



Te Kawa Mataaho

Public Service Commission

22 February 2021

9(2)(a) privacy

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Dear 9(2)(a) privacy

Official Information Request

Our Ref: OIA 2021-0005

I refer to your official information request received on 24 January 2021 for:

"I wish to make a request for information under the Official Information Act.

I require information on Non-Disclosure Agreements and associated payments made to former staff of government departments and ministries (some of whom feel that they have lost their jobs unfairly, as claimed by several people known to me). I request information on:

- Whether or not such agreements have been signed and payments disbursed over the last ten years (2011 - 2021) and, if so:*
- How many and the monetary value of such payments."*

Information being released

On 28 January 2021 we advised you that we do not hold the information you have requested for all of the Public Service agencies and advised you that we would be progressing your request for information on non-disclosure agreements for Te Kawa Mataaho Public Service Commission staff and the New Zealand Public Service secretaries and chief executives, who are the responsibility of the Public Service Commissioner.

In response to your request, during the period between 2011 and 2021 (to date), Te Kawa Mataaho Public Service Commission entered into eight non-disclosure agreements with its employees or Public Service chief executives on their exit, some of which were accompanied by payments. None of these were in the term of the current Public Service Commissioner.

The details of these non-disclosure agreements can be found in the table below:

Item	Exit agreement	Confidentiality clause	Special payment*
1	Yes	Yes	No
2	Yes	Yes	Yes, \$142,000
3	Yes	Yes	Yes, \$268,000
4	Yes	Yes	No
5	Yes	Yes	No
6	Yes	Yes	Yes, \$101,000
7	Yes	Yes	No
8	Yes	Yes	No

*The special payments exclude pay in lieu of notice, legal fees, contractual entitlements (such as annual leave) and agreed performance pay. Dollar figures are rounded to the nearest thousand.

Settlement agreements can assist to minimise potentially drawn-out processes where the parties have not been able to resolve a dispute or problem or where trust and confidence has irretrievably broken down. Settlement agreements should not be used to shortcut an investigation into wrongdoing. You may find useful our [Workforce Assurance guidance](#) for agencies, which was published in August 2020.

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

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

Please note that we intend to publish this letter (with your personal details removed) on the Te Kawa Mataaho Public Service Commission's website.

Yours sincerely,



Nicky Dirks
Managing Principal – Ministerial Services
Te Kawa Mataaho Public Service Commission