



PROACTIVE RELEASE OF OFFICIAL INFORMATION

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SharePoint	Ministerial Services	Due for Revision	November 2028

Te Kawa Mataaho Public Service Commission’s commitment

Te Kawa Mataaho Public Service Commission’s (the Commission) is committed to supporting the principles of the Public Service Act 2020 and Official Information Act 1982 (OIA), by promoting open government and increasing the availability of information and the internal processes used to prepare information for publication.

Purpose

The purpose of this policy is to set out the principles and high-level considerations that the Commission staff should consider when proactively releasing official information.

Application of this Policy

This policy applies to everyone at the Commission, including seconded, contracted and temporary staff, and external contractors (referred to as “staff”).

The policy is designed to support staff in the voluntary release of official information, where that information is of public interest or supports the Commission’s objectives to promote accessibility and transparency.

This policy does not apply where there has been a request for official information. If staff have received a request for a specific information, staff should refer to the Commission’s policies and guidelines relating to the Commission’s obligations under the Official Information Act 1982 (OIA).

When applying this policy, staff should also consider:

- Any operational guidance which has been designed to support the implementation of this policy
- The Commission’s obligations to our Ministers as a Public Service Department, especially in relation to information releases on a “no surprises” basis
- The Commission’s legal obligations to our staff and contractors (for example privacy, employment, intellectual property and other contractual obligations).

Principles

Open government is one [five principles](#) in the Public Service Act 2020 that underpins the public service as it “supports constitutional and democratic government, enables both the current Government and successive governments to develop and implement their policies, delivers high-quality and efficient public services, supports the Government to pursue the long-term public interest, facilitates active citizenship, and acts in accordance with the law”.

Proactive release is predicated on the [principle of availability](#) as described in the OIA:

- to progressively increase the availability of official information to the people of New Zealand to:
 - enable more effective public participation in the making and administration of laws and policies;

- promote the accountability of Ministers and officials; and enhance respect for the law and promote good government; and
- protect official information to the extent consistent with the public interest and the preservation of personal privacy except where there is a good reason to withhold the information.

Proactive release is different from releases under the OIA. It is a decision of the chief executive or the Minister to release the information in the interest of transparency, to enable the public to understand decision making and to strengthen the accountability of decisions makers and advisors. It therefore does not have the same protections from sanctions that apply to information released under the OIA ([section 48](#)).

When proactively releasing information, staff will:

- review the information by applying the principles of the OIA, the Privacy Act 2020, and the Protective Security Requirements to the information, specifically with reference to the grounds for withholding information (sections 6 and 9 of the OIA).
- Exercise due diligence before proactively making information available and assess risks of proactively releasing information, including considerations relevant to the preservation of personal privacy and commercial information.
- Engage in appropriate consultation, with affected or interested parties, prior to deciding on whether to release the information. Where the information proposed for release relates to another agency, entity or organisation, staff will advise that party of the planned release, to enable them to undertake their own preparative processes.
- Implement a “no surprises” basis, which means that the relevant Ministerial Office should be informed in advance of proactive releases.
- Release information within an appropriate timeframe, taking into consideration any factors that may impact the public benefits and risks associated with the release.

Cabinet Material and Briefings to Incoming Ministers

Only Ministers may approve the proactive release of Cabinet material. Information on the expectations, processes and responsibilities regarding a Minister’s decision to proactively release Cabinet material and for it be published online can be found in [Cabinet Office Circular \(18\) 4](#).

The decision on whether Briefings to Incoming Ministers (BIMs) will be proactively released is a matter for Ministers, not the department or agency (refer to the [Cabinet Manual 3.19](#)).

What Information will the Commission proactively release?

All information created or co-created by the Commission in the course of our work can be considered official information as defined by section 2 **of the OIA**, however that does not mean that all information is suitable for proactive release.

When deciding what information is suitable for proactive release, staff will consider:

- Whether the information would promote or support the transparency of Government or is of constitutional importance.
- Whether, if requested under the OIA, the information would be withheld under section 9(2)(f)(iv) (to protect the confidentiality of advice tendered by Ministers of the Crown and officials).
- Whether the information is subject to a Cabinet direction to release the information within a particular timeframe (refer to CO (18) 4: Proactive Release of Cabinet Material).
- Whether the information relates to key functions of the Commission or of other agencies or would provide guidance to the public about the Commission’s functions.
- Whether the information would likely be of general interest or use to the public.
- The quantity/quality of the information and degree of difficulty/cost associated with releasing it.

- Whether the information contains information that could identify an individual/s or create privacy or commercial impacts through the release of the information.
- Whether there are any legal or reputational risks to the Commission from releasing the information.
- When weighing up these considerations, staff should consult with the relevant teams who have an interest in the information within the Commission.

For more information about assessing information for release see Appendix 2 below.

Required sign out for proactive release of information

When proactively releasing information, staff should seek the approval of the same manager that would approve the release of the information if the information was subject to a request made under the OIA.

Information not suitable for release or only suitable in part

In the absence of a request for information under the OIA, the Commission does not have a legal requirement to release the information. Therefore, the Commission can choose to withhold the information in part or in full.

Where information is being withheld, redactions should be made with reference to the sections of the OIA, as if the proactive release was a request for information under the OIA. Further, if redactions have been made to documents which have been proactively released and it is determined later more information can be made available, staff are able to revise and update the information

The Commission releases its officials' names and work email addresses unless there is good reason not to. Mobile phone numbers are generally withheld as they are often used for both personal and work purposes. However, when considering publishing personal information about an official they should conduct a thorough risk assessment, including consulting the official to check whether they are comfortable with publication of their personal information.

If it is considered in the public interest to publish the name of an official from another agency (for example a document relating to a cross-agency work programme), consultation with the relevant agency must occur.

See the [guidance from the Office on the Ombudsman](#) on names and contacts details of public sector employees.

Publication

Information for proactive release is prepared for publication by the Ministerial and Executive Services Team.

Once a decision is made to publish proactively released information, staff must take steps to advise relevant Ministerial Offices of the information to be released and proposed redactions (if any). This is to ensure the Commission's commitment to "no surprises".

The Communications and Engagement team should also be advised prior to the publication of the proactive release.

Information should be released in a way intended to make it easy for the public to find and access it – for example, in a web location associated with the topic of the information, as a media release, or as a dataset. Wherever possible, information will be released in a format that meets publishing web-standards, e.g., machine-readable, non-proprietary, complete, and clear.

Publication will be made by the Digital Services team at the request of Ministerial and Executive Services team. Where the Crown holds copyright, information will be made available on open licensing terms (where possible).

Proactive release of OIA responses

At least every month the Commission will publish responses to OIA requests that are appropriate for wider publication. When deciding whether to proactively publish a response to a request, relevant considerations may include:

- Whether there has been more than one request for the information, or on the topic the information covers.
- Whether the information would be of general interest to the public.
- Whether release of the information to an audience wider than the requester would create any risk to the

Commission.

We will advise requesters of official information that our response to them, and the information we provide, may be published on our website. Before publication, we will remove personal details or context that would reveal the identity of the requester.

Update of information published

If redactions have been made to documents which have been proactively released and it is determined at a later date that more information can be made available, the Commission may revise and update the published information. When an OIA response is successfully challenged with the Ombudsman a new version of the response will be published.

Further information

Related Legislation

- [Official Information Act 1982](#)
- [Ombudsman Act 1975](#)
- [Privacy Act 2020](#)

Related Guidance

- [Cabinet Manual](#)
- [Ministry of Justice Guidelines on Charging](#)
- [Office of the Ombudsmen OIA Guides](#)
- [Standards of Integrity and Conduct](#)
- [OIA guidance for agencies](#)
- [Maintaining Confidentiality of Government Information](#)
- [Delegations Policy](#)
- [Proactive Release of Information - agency guidance](#)
- [Names and contact details of public sector employees](#)

Contacts

For help with this policy contact the Ministerial and Executive Services team.

Appendix 1: Public Service Commission’s proactive release schedule

Description of Release	Regularity	Last Reviewed
Titles of Advice Provided to the Minister for the Public Service	Monthly	1 November 2025
Chief Executive and Statutory Officer Appointment Papers	Within 30 days of Cabinet decision	1 November 2025
Cabinet Papers	Within 30 days of Cabinet decision	1 November 2025
Official Information Act Request Responses	Weekly	1 November 2025
Workforce Data	Quarterly	1 November 2025
Remuneration disclosure for Crown Entity and Public Service Department Chief Executives	6 monthly	1 November 2025
Kiwis Count Trust survey	Quarterly	1 November 2025
Labour Cost Index	Quarterly	1 November 2025
OIA Statistics	6 monthly	1 November 2025

*Material that is proactively released for legislative requirements is not included in this list (eg. Annual Report).

Appendix 2: Assessing information for proactive release

Consider whether the information proposed for release would have been released or withheld if the information had been requested under either the OIA or, in the case of personal information, the Privacy Act 2020.

Key question	What to consider	Supporting guidance
<p>OIA</p> <p><i>Does the material contain any information that would have been withheld if the information had been requested under the Official Information Act?</i></p>	<p>The withholding grounds in the Official Information Act (section 6, section 7, and section 9) need to be taken into account to ensure that proactive publication does not prejudice one of these interests. In general terms, the interests protected by the withholding grounds in the OIA include:</p>	<p>The Ombudsman has published guidance on Conclusive reasons for withholding official information (section 6 of the OIA).</p>
	<p>6(a): National security or defence of New Zealand, and international relations.</p>	<p>This type of information must be managed in accordance with the New Zealand Government Security Classification System, the Protective Security Requirements and the New Zealand Information Security Manual</p>
	<p>6(c): Maintenance of the law, including preventing, investigating and detecting offences, and the right to a fair trial</p>	
	<p>6(d): Health and safety of the public</p>	
	<p>6(e): Damage to New Zealand's economic interests</p>	
	<p>7(a): Security or defence of the Cook Islands, Niue, Tokelau and the Ross Dependency</p>	<p>See national security and international relations above.</p>
	<p>9(2)(f)(iv): Constitutional conventions protecting for the time being the confidentiality of advice tendered by Ministers and officials</p>	<p>The Ombudsman has published guidance on The OIA and the public policy making process and Free and Frank Opinions.</p> <p>The Commission has published guidance on Free and frank advice & policy stewardship.</p>
	<p>9(2)(a): Personal privacy (refer to the next section on Privacy)</p>	<p>Section 6 and Part 4 of the Privacy Act 2020.</p>

Key question	What to consider	Supporting guidance
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	<p>9(2)(ba): Confidentiality</p>	<p>The Ombudsman has published guidance on the Confidentiality withholding ground in the OIA.</p>
	<p>9(2)(b)(ii): Commercial information</p>	<p>The Ombudsman has published guidance on the Commercial withholding ground in the OIA.</p>
	<p>9(2)(h): Legal professional privilege.</p> <p>Agencies and Ministers have the same rights as private organisations to obtain legal advice. If the information proposed for release may be considered to be covered by legal professional privilege, it will not be appropriate for release unless it has been reviewed by the Crown Law Office and the Attorney-General has approved a legal waiver of legal privilege.</p>	<p>Refer to the Cabinet Manual’s Guidelines for the presentation of legal advice to ensure legal advice is clearly identified and separated so it can be easily redacted.</p> <p>The Ombudsman has published guidance on Legal professional privilege.</p>
	<p><i>Public interest test</i></p> <p>The public interest test still should be looked at with proactive releases where information is being considered for withholding. The public interest test involves three steps:</p> <ul style="list-style-type: none"> • Identifying the relevant public interest factors for disclosure • Identifying any relevant public interest factors against disclosure • Assessing whether the public interest against disclosure outweighs the public interest in favour of disclosure 	<p>The Ombudsman has published guidance on the public interest test.</p>
<p>Privacy</p> <p><i>Is there a privacy interest in the information proposed for release?</i></p>	<p>When considering personal privacy in relation to the proactive release of information, the disclosure standards in the Privacy Act 2020 must be taken into account. Consider whether there is a need to redact information to protect personal privacy and/or whether the information should be released at all.</p> <p>Consult with all individuals/companies named in any information proposed for release (even if it is not proposed to release their name).</p> <p>If considering publishing personal information about officials (e.g. their name/email address/phone number), a risk assessment</p>	<p>Section 6 and Part 4 of the Privacy Act 2020.</p> <p>The Office of the Privacy Commissioner Codes of practice that become law and other guidance including A quick tour of the privacy principles.</p>

	<p>should be carried out and confirmation sought from the individuals concerned that they are comfortable with the publication of their personal information.</p>	
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Other considerations

The following guidance provides information on some other generic risks that may need to be considered before proactively publishing information. It does not provide an exhaustive list of risks that apply to the proactive release of information as these can take a number of forms, depending on what and how the information is published.

Key question	What to consider
<p>Contractual obligations <i>Is there a contractual interest in the information proposed for release?</i></p>	<p>Consider whether there is a need to redact information to protect contractual obligations and/or whether the information should be released at all.</p>
<p>Copyright <i>Is any of the information proposed for release subject to copyright?</i></p>	<p>If the information proposed for release is the creative work of others, their trademarks, or certain confidential business information, the owner of the information must give permission before it can be published.</p> <p>Where the Crown holds copyright, information will be made available on open licensing terms (where possible).</p> <p>The New Zealand Government Open Access and Licensing framework provides guidance for releasing copyright works and non-copyright material for re-use by others.</p>
<p>Defamation <i>Does the information proposed for release say or do something that may potentially harm the reputation of another person, group, or organisation?</i></p>	<p>Ensure that the risks of defamation are understood, and that the information is thoroughly assessed for this risk when considering information for publication. Seeking legal advice.</p>

<p>Other legislation <i>Does the material contain any information that must be withheld under the terms of any other legislation?</i></p>	<p>Other legislation may also need to be taken into account if the material contains information that must be withheld under the terms of that legislation. Seeking legal advice.</p>
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