



10 March 2020

Andrew Ecclestone
fyi-request-12203-c79def78@requests.fyi.org.nz

Dear Mr Ecclestone

Official Information Request
Our Ref: SSCOIA 2020-0019

I refer to your official information request received on 11 February 2020 where you have asked a number of follow up questions to your previous Official Information Act request (OIA) on the subject of the proactive release policy. For ease of reference we have listed each of your new questions and our response directly under each.

SSC previous response:

"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".

Background to the Review

The proactive release of Cabinet papers policy came into effect from 1 January 2019.

The structure of the policy sees agencies responsible for the release of material for which ministers are responsible and must authorise the release of. This is supported and operationalised by the agency, which is "responsible for administering the proactive release and publication of the Cabinet material online" (CO (18) 4 refers). This has required agencies to work in a new way with ministers' offices.

As at the August Forum, the policy had only been effectively operational for less than six months due to the first tranche of papers that were lodged in February, not required to be released until March/April. For agencies that produced few papers, this meant they may have had only a handful of papers, if any, that had required consideration under the policy.

For these reasons, there was general comment from agencies at the August Forum, and again at the later meetings, that while they were providing comment on the policy, it was with the caveat that implementation had seen some logistical challenges, and more time was required for this activity to become business as usual. Therefore, the ability of agencies to make meaningful, evidence-based observations about its effectiveness, or recommendations regarding possible changes to the policy, was limited.

As a result, the review has taken the form of an interim assessment of the implementation of the policy, based on the feedback received from agencies and the baseline metrics available. We are recommending that a further review be undertaken once processes will be better embedded and more data available.

1. Please provide a list of all the agencies the SSC (a) contacted and (b) 'engaged with' on the proactive release of Cabinet material policy between August and October 2019.

Please find attached as appendix A, a list of agencies that the State Services Commission (SSC) engaged with in respect of the review of the proactive release of Cabinet material policy.

2. Please provide a copy of all meeting notes made (a) at the sector wide forum in August 2019, (b) the smaller group meeting(s), and (c) the one-on-one meetings.

The document listed in the table below includes a summary of the feedback, including exact comments provided by agencies, from the August Forum and subsequent meetings held with agencies.

Item	Date	Document Description	Decision
1	13 August 2019	Summary of feedback from Official Information Forum workshop of 13 August 2019	Released in full

3. Please also provide any emails received from agencies (including those relating to SSC's own performance) and their attachments that provided information used in assessing the effectiveness and impact of the policy. For any that are withheld, please provide the name of the agency, and the date(s) of the communications in question, and a description of the information withheld.

There are no emails from agencies that relates to assessing the effectiveness and impact of the proactive release of Cabinet paper policy.

We are therefore refusing this part of your request under section 18(e) of the OIA on the grounds that the documents you have requested (*any emails received from agencies (including those relating to SSC's own performance) and their attachments that provided information used in assessing the effectiveness and impact of the policy*) do not exist.

Feedback was received from agencies during the August Forum and was included in the document listed in the table above. This document was then updated following the subsequent smaller meetings held with agencies.

Agencies that have produced the majority of Cabinet papers since 1 January 2019 were consulted on the draft Cabinet paper. Comments received from this consultation process were considered and, where appropriate, have been incorporated in the paper. As noted in our previous response, the consideration of this paper has been deferred, with a new date yet to be confirmed.

4. Please also provide the estimate of number of papers released and any information held relating to the methodology for producing this estimate.

We can advise that between the introduction of the policy on 1 January 2019, and the end of September 2019, approximately 620 Cabinet papers were reported by Ministers as having been released or being prepared for release. This estimate was based on Ministers' responses to written Parliamentary questions lodged in October 2019.

A reporting methodology going forward has been proposed in the Cabinet paper that has yet to be considered. Therefore, we are refusing this part of your request under section 9(2)(f)(iv) to maintain the confidentiality of advice. This Cabinet paper will be proactively released once the Cabinet has made a decision.

5. **SSC's response to my earlier response referred me to some slides shown to attendees at the Official Information Forum of August 2019 (<https://ssc.govt.nz/assets/SSC-Site-Assets/Integrity-Ethics-and-Standards/OIA/OI-Forum-Accessibility-and-proactive-release-of-Cabinet-papers-13-August-2019.pdf>). On slide 5, it is stated that the objectives of the policy included "To establish a process for the proactive release of more government information (to increase its availability, enable more effective public participation and promote the accountability of Ministers and officials)"**

Please provide the information held that relates to how SSC would assess whether proactive disclosure had succeeded in enabling 'more effective public participation', and the information gathered in that context.

As noted above, the review has taken the form of an interim assessment of the implementation of the policy, based on the feedback received from agencies and the baseline metrics available. We are recommending that a further review be undertaken once processes will be better embedded and more data available. That advice is awaiting consideration by Cabinet.

6. **Please provide all information held that relates to seeking information from people outside government departments and Ministers' offices on the effectiveness of the policy of proactive release of Cabinet material."**

We are refusing this part of your request under section 18(e) of the OIA on the grounds that the information you have requested does not exist. No information was sought from people outside of government departments.

The scope of the review was set by Cabinet, which asked the SSC to work with agencies to assess whether the objectives of the policy were being met, the effectiveness and clarity of the policy and the supporting procedures, and whether the policy should be expanded in any way. As noted above based on our interactions with agencies the review has taken the form of an interim assessment focussed on the implementation of the policy.

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) and enclosed documents on the State Services Commission's website.

Yours sincerely



Nicky Dirks
Managing Principal – Ministerial Services
State Services Commission

Accident Compensation Corporation
Broadcasting Standards Authority
Canterbury and West Coast District Health Board
Capital and Coast District Health Board
Office of The Children's Commissioner
Office of Film and Literature Classification Video Game Rating System
Commerce Commission
Department of Corrections
Crown Law
New Zealand Customs Service
Ministry of Defence
Department of Internal Affairs
Department of Conservation
Department of the Prime Minister and Cabinet
Ministry of Education
Environmental Protection Authority
Fire and Emergency New Zealand
Heritage New Zealand
Health Quality & Safety Commission
Human Rights Commission
Hutt Valley District Health Board
Inland Revenue Department
Ministry of Justice
Law Commission
Land Information New Zealand

Maritime New Zealand
Ministry of Business, Innovation and Employment
Ministry for Culture and Heritage
Ministry of Foreign Affairs and Trade
Ministry for the Environment
Ministry of Transport
Ministry for Primary Industries
Ministry of Social Development
New Zealand Defence Force
NZ on Air
New Zealand Security Intelligence Service
Oranga Tamariki
Pharmac
New Zealand Police
Real Estate Authority
Sport New Zealand
Statistics New Zealand
Technical Advisory Services Limited (TAS), (DHB Support)
Tertiary Education Commission
Te Taura Whiri i te Reo Māori
Te Māngai Pāho
Tourism New Zealand
Te Puni Kōkiri
The Treasury
Wairarapa District Health Board