



16 January 2020

Dear [REDACTED]

**Official Information Request**  
**Our Ref: SSCOIA 2019-0262**

I refer to your official information request received on 3 December where you asked:

*"In respect of your inquiry into how budget material was accessed at Treasury;*

- *please provide in document form, the actual type of conflict of interest that made you decide the SSC investigation had been compromised. I do not request the name or position of the person.*
- *have you circulated in document form why you consider that type of conflict of interest breaches the integrity requirements placed on crown servants either by act or your own SSC code of conduct.*
- such a document would be of guidance in the crown service to ensure no similar incident happens again, if you have not do you plan to do so?
- does your e-mail system acknowledge e -mails as a matter of course

**Information being released**

On 6 November 2019, following commencing the natural justice review process of the investigation the State Services Commission received a phone call from an official at the Treasury, raising concerns around a possible conflict of interest. This was followed up with an email on the same day, recording the details of the phone call.

On 6 November 2019, the Deputy Commissioner of Integrity, Ethics & Standards both phoned and wrote to Mr Murray Jack outlining the information received in respect of the possible conflict of interest and sought to discuss whether there was in fact a conflict of interest and Mr Jack's proposed course of action. The matter was discussed and considered over the next several days. On the morning of 13 November 2019, Mr Jack responded in writing to the Deputy Commissioner's letter.

I am refusing the first two parts of your request under section 9(2)(a) of the Official Information Act 1982 to protect the privacy of natural persons, including deceased people.

In making our decision, we have considered the public interest considerations in section 9(1) of the OIA and do not believe that they outweigh the privacy of the individual.

In response to the part of your request where you have asked:

- *have you circulated in document form why you consider that type of conflict of interest breaches the integrity requirements placed on crown servants either by act or your own SSC code of conduct.*
- such a document would be of guidance in the crown service to ensure no similar incident happens again, if you have not do you plan to do so?

The SSC has not circulated any information that provides details of the nature of the conflict of interest that occurred in the Treasury Inquiry. However, available on the SSC website are model standards which outline the State Services Commissioner's minimum expectations for staff and organisations in the State services to support effective reporting and management of conflicts of interest.

The following information is also covered by your request and is publicly available on the SSC website:

Item	Document Description	Website Address
1	Conflict of Interest Model Standards	<a href="https://ssc.govt.nz/assets/Legacy/resources/conflicts-of-interest-model-standards.pdf">https://ssc.govt.nz/assets/Legacy/resources/conflicts-of-interest-model-standards.pdf</a>

Accordingly, I have refused your request for the document listed in the above table under section 18(d) of the OIA on the grounds the information requested is publicly available.

In response to the part of you request where you have asked whether the State Services Commission (SSC) email system acknowledge emails as a matter of course. The SSC email system does allow for an automatic reply to be sent on receipt of any email, however this is generally used when employees are away from the office, not on receipt of every email.

If you wish to discuss this decision with us, please feel free to contact [Ministerial.Services@ssc.govt.nz](mailto: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](http://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 State Services Commission's website.

Yours sincerely



Nicky Dirks  
**Managing Principal – Ministerial Services**  
**State Services Commission**