



11 December 2019

Mr Andrew Crow
fyi-request-11654-aca4747c@requests.fyi.org.nz

Dear Mr Crow

Official Information Request
Our Ref: 2019-0258

I refer to your official information request received on 14 November 2019 where you have asked:

"In the news over the last 24 hours it has been stated that the investigation into the budget leak from treasury has been restarted due to an undisclosed conflict of interest. If the conflict was disclosed, it would have become public record.

Under OIA I ask for any documents that show what the undisclosed conflict was and who was involved and what has been done about it. To be clear as to what I am asking for:

- *The exact nature of the conflict of interest.*
- *The name is the person(s) involves in the conflict.*
- *Details of how this conflict came to light of it was not disclosed by people involved.*
- *Any penalties on the people or companies involved with the conflict".*

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.

On the afternoon of 13 November 2019, the State Services Commissioner announced that the current Inquiry would be terminated and a new investigation, led by Ms Jenn Bestwick would commence immediately. The press release can be found at this website address: <https://ssc.govt.nz/resources/budget-investigation-shut-down-and-new-inquirer-appointed/>.

Information being withheld

In response to your questions where you have asked:

- *for any documents that show what the undisclosed conflict was and who was involved*
- *the exact nature of the conflict of interest*
- *the name is the person(s) involves in the conflict*

I am refusing these 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 your question where you have asked:

- *any penalties on the people or companies involved with the conflict*

I am refusing this part of your request under section 18(e) of the Official Information Act 1982 as the information does not exist. There are no penalties under legislation for not disclosing a conflict of interest. The matter is a contractual matter, that is not yet resolved.

If you wish to discuss this decision with us, please feel free to contact 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 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