

19 June 2019

John Creser

By email: fyi-request-10338-e5c81163@requests.fyi.org.nz

Dear Mr Creser

Response to your OIA request
Our Ref: OIA353/1

1. We refer to your request of 19 May 2019 through the fyi.org.nz platform to the Attorney-General's Office for the following information under the Official Information Act 1982 (the **OIA**):

“Please provide me with all records of correspondence with your office in respect of Bankruptcy 808723. This record would begin with correspondence [sic] between myself and then Attorney General Margaret Wilson.

In particular, I'm interested in obtaining all records relating to correspondence between your office and Crown Law concerning several stays of prosecution of criminal proceedings against those who took the above named bankruptcy action.”

2. This request was transferred to Crown Law on 21 May 2019 pursuant to section 14 of the OIA. The reason for the transfer is that the Attorney-General's Office does not hold any correspondence sent to or received by previous Attorneys-General. A copy of the transfer letter was provided on the fyi.org.nz platform on 21 May 2019.
3. In addition to searching for information related to your original request, given the transfer to Crown Law we have interpreted your request to also be for any correspondence with the Crown Law Office in respect of Bankruptcy 808723.
4. In accordance with our obligations under the OIA, we have made reasonable efforts to locate the information you have requested.¹ In particular, we have run targeted searches for the specific information you have requested and reviewed the search results for the requested information.
5. Crown Law acknowledges that the request has been made through a public platform that will publish our response on the platform.²

¹ Official Information Act 1982, s 18(e).

² Office of the Ombudsman “Requests made online – A guide to requests made through fyi.org.nz and social media” (April 2016) Office of the Ombudsman <www.ombudsman.parliament.nz> at 7 and 10.

Response

6. In response to your request for all records of correspondence with the Attorney-General's Office in respect of Bankruptcy 808723, your request is allowed in part.
 - 6.1 Some of the information Crown Law holds is correspondence between yourself and Crown Law, and yourself and the Attorney-General. You will likely already hold this information, but Crown Law will send this information to you as information captured by your OIA request.
 - 6.2 Given the sensitivity of some of this correspondence, we wish to confirm whether you would like the information returned to you on the fyi platform, which is public, or whether you would prefer to provide a personal email address that we can send the information to directly. Please inform Crown Law of your preference by contacting oia@crownlaw.govt.nz.
7. Your request for all records of correspondence is refused in part under section 18(a) of the OIA, on the grounds that:
 - 7.1 Some of the information is legally privileged. This information is withheld under section 9(2)(h) of the OIA.
 - 7.2 Some of the information is private information. This information is withheld under section 9(2)(a) of the OIA.
 - 7.3 Please note that a broad approach to interpreting your request has been taken, and much of the information is not directly about Bankruptcy 808723 but only mentions the bankruptcy. The withheld private information is private in respect of other persons, and not private information belonging to yourself.
8. As to your request for information about stays of prosecution in criminal proceedings, material held by Crown Law in relation to such matters is held in the Solicitor-General's capacity as the junior Law Officer of the Crown and, as such, is not subject to the OIA (see ruling W44280). This aspect of your request is therefore refused on the basis the OIA does not apply to the information sought.

Right to review

9. In accordance with s 19 of the OIA we advise you have a right, by way of complaint to the Ombudsman under s 28(3) of the OIA, to seek an investigation and review of the decisions made about your requests for information. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Yours faithfully

Crown Law



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