



29 January 2020

Andrew Ecclestone
fyi-request-11989-fde00545@requests.fyi.org.nz

Dear Mr Ecclestone

Official Information Request
Our Ref: SSCOIA 2020-0006

On 14 January 2020, the Ministry of Justice transferred your official information request to the State Services Commission for a response. Your request is for:

“In November 2019 the State Services Commission published the Ministry of Justice's September 2019 report on progress with Commitment 7 of the Open Government Partnership National Action Plan. This can be accessed from here:

<https://ogp.org.nz/assets/New-Zealand-Plan/Third-National-Action-Plan/Commitment-7-TNAP-progress-report-September-2019.pdf>

Milestone 3 for this Commitment concerns the proactive publication of Cabinet Papers. In relation to this, on page 3 of this progress report, the Ministry states that:

“In agreeing to the proactive release of Cabinet Papers Cabinet asked for a review of effectiveness and impact to be carried out later this year. Planning for this review is underway”

This is an Official Information Act (OIA) request to be supplied with a copy of all the information held by the Ministry which relates to the scope, timetable, resourcing, terms of reference, and other planning for this review.”

Information publicly available

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

Item	Date	Document Description	Website Address
1	3 September 2018	Cabinet Paper: Strengthening Proactive Release Requirements	https://ssc.govt.nz/assets/Legacy/resources/cabinet-paper-strengthening-proactive-release-requirements
2	3 September 2018	Cabinet Minute: Strengthening Proactive Release Requirements	https://ssc.govt.nz/assets/Legacy/resources/cab-18-min-0418
3	August 2019	Sector Wide Forum Agenda	https://ssc.govt.nz/assets/SSC-Site-Assets/Integrity-Ethics-and-Standards/

The Cabinet paper directed the State Services Commission (SSC) to undertake the review of the policy and report back to the Cabinet Government Administration and Expenditure Review Committee by 1 December 2019.

The scope and terms of reference for the review are prescribed for in paragraph 58 of by the Cabinet paper which recommends that “the policy and the Cabinet Office Circular be reviewed by the State Services Commission, with input from agencies.

The review will include determining whether

- 58.1 the objectives of the policy are being met;
- 58.2 changes are required to improve the effectiveness and clarity of the policy and the supporting procedures; and
- 58.3 the policy should be broadened in any way.”

We are therefore refusing the parts of your request for the scoping document and terms of reference under section 18(d) of the OIA on the grounds that the information is publicly available.

The timetable was likewise determined by the Cabinet paper, with the requirement to meet the report back date of 1 December 2019.

The SSC engaged with agencies on the proactive release of Cabinet material policy between August and October 2019.

A [sector wide forum](#) in August 2019 was followed by smaller group and one-on-one sessions with the agencies that produce the majority of Cabinet papers (those that lodged 10 or more papers between the implementation of the policy on 1 January 2019 and 30 September 2019).

This information was supplemented by information estimating the number of papers released, and information on the number of papers lodged, provided by the Cabinet Office.

With regards to resourcing, the review was conducted by a member of the SSC’s Integrity, Ethics and Standards team as part of the team’s general work programme. The specific amount of resourcing for this is therefore not recorded separately.

As noted above, this review of the policy was scheduled for report back to the Cabinet Government Administration and Expenditure Review Committee by 1 December 2019. This report back has been deferred until this year, with the date still to be confirmed.

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