment 7: Official Information

**Lead agency:** Ministry of Justice and the Public Service Commission

**Objective:** To improve the availability of official information by:

- providing advice to the Government on whether to initiate a formal review of official information legislation
- progressively increasing the proactive release of official information by publishing responses to requests for information made under the Official Information Act 1982 (OIA). This commitment builds on work - undertaken as part of the National Action Plan 2016-2018 - on official information to make information more accessible, which promotes good government and trust and confidence in the State Services.

**Ambition:** New Zealanders:

- can have confidence that the regulation of official information remains fit-for-purpose
- have equitable access to official information released in response to specific requests.

**OGP values:** Public Participation and Transparency and Accountability

#### What we achieved:


##### Milestone 1



The Ministry of Justice undertook targeted engagement on the Official Information Act (OIA) 1982 to inform a Government decision on whether to progress a review of the legislation. Advice and a summary of submissions on the OIA engagement were developed and provided to Government in September 2019 and was published on the Justice website in March 2021. The Minister of Justice will be considering the potential for a review of the OIA later in the Parliamentary term.

##### Milestone 2 and 3

Both these Milestones have been successfully completed with a 71% increase in the proactive release of OIA responses and the decision by Cabinet to proactively release Cabinet material.

#### Summary

| Milestones |  | Progress  |
|------------|--|---|
| 1          | Test the merits of undertaking a review of the Official Information Act 1982 and provide and publish advice to Government<br><i>Start date: Following the report back of the Privacy Bill</i><br><i>End date: September 2019</i> |  |

|   |  |   |
|---|--|---|
| 2 | Achieve a measurable increase in the proactive publication of official information request responses<br><i>Start/End dates: October 2018 to June 2021</i>  |  |
| 3 | Implement a policy to publish Cabinet papers proactively within 30 days of final decisions, unless there are good reasons to withhold specific papers<br><i>Start/End dates: October 2018 to June 2019</i> |  |

**Progress key:**



**some delays**



**underway**



**completed**

## ***What we achieved***

### Milestone 1

In September 2018, Cabinet agreed that the Ministry of Justice would undertake targeted engagement on the OIA to inform a decision on whether to progress a review of the legislation.

Targeted consultation was undertaken between 8 March and 3 May 2019. The Ministry received 284 written submissions and spoke to eight experts. In September 2019, Justice officials reported back on the targeted consultation and provided a summary of submissions and advice on next steps for a possible review of the OIA.

In March 2021, the advice and summary of submissions were published on the Ministry of Justice's public website at: <https://www.justice.govt.nz/assets/Documents/Publications/Proactive-release-OIA-review.pdf>.

### Milestone 2

The latest Official Information Act (OIA) statistics for 118 government agencies, covering the period January to July 2021, were released in September 2021. Agencies published 1,943 OIA responses from January to June 2021. The number of OIA responses published is 70.7% up on the first six-months of the National Action Plan period, which ran to December 2018 (during which 1,138 were published). Sixty-five agencies published responses in the six months to June 2021, up 54.8% on the first six-months of the National Action Plan period, when 42 agencies published responses.

Overall, agencies responded to 27,150, or 97.8% of requests within legislated timeframes in the six months to June 2021, up from 95.0% in the first six-months of the National Action Plan period.

Agencies completed 27,755 official information requests in the six months to June 2021, a 9.7% increase in volume on the previous six months, and up 53.3% on the first six-months of the National Action Plan period (when 18,105 were completed).

| <b>Activity</b>                                   | <b>Six months to Dec 2018</b> | <b>Six months to Jun 2021</b> | <b>Change</b>            |
|---|-------------------------------|-------------------------------|--------------------------|
| OIA responses published                           | 1,138                         | 1,943                         | 70.7% increase           |
| OIA responses completed                           | 18,105                        | 27,755                        | 53.3% increase           |
| Number of agencies publishing                     | 42                            | 65                            | 54.8% increase           |
| Proportion completed within legislated timeframes | 95.0%                         | 97.8%                         | Up 3.8 percentage points |

### Milestone 3

This Milestone has been completed. The Cabinet paper establishing the policy, and associated advice, and a 30-working day calculator have been published on the Commission's website. The Cabinet Office Circular is published in HTML on the Department of Prime Minister and Cabinet website.

A dataset showing the publishing locations of agencies' Cabinet papers (where agencies use a centralised publication model), is also now available on the Commission's proactive release webpage and [www.data.govt.nz](http://www.data.govt.nz).

### ***How we included diverse voices and engaged diverse communities***

#### Milestone 1

The 2019 OIA consultation was publicly available through the Ministry of Justice Consultation Hub.

The Ministry identified and emailed interested individuals and organisations, including those representing minority groups, inviting them to make written submissions. They also encouraged them to forward the invitation to others.

#### Milestone 2 and 3

These two Commitments were aimed at changing or improving agency performance in the release of official information, engagement was consequently focussed on agencies.

### ***Commitment links:***

#### Milestone 1

<https://www.justice.govt.nz/justice-sector-policy/have-your-say/>

#### Milestone 2

<https://www.publicservice.govt.nz/resources/latest-oia-statistics-released-jan-june-2021/>

<https://catalogue.data.govt.nz/dataset/official-information/resource/106a9ff4-d017-470f-9220-adcf5db4095a>

#### Milestone 3

<https://dpmc.govt.nz/publications/co-18-4-proactive-release-cabinet-material-updated-requirements>

<https://catalogue.data.govt.nz/dataset/official-information/resource/d4994315-2563-4adc-bced-e45cf5fda4e6>

### ***Impacts:***

#### Milestone 1

An issues paper was not developed for the 2019 OIA consultation, instead the Ministry sought the public's views on three open-ended questions:

- In your view, what are the key issues with the OIA?
- Do you think these issues relate to the legislation or practice?
- What reforms to the legislation do you think would make the biggest difference?

The aim of the Ministry's OIA engagement approach was to understand stakeholders' views and perspectives on the OIA in order to help officials understand potential weaknesses and gaps in the legislation.

By focusing on stakeholders' experience of the OIA and the key issues and challenges they think as being most important the Ministry endeavoured to avoid pre-determining the issues stakeholders may wish to discuss.

The impact of this approach was to elicit open and honest dialogue on the state of the OIA to help inform officials' advice to the Minister of Justice on the possible scope of any review.

### Milestone 2

In the last reporting period prior to the start of NAP3, 375 OIA responses were published by 27 agencies. By June 2021 that had increased to 1,943 responses by 65 agencies. The increase in the number of responses published is satisfying, but there is scope for significant increase. The increase in the number agencies publishing is significant. This growth means many more agencies have processes and capabilities in place to build on, not only with regard to publishing more OIA responses, but to potentially support other types of proactive active release.

### Milestone 3

Based on Ministers' responses to written Parliamentary questions lodged in 2019, it is estimated approximately 620 Cabinet papers had been or were being prepared for release in the first nine months of the policy's implementation.

A dataset showing the publishing locations of agencies' Cabinet papers (where agencies use a centralised publication model), is available on the Commission's proactive release webpage and [www.data.govt.nz](http://www.data.govt.nz). That agencies been able to provide the locations demonstrated that they have in place systems and structures to support the policy.

### ***What we learned:***

#### Milestone 1

Overall, most submitters to the Ministry's 2019 OIA consultation thought the fundamentals of the OIA remain sound. But submitters did highlight a number of issues with both the current practice and its legislative and policy underpinnings.

Coupling this information with internal assessments on the OIA, and insights and recommendations from an Independent Crown Entity's 2012 review of the OIA, Justice officials determined that, while a 'first principles' review is not needed, there is an opportunity to consider improving the openness, transparency and accessibility of government information. The Ministry provided this advice to Government in its September 2019 advice and report back.

#### Milestone 2

Agencies that are more advanced with their proactive release practices are finding that it is resulting in some changes to the number and nature of requests for information they receive. Proactively publishing lists of briefing names, for example, has meant those types of requests are no longer received by those agencies. Agencies that release advice or departmental reporting to ministers can simply link to the document when it is requested. As maturity of these systems and processes develops across more agencies, we should see these benefits to requesters and agencies realised more widely.

Agencies have noted their ability to publish OIA responses is directly correlated to the nature of their work, and resulting nature of the types of requests they receive, and what this means regarding the suitability of publishing responses (for example in security and defence agencies, or those dealing with personal information).

Agencies who build consideration for publication into the preparation of responses reduce the work they need to do for publication and make it easier to support proactive release even when workloads are high (e.g. through Covid).

### Milestone 3

Agencies releasing Cabinet material are now able to link to the document when it is requested, or advise the requester that it will soon be publicly available. Some agencies reported the implementation of the policy saw them developing new systems and processes. As with the processes to publish OIA responses, this increase in capability will potentially support other types of proactive release.

## ***Where to from here:***

### Milestone 1

In January 2021, the Minister of Justice signalled that he will consider the potential for a review of the OIA later in the parliamentary term. Any updates on the status of a potential review of the Act will be provided in due course.

### Milestone 2

The Commission wants to see continued growth in this area, leading into more proactive release generally. It is exploring options to support these practices and removing barriers to their expansion.

### Milestone 3

The Commission continues to provide advice agencies on the publication of Cabinet papers as required. To support embedding of the policy the Commission intends to ask agencies to provide to the Commission data on their publication of papers on behalf of ministers and continue to explore options for a centralised platform for the publication of Cabinet papers.

# Open Government Partnership New Zealand

## National Action Plan 2018-2020

### Progress report: April 2021

#### Commitment 7: Official information

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Progress key:



some delays



underway



completed

## WHAT WE HAVE BEEN DOING

### Milestone 1:

- In the last quarter of 2019, the Ministry of Justice undertook targeted engagement on the Official Information Act 1982 to inform a decision on whether to progress a review of the Act. The Ministry's advice and a summary of the consultation was provided to the Minister of Justice.
- In March 2021, the advice and consultation summary document were published on the Ministry of Justice website at:  
<https://www.justice.govt.nz/assets/Documents/Publications/Proactive-release-OIA-review.pdf>
- The Minister of Justice will consider the potential for a review of the OIA later in this parliamentary term.

### Milestone 2:

- The latest Official Information Act (OIA) statistics for 116 government agencies, covering the period July to December 2020, were released in March 2021. Overall, agencies responded to 24,631, or 97.2% of requests on time. Agencies completed 25,332 official information requests during the period, a sharp 27% increase in volume on the previous six months. Agencies published 1,876 OIA responses from July to December 2020, compared to 1,233 in the previous reporting period to June 2020, a 52% increase (following a drop in the January to June 2020 period). The number of OIA responses published is 65% up on the first six-month period of the National Action Plan period, which ran to December 2018 (during which 1,138 were published).

### Milestone 3:

- The Cabinet paper establishing the policy, and associated advice, and a 30 working day calculator have been published on the Commission's website. The Cabinet Office Circular is published in HTML on the Department of Prime Minister and Cabinet website.
- A dataset showing the publishing locations of agencies' Cabinet papers (where agencies use a centralised publication model), is also now available on the Commission's proactive release webpage and [www.data.govt.nz](http://www.data.govt.nz). This Milestone has been completed.

## HOW WE ARE INCLUDING DIVERSE VOICES

### Milestone 1:

- The 2019 OIA consultation was publicly available through the Ministry of Justice Consultation Hub.

- The Ministry identified and emailed interested individuals and organisations, including those representing minority groups, inviting them to make written submissions. They also encouraged them to forward the invitation to others.

## HOW WE ARE KEEPING DIVERSE COMMUNITIES INFORMED

### Milestone 1:

- In January 2021, the Minister of Justice signalled that he will consider the potential for a review of the OIA later in the parliamentary term. Any updates on the status of a potential review of the Act will be provided in due course.

### Milestone 2:

- The Commission has been taking steps to make to make the OIA data more accessible. It is now published in three different formats: Excel, Tableau (a tool that allows the user to filter, customise and download data), and a CSV file of the complete dataset going back to 2015/16, with agencies' unique identifiers allowing it to be combined with other datasets. The CSV file is available on both the Commission website and [www.data.govt.nz](http://www.data.govt.nz).

## WHAT'S NEXT?

### Milestone 1

- The Minister signalled that he will consider the potential for a review of the OIA later in the parliamentary term.

### Milestone 2

- The next OIA statistics collection covering the period January to June 2021 will take place in July 2021, for publication in September.

### Milestone 3:

- The Commission continues to provide advice agencies on the publication of Cabinet papers as required. To support embedding of the policy the Commission intends to ask agencies to provide to the Commission data on their publication of papers on behalf of ministers, and continue to explore options for a centralised platform for the publication of Cabinet papers.

## LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

Milestone 1 - <https://consultations.justice.govt.nz/policy/access-to-official-information/>

Milestone 2 - <https://www.publicservice.govt.nz/resources/latest-oia-statistics-released-dec-2020/>

<https://catalogue.data.govt.nz/dataset/official-information/resource/106a9ff4-d017-470f-9220-adcf5db4095a>



Milestone 3 - <https://dpmc.govt.nz/publications/co-18-4-proactive-release-cabinet-material-updated-requirements>

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# Open Government Partnership New Zealand

## National Action Plan 2018-2020

### Progress report: December 2019

#### Commitment 7: Official information

**Lead agency:** Ministry of Justice and the State Services Commission




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**OGP values:** Public Participation, Transparency, Accountability

| Milestones |  | Progress  |
|------------|--|---|
| 1          | Test the merits of undertaking a review of the Official Information Act 1982 and provide and publish advice to Government<br><i>Start date: Following the report back of the Privacy Bill</i><br><i>End date: September 2019</i> |  |
| 2          | Achieve a measurable increase in the proactive publication of official information request responses<br><i>Start/End dates: October 2018 to June 2020</i>  |  |
| 3          | Implement a policy to publish Cabinet papers proactively within 30 days of final decisions, unless there are good reasons to withhold specific papers<br><i>Start/End dates: October 2018 to June 2019</i>                       |  |

Progress key:



some delays



underway



completed

## WHAT WE HAVE BEEN DOING

### Milestone 1:

- The Ministry reported to the Minister in September 2019.
- The Ministry is undertaking further work for the Minister before the Minister takes a paper to Cabinet

### Milestone 2:

- The Official Information Act Statistics for the six months to December 2019 are being collected and analysed. It is expected they will be released in March 2020.

### Milestone 3:

- This Milestone has been completed.

## HOW WE ARE INCLUDING DIVERSE VOICES

### Milestone 1:

- The consultation was publicly available through the Ministry of Justice Consultation Hub.
- The Ministry identified and emailed interested individuals and organisations, including those representing minority groups, inviting them to make written submissions. They also encouraged them to forward the invitation to others.

## HOW WE ARE KEEPING DIVERSE COMMUNITIES INFORMED

### Milestone 1:

- The Ministry will publish the written submissions and its advice on its website in due course.

### Milestone 2:

- The SSC's reports on OIA Statistics are published 6-monthly on the SSC website and include statistics on agencies' proactive publication of responses to official information requests. In September 2019 a version of the data (including information from previous collection periods) was published in a tool that allows the information to be downloaded in a more machine-readable format, in addition to the established Excel version

### Milestone 3:

- The Cabinet paper establishing the policy, and associated advice, has been published on the SSC website. The Cabinet Office Circular is published in HTML on the Department of Prime Minister and Cabinet website.

## WHAT'S NEXT?

### Milestone 1

- The Minister of Justice is considering the Ministry's advice and will consult with his colleagues on initiating a review.
- The next steps will be determined following consultation.

### Milestone 2

- The latest statistics collection took place in January 2020, for publication in March 2020.

### Milestone 3:

- In agreeing to the proactive release of Cabinet Papers Cabinet asked for a review of effectiveness and impact to be carried out during 2019. The findings of this initial review will be considered by Cabinet in 2020 (deferred from December 2019).

## LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

Milestone 1 - <https://www.justice.govt.nz/justice-sector-policy/have-your-say/>

Milestone 2 - <https://www.ssc.govt.nz/latest-oia-statistics-released>

Milestone 3 - <https://dpmc.govt.nz/publications/co-18-4-proactive-release-cabinet-material-updated-requirements>

# Open Government Partnership New Zealand

## National Action Plan 2018-2020

### Progress report for: June 2018 – January 2019

#### Commitment 7: Official Information

**Lead agency:** Ministry of Justice and State Services Commission



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| Milestones |   | Progress  |
|------------|---|---|
| 1          | Test the merits of undertaking a review of the Official Information Act 1982 and provide and publish advice to Government<br><i>Start/End dates: Following the report back of the Privacy Bill (anticipated November 2018) to June 2019</i> | ?   |
| 2          | Achieve a measurable increase in the proactive publication of official information request responses<br><i>Start/End dates: October 2018 to June 2020</i>   |  |
| 3          | Implement a policy to publish Cabinet papers proactively within 30 days of final decisions, unless there are good reasons to withhold specific papers<br><i>Start/End dates: October 2018 to June 2019</i>                                  |  |

Progress key:



some delays



underway



completed

#### WHAT WE HAVE BEEN DOING

- Milestone 1: The Privacy Bill has not yet been reported back. Notwithstanding this some preparatory work is being undertaken by MoJ and SSC.

- Milestone 2: For a and workshops have been held to assist agencies, and the SSC's reports on [OIA Statistics](#) now include statistics on agencies' proactive publication of responses to official information requests.
- Milestone 3: The Cabinet has agreed a new policy to proactively release Cabinet material as part of its commitment to Open Government. The new policy applies to the proactive release of all Cabinet and Cabinet committee papers (excluding Appointments and Honours papers) lodged from 1 January 2019. They are to be released and published online, with the approval of the relevant portfolio Minister, no later than 30 business days after final Cabinet decisions have been made unless there is good reason not to publish all or part of the material, or to delay the release. The normal assessments for releasing official information, and a due diligence process to consider potential liability that might arise from publication, must occur prior to proactive release. The Cabinet paper, supporting advice and the associated Cabinet Office Circular have been published. Fora and workshops have been held to support agencies implement the policy, and the SSC website includes a Proactive Release of Cabinet Papers Calculator.

## HOW WE ARE INCLUDING DIVERSE VOICES

## HOW WE ARE KEEPING DIVERSE COMMUNITIES INFORMED

- Milestone 2: The SSC's reports on [OIA Statistics](#) are published 6-monthly on the SSC website and include statistics on agencies' proactive publication of responses to official information requests.
- Milestone 3: The Cabinet paper establishing the policy, and associated advice, is published on the SSC website, and the Cabinet Office Circular is published on the DPMC website. Proactively released Cabinet material is published on agency websites.

## WHAT'S NEXT?

- The next report on OIA statistics, including agencies' proactive publication of responses to official information requests, covers the period July to December 2018, and is scheduled for publication in March 2019.

## LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

Milestone 2:

<http://www.ssc.govt.nz/official-information-statistics>

<http://www.ssc.govt.nz/sites/all/files/oia-proactive-release-dec2017.pdf>

Milestone 3:

<http://www.ssc.govt.nz/official-information-proactive-release>

<http://www.ssc.govt.nz/sites/all/files/cabinet-paper-strengthening-proactive-release-requirements-20180903.pdf>

<https://dpmc.govt.nz/publications/co-18-4-proactive-release-cabinet-material-updated-requirements>

# Open Government Partnership New Zealand

## National Action Plan 2018-2020

Progress report: 1 July – 30 September 2020

### Commitment 7: Official information

**Lead agency:** Ministry of Justice and the Te Kawa Mataaho Public Service Commission




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Progress key:



some delays



underway



completed



## WHAT WE HAVE BEEN DOING

### Milestone 1:

- The Ministry reported to the Minister in September 2019.
- The Minister of Justice has indicated interest in a potential review of the Act, subject to Cabinet decisions on the scope and timing of a review of the Act. A decision on the scope and timing of a review will be made in the next Parliamentary term.

### Milestone 2:

- The latest Official Information Act (OIA) statistics for 115 government agencies, covering the period January to June 2020, were released in September 2020. Overall, agencies responded to 19,406, or 97.3%, of requests on time. Agencies published 1,233 OIA responses from January to June 2020, compared to 1,788 in the previous reporting period to December 2019. It is noted that public service was implementing the Government's COVID-19 response effort during the January to June 2020 reporting period. The number of OIA responses published remains 8.4% up on the first six-month period of the National Action Plan period, which ran to December 2018 (during which 1,138 were published).

### Milestone 3:

- This Milestone has been completed.

## HOW WE ARE INCLUDING DIVERSE VOICES

### Milestone 1:

- The consultation was publicly available through the Ministry of Justice Consultation Hub.
- The Ministry identified and emailed interested individuals and organisations, including those representing minority groups, inviting them to make written submissions. They also encouraged them to forward the invitation to others.

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### Milestone 2:

- The Commission's reports on OIA Statistics are published 6-monthly on its website and include statistics on agencies' proactive publication of responses to official information requests. In addition to releasing the data in Excel files, the data is

available in an online tool that allows the user to customise and download OIA data.

- In September 2020, the full dataset going back to 2015/16 was made available as a CSV file on both the Commission's website and on [www.data.govt.nz](http://www.data.govt.nz).
- A new dataset showing the publishing locations of agencies' OIA responses (where agencies use a centralised publication model), is also now available on the Commission's proactive release webpage and [www.data.govt.nz](http://www.data.govt.nz).

#### Milestone 3:

- The Cabinet paper establishing the policy, and associated advice, and a 30 working day calculator have been published on the Commission's website. The Cabinet Office Circular is published in HTML on the Department of Prime Minister and Cabinet website.
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#### Milestone 2

- The next OIA statistics collection covering the period July to December 2020 will take place in January 2021, for publication in March.

#### Milestone 3:

- The Commission continues to provide advice agencies on the publication of Cabinet papers as required. To support embedding of the policy the Commission intends to ask agencies to provide to the Commission data on their publication of papers on behalf of ministers, and is exploring an option for a centralised platform for the publication of Cabinet papers.

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### Milestone 1:

- The Ministry reported to the Minister in September 2019.
- The Minister of Justice has indicated interest in a potential review of the Act, subject to Cabinet decisions on the scope and timing of a review of the Act. A decision on the scope and timing of a review will be made in the next Parliamentary term.

### Milestone 2:

- The Official Information Act Statistics released in March 2020 continue to show a measurable increase in the number of responses published by agencies. Agencies published 1,788 responses from July to December 2019, compared to 1,654 in the previous reporting period to June 2019. This represents an 8.1% increase in six months, and a 57% increase on the six-month period to December 2018 (during which 1,138 were published).

### Milestone 3:

- This Milestone has been completed.

## HOW WE ARE INCLUDING DIVERSE VOICES

### Milestone 1:

- The consultation was publicly available through the Ministry of Justice Consultation Hub.
- The Ministry identified and emailed interested individuals and organisations, including those representing minority groups, inviting them to make written submissions. They also encouraged them to forward the invitation to others.

## HOW WE ARE KEEPING DIVERSE COMMUNITIES INFORMED

### Milestone 1:

- The Minister of Justice has indicated interest in a potential review of the Act, subject to Cabinet decisions on the scope and timing of a review of the Act. A decision on the scope and timing of a review will be made in the next Parliamentary term.

### Milestone 2:

- The SSC's reports on OIA Statistics are published 6-monthly on the SSC website and include statistics on agencies' proactive publication of responses to official information requests. We are exploring the addition of the data to the SSC page on [www.data.govt.nz](http://www.data.govt.nz). This would take the form of a CSV file to make the data easier to re-use.

#### Milestone 3:

- The Cabinet paper establishing the policy, and associated advice, has been published on the SSC website. The Cabinet Office Circular is published in HTML on the Department of Prime Minister and Cabinet website.

### WHAT'S NEXT?

#### Milestone 1

- The Minister of Justice has indicated interest in a potential review of the Act, subject to Cabinet decisions on the scope and timing of a review of the Act. A decision on the scope and timing of a review will be made in the next Parliamentary term.

#### Milestone 2

- The next OIA statistics collection will take place in July 2020, for publication in September.

#### Milestone 3:

- SSC continues to support agencies publication of Cabinet papers as required. In agreeing to the proactive release of Cabinet Papers Cabinet asked for a review of effectiveness and impact to be carried out during 2019. The findings of this initial review are yet to be considered by Cabinet.

### LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

Milestone 1 - <https://www.justice.govt.nz/justice-sector-policy/have-your-say/>

Milestone 2 - <https://ssc.govt.nz/resources/latest-oia-statistics-released-dec2019/>

Milestone 3 - <https://dpmc.govt.nz/publications/co-18-4-proactive-release-cabinet-material-updated-requirements>

# Open Government Partnership New Zealand

## National Action Plan 2018-2020

### Progress report: May – June 2019

#### Commitment 7: Official information

**Lead agency:** Ministry of Justice and the State Services Commission




**Objective:** To improve the availability of official information by:

- providing advice to the Government on whether to initiate a formal review of official information legislation
- progressively increasing the proactive release of official information by publishing responses to requests for information made under the Official Information Act 1982 (OIA). This commitment builds on work - undertaken as part of the National Action Plan 2016-2018 - on official information to make information more accessible, which promotes good government and trust and confidence in the State Services.

**Ambition:** New Zealanders:

- can have confidence that the regulation of official information remains fit-for-purpose
- have equitable access to official information released in response to specific requests.

**OGP values:** Public Participation, Transparency, Accountability

| Milestones |  | Progress  |
|------------|--|---|
| 1          | Test the merits of undertaking a review of the Official Information Act 1982 and provide and publish advice to Government<br>Start date: Following the report back of the Privacy Bill<br>End date: <del>June</del> September 2019 |  |
| 2          | Achieve a measurable increase in the proactive publication of official information request responses<br>Start/End dates: October 2018 to June 2020   |  |
| 3          | Implement a policy to publish Cabinet papers proactively within 30 days of final decisions, unless there are good reasons to withhold specific papers<br>Start/End dates: October 2018 to June 2019                                |  |

Progress key:



some delays



underway



completed

#### WHAT WE HAVE BEEN DOING

#### Milestone 1:

- On 13 March 2019 the Justice Committee reported back on the Privacy Bill.
- Between 8 March and 3 May 2019 the Ministry of Justice carried out public and targeted consultation on access to official information. They asked people's views on key issues with the OIA, whether these relate to the legislation or practice, and what reforms would make the biggest difference.
- 286 written submissions were received and 8 key discussions were carried out with people with specific expertise and interest.

#### Milestone 2:

- The Official Information Statistics for the six months to December 2018 were published in March 2019.
- In the last six months, 42 agencies published OIA responses on their websites, up from 26 in the previous six months. The number of responses published has gone from 375 last period to 1,138, a 203% increase. This is on top of the increasing amount of official information being proactively released by agencies.

#### Milestone 3:

- This Milestone was achieved in the previous period.

### HOW WE ARE INCLUDING DIVERSE VOICES

#### Milestone 1:

- The consultation was publicly available through the Ministry of Justice Consultation Hub.
- The Ministry identified and emailed interested individuals and organisations, including those representing minority groups, inviting them to make written submissions. They also encouraged them to forward the invitation to others.

### HOW WE ARE KEEPING DIVERSE COMMUNITIES INFORMED

#### Milestone 1:

- The Ministry will publish the written submissions on its website in due course.
- Milestone 2:
- The SSC's reports on OIA Statistics are published 6-monthly on the SSC website and include statistics on agencies' proactive publication of responses to official information requests.



#### Milestone 3:

- The Cabinet paper establishing the policy, and associated advice, is published on the SSC website, and the Cabinet Office Circular is published on the

### WHAT'S NEXT?

#### Milestone 1

- The Ministry of Justice is currently analysing submissions, noting emerging themes, such as scope, compliance, timeliness, and oversight.
- They will provide advice to the Minister of Justice by September 2019. Note, this new end date differs from that set out in the Action Plan.

#### Milestone 3:

- In agreeing to the proactive release of Cabinet Papers Cabinet asked for a review of effectiveness and impact to be carried out later this year. Planning for this review is underway.

### LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

Milestone 1 - <https://www.justice.govt.nz/justice-sector-policy/have-your-say/>

Milestone 2 - <https://www.ssc.govt.nz/latest-oia-statistics-released>

Milestone 3 - <https://dpmc.govt.nz/publications/co-18-4-proactive-release-cabinet-material-updated-requirements>

# Open Government Partnership New Zealand

## National Action Plan 2018-2020

### Progress report: September 2019

#### Commitment 7: Official information

**Lead agency:** Ministry of Justice and the State Services Commission




**Objective:** To improve the availability of official information by:

- providing advice to the Government on whether to initiate a formal review of official information legislation
- progressively increasing the proactive release of official information by publishing responses to requests for information made under the Official Information Act 1982 (OIA). This commitment builds on work - undertaken as part of the National Action Plan 2016-2018 - on official information to make information more accessible, which promotes good government and trust and confidence in the State Services.

**Ambition:** New Zealanders:

- can have confidence that the regulation of official information remains fit-for-purpose
- have equitable access to official information released in response to specific requests.

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| Milestones |  | Progress  |
|------------|--|---|
| 1          | Test the merits of undertaking a review of the Official Information Act 1982 and provide and publish advice to Government<br><i>Start date: Following the report back of the Privacy Bill</i><br><i>End date: September 2019</i> |  |
| 2          | Achieve a measurable increase in the proactive publication of official information request responses<br><i>Start/End dates: October 2018 to June 2020</i>  |  |
| 3          | Implement a policy to publish Cabinet papers proactively within 30 days of final decisions, unless there are good reasons to withhold specific papers<br><i>Start/End dates: October 2018 to June 2019</i>                       |  |

Progress key:



some delays



underway



completed

## WHAT WE HAVE BEEN DOING

### Milestone 1:

- The Ministry of Justice received 286 written submissions and conducted discussions with 8 people with specific expertise and interest. People were asked for their views on key issues with the OIA, whether these relate to the legislation or practice, and what reforms would make the biggest difference.
- The Submissions have been released under the Official Information Act.
- The Ministry has analysed the submissions, noting emerging themes, such as scope, compliance, timeliness, and oversight.
- The Ministry reported to the Minister in September 2019.

### Milestone 2:

- The Official Information Act Statistics for the six months to June 2019 were published in September 2019.
- They saw a 45% increase in the number of OIA responses published compared to the six months to December 2018 (up from 1,138 to 1,654). Responses were published by 47 agencies during the reporting period, compared to 42 in the previous six months. This is on top of the increasing amount of official information being proactively released by agencies.

### Milestone 3:

- This Milestone has been completed.

## HOW WE ARE INCLUDING DIVERSE VOICES

### Milestone 1:

- The consultation was publicly available through the Ministry of Justice Consultation Hub.
- The Ministry identified and emailed interested individuals and organisations, including those representing minority groups, inviting them to make written submissions. They also encouraged them to forward the invitation to others.

## HOW WE ARE KEEPING DIVERSE COMMUNITIES INFORMED

### Milestone 1:

- The Ministry will publish the written submissions on its website in due course.

### Milestone 2:

- The SSC's reports on OIA Statistics are published 6-monthly on the SSC website and include statistics on agencies' proactive publication of responses to official information requests.

### Milestone 3:

- The Cabinet paper establishing the policy, and associated advice, has been published on the SSC website, and the Cabinet Office Circular is published on the DPMC Website.

## WHAT'S NEXT?

### Milestone 1

- The Minister of Justice has considered the Ministry's report and will consult with his colleagues on proposals to progress a review.
- The next steps and timeframe will be determined following consultation.

### Milestone 2

- The next statistics collection will take place in January 2020, for publication in March.

### Milestone 3:

- In agreeing to the proactive release of Cabinet Papers Cabinet asked for a review of effectiveness and impact to be carried out later this year. Planning for this review is underway.

## LINKS – EVIDENCE OF PROGRESS AND MILESTONES ACHIEVED

Milestone 1 - <https://www.justice.govt.nz/justice-sector-policy/have-your-say/>

Milestone 2 - <https://www.ssc.govt.nz/latest-oia-statistics-released>

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