

2 July 2020

George Morrison
fyi-request-12895-df322174@requests.fyi.org.nz

Our ref: OIA 82512

Dear George

Official Information Act request: Information on the Official Information Act 1982

Thank you for your email of 26 May 2020 requesting, under the Official Information Act 1982 (OIA), information relating to the OIA. I want to reiterate the apologies of Jan Morison, Team Leader Ministerial Relations and Services, for the delay in responding to your request which was due to an administrative oversight.

You specifically asked: *“Please provide me with information held on the request made to the ombudsman to suspend/amend the OIA, including job titles of those who made the request (reference: <https://fyi.org.nz/request/12695/response/48074/attach/html/4/0%201%20525207%204091677.pdf.html>)”*

The URL you have provided linked to a letter from the Office of the Ombudsman that outlined interactions between the Ombudsmen and officials at the Ministry of Justice, the Department of Internal Affairs and the Solicitor-General, as to whether there was a need under the Epidemic Preparedness Act 2006 (EPA) to make any temporary amendments to the OIA or the Local Government Official Information and Meetings Act 1987 (LGOIMA). The letter noted: “No officials proposed the suspension of the OIA or the LGOIMA in its entirety.”

In terms of your request, I can advise that in the week of 16 March 2020, the Ministry’s Policy Group began scanning the legislation it administers, in preparation for advising the Minister of Justice about the potential for any temporary modifications to legislation under section 5 of the EPA.

The OIA is administered by the Ministry, so it fell within scope of this exercise. As a first step, a Justice official rang his counterpart at the State Services Commission to inform him that Justice was assessing the need for any temporary modifications to the OIA. On Friday 20 March, a Justice official contacted the Office of Ombudsman, inviting a discussion about whether there was a case for a modification order. On Monday 23 March, the Chief Ombudsman responded. He noted that he had discussed the matter with the Solicitor-General and advised that a modification order was not required. He stated that he would instead issue guidance to agencies about how to manage OIA requests over the lockdown period.

There was then a follow up contact on 26 and 27 March between a Ministry official and the Solicitor-General, about whether a temporary modification to the OIA should be considered, including whether there was any need to provide more flexibility for extensions to the statutory response timeframe.

This correspondence is attached. Some information, including the correspondence with the Solicitor General, has been withheld under the following sections of the OIA:

- section 9(2)(a) - privacy of natural persons, and;
- section 9(2)(h) – maintain legal or professional privilege.

Regarding your request for the job title of the person who made the request to suspend or amend the OIA, as the correspondence demonstrates, and the letter from the Ombudsman has confirmed, no officials at the Ministry proposed the suspension of the OIA. However, as the correspondence also shows, I was the responsible manager at the Ministry that led discussions with the Office of the Ombudsman on whether any temporary modifications to the OIA were required. The Ministry agreed with the Chief Ombudsman's view that the OIA was sufficiently flexible that no modification was required and we supported his publication of guidance to agencies on how to manage requests during the lockdown period.

I am satisfied there are no other public interest considerations that render it desirable to make the information withheld under section 9 available.

If you require any further information, please contact Jerram Watts, Acting Team Leader, Media and External Relations, by calling (04) 918 8980; or emailing media@justice.govt.nz

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at info@ombudsman.parliament.nz

Yours sincerely



Caroline Greaney
General Manager, Civil and Constitutional

Encl: Appendix and released documents

Doc #	Date	Description	Status	OIA section
1	23/03/2020 – 27/03/2020	Email correspondence: RE: Official Information Act 1982 administration during COVID-19: our ref 523778 [CLO-Docs.SLG001.7.FID422494]	Withheld in full	9(2)(h)
2	23/03/2020 – 16/04/2020	Email correspondence: RE_ FAQs_ Official Information Act 1982 administration during COVID-19_ our ref 523778	Released in part	9(2)(a)
3	24/03/2020	Email: Request: Assessment of legislation to advise whether s15 order under EPA required	Released in part	9(2)(a)
4	28/04/2020	Aide memoire: 20200428 AM – Official Information Act note to Minister Provided by the Ministry of Justice to the Minister of Justice to summarise Ministry communications with the Office of the Ombudsman and the Solicitor-General on how the OIA would operate during the COVID-19 Level 4 period.	Released in part	9(2)(h)

From: [Kate Goodman](#)
To: [Greaney, Caroline](#)
Subject: RE: FAQs: Official Information Act 1982 administration during COVID-19: our ref 523778
Date: Thursday, 16 April 2020 8:44:11 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)

Hi Caroline

The FAQs are now available on our website [here](#). The PDF version is much nicer to look at and searchable, so I would suggest that version.

We haven't had any other feedback from agencies yet but we might get some in the coming days and weeks as requests come to their due days during the lockdown period. I will keep you in the loop.

Thanks
Kate

From: Kate Goodman
Sent: Thursday, 9 April 2020 11:18 AM
To: 'Greaney, Caroline' <xxxxxxxx.xxxxxx@xxxxxx.xxxx.xx>
Subject: RE: FAQs: Official Information Act 1982 administration during COVID-19: our ref 523778

Hi Caroline

Thanks for this, really appreciate you getting back to me today. Agree that this could be a pretty regular situation, especially if the lockdown extends. We're working to get a consistent approach with Crown Law at the moment so I'll let you know if/when we achieve that!

Will do – we are frequently receiving updates from agencies so if anything major pops up that might require guidance or a change to the Act we will let you know that ASAP too.

Thanks
Kate

From: Greaney, Caroline <Caroline.xxxxxxx@xxxxxx.xxxx.xx>
Sent: Thursday, 9 April 2020 11:14 AM
To: Kate Goodman <xxxx.xxxxxxx@xxxxxxxxx.xxxxxxxxxx.xx>
Subject: RE: FAQs: Official Information Act 1982 administration during COVID-19: our ref 523778

Kia ora Kate

Thanks for the opportunity to review the draft guidance. In respect of the grounds for refusing requests where the information cannot be accessed due to the need to go to the office, 18(c)(i) works well. It would be really helpful if there could be alignment between the Crown Law guidance and your own on this matter. We think this situation may arise relatively frequently, and it will be important that agencies take a consistent approach.

And on a slightly different, but related note - we're still keeping an eye on whether any temporary modification is needed to the Act over this period. We'd appreciate it if you could share any feedback you receive about how agencies are meeting their OIA obligations and, in particular, whether any issues are arising that (in their view) cannot be sufficiently addressed through guidance.

Very happy to discuss – please feel free to give me a call.

Nga manaakitanga
Caroline



Caroline Greaney

General Manager, Civil & Constitutional
Policy Group

Ministry of Justice | Tahu o te Ture

P +64 4 918 8584 | Ext 58584 | s9(2)(a)

xxxxxxx.xxxxxx@xxxxxx.xx | justice.govt.nz

From: Kate Goodman <xxxx.xxxxxx@xxxxxxxxx.xxxxxxxx.xx>
Sent: Thursday, 9 April 2020 8:43 AM
To: Greaney, Caroline <xxxxxxx.xxxxxx@xxxxxx.xx>
Subject: RE: FAQs: Official Information Act 1982 administration during COVID-19: our ref 523778

Hi Caroline

Forgot to include this in my last email – we’re not requiring a formal ‘consultation’ on these, so no need to put in heaps of effort/time, as I know that you’re really busy!

The only question that doesn’t have an established answer is the one that I pointed out, everything else is very standard.

From: Kate Goodman
Sent: Thursday, 9 April 2020 8:38 AM
To: 'Greaney, Caroline' <Caroline.Greaney@justice.govt.nz>
Subject: FAQs: Official Information Act 1982 administration during COVID-19: our ref 523778

Good morning Caroline

The Ombudsman is looking to publish a set of frequently asked questions for agencies and requesters covering requests for official information during COVID-19 (current version attached). They will be published later today or early next week and we will be updating these as new issues arise or the situation changes.

The FAQs don’t all relate to the operation of the OIA necessarily, they’re more concerned with practical steps for agencies responding to requests during COVID-19. The answers themselves are mostly taken from our already public guidance about the OIA/LGOIMA. However, there is one question (*‘How should we respond to a request if the information requested is not accessible?’*) where our answer differs from the Solicitor-General’s advice. We have contacted the Solicitor-General and Crown Law about this and also for general feedback.

Apologies for the short notice, if you have any feedback please let me know. As mentioned, we will be updating these as things change if needed so if you have feedback please don’t hesitate, even if it isn’t today

Happy to discuss.

Kind regards
Kate

Kate Goodman

Senior Advisor, Strategic Advice

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

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From: Greaney, Caroline <xxxxxxxxxxxx@xxxxxxxx.nz>
Sent: Tuesday, 24 March 2020 3:29 PM
To: Kate Goodman <xxxx.xxxxxx@xxxxxxxxxxxxxx>
Subject: RE: Official Information Act 1982 administration during COVID-19: our ref 523778

Many thanks Kate! I know this will be very much appreciated.

Nga manaakitanga
Caroline



Caroline Greaney
General Manager, Civil & Constitutional
Policy Group
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xxxxxxxxxxxx@xxxxxxxx.xx | justice.govt.nz

From: Kate Goodman <xxxx.xxxxxx@xxxxxxxxxxxxxx>
Sent: Tuesday, 24 March 2020 3:21 PM
To: Greaney, Caroline <xxxxxxxxxxxx@xxxxxxxx.xx>
Subject: RE: Official Information Act 1982 administration during COVID-19: our ref 523778

Hi Caroline

It went up almost immediately after I sent that email!
<https://www.ombudsman.parliament.nz/news/chief-ombudsmans-statement-official-information-response-times-during-covid-19-emergency>

Thanks
Kate

From: Kate Goodman
Sent: Tuesday, 24 March 2020 3:12 PM
To: 'Greaney, Caroline' <xxxxxxx.xxxxxx@xxxxxx.xx>
Subject: RE: Official Information Act 1982 administration during COVID-19: our ref 523778

Hi Caroline

Apologies for the delay in coming back to you – we've all been busy setting up working from home!

Of course, I'll let you know if I'm aware of any other discussions. The Ombudsman will be publishing his formal statement to requestors/agencies this afternoon so I will send you through a link once it's up.

Thanks
Kate

From: Greaney, Caroline <xxxxxxx.xxxxxx@xxxxxx.xx>
Sent: Monday, 23 March 2020 3:42 PM
To: Kate Goodman <xxx.xxxxxx@xxxxxxxx.xxxxxxxx.xx>
Cc: Alex Schröder <xxx.xxxxxx@xxxxxxxx.xxxxxxxx.xx>; Bridget Hewson <xxxxxxx.xxxxxx@xxxxxxxx.xxxxxxxx.xx>
Subject: Re: Official Information Act 1982 administration during COVID-19: our ref 523778

Thanks Kate, very helpful. We would appreciate being included in discussions (even if it's just on a FYI basis), as the agency responsible for the OIA. Both our Minister and Chief Executive will be interested in arrangements in relation to legislation we administer - as you can appreciate we are working through similar questions on the operation of many pieces of legislation.

Happy to discuss at any point - please feel free to give me a call

Kind regards
Caroline

Sent from my iPhone

On 23/03/2020, at 3:35 PM, Kate Goodman <xxx.xxxxxx@xxxxxxxx.xxxxxxxx.xx> wrote:

Dear Caroline

Thank you for your time this morning.

The Chief Ombudsman has discussed with the Solicitor General the issue of a possible recommendation for modifications of the Official Information Act 1982 under section 15 of the Epidemic Preparedness Act 2006.

As a result he agrees with the Solicitor General that The OIA has sufficient flexible provisions and mechanisms in place to allow agencies to manage requests during this difficult and rapidly evolving time. The Chief Ombudsman will be looking to issue guidance to agencies

and requesters on the website to assist them. He will be doing this in consultation with the Solicitor General.

Nga mihi

Kate Goodman

Senior Advisor, Strategic Advice
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<image001.jpg>

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Washington, Brady

From: McLean, Virginia
Sent: Tuesday, 24 March 2020 4:48 PM
To: DL-PG-Board; DL-PG-CHIEF ADVISORS; DL-PG-POLICY MANAGERS
Subject: Request: Assessment of legislation to advise whether s15 order under EPA required

Kia ora koutou

Summary

Each team to assess statutes they administer and advise, as soon as possible, any changes they think are necessary under the Epidemic Preparedness Act 2006 (EPA). Start with a rapid assessment, move onto priority statutes, then remaining statutes with restrictions or requirements. Communicate to your GM and me the results of the rapid assessment by midday Thursday this week, and next Wednesday for the remaining statutes.

Background

The Prime Minister has made a s5 Order under the EPA, which unlocks the ability to do s15 orders. S15 orders provide for changes to be made to restrictions or requirements in laws where it is impossible or impractical to comply with them, and it is reasonable necessary to make the changes.

She has also issued a s8 Order with respect to the Social Security Act and Immigration Act. Both orders are worth a read along with the EPA (s15 and more generally) to complete the tasks set out below.

<https://gazette.govt.nz/notice/id/2020-go1368>

<https://gazette.govt.nz/notice/id/2020-go1369>

<http://www.legislation.govt.nz/act/public/2006/0085/latest/whole.html#contents>

Action required

There are two broad tasks to complete:

- Identify and prioritise statutes that need to be assessed.
- Assess and advise necessary modifications.

Below is a link to spreadsheet of Justice legislation, which indicates the team it is with and where the Epidemic Preparedness Act does not apply, as well as where legislation is jointly administered.

<X:\COVID-19\Legislation review for s15 order\Legislative overview for section 15 order.xlsx>

To complete the first task I suggested managers work with one or two SMEs in your teams to do a **rapid assessment** and identify any top-of-mind statutes that may need to be changed. Please advise me and you GM of these statutes and provisions that may need amending by midday Thursday, so that we can potentially seek modification orders. This will involve working the Ministry of Health and the Minister's office.

For the other statutes, Jess and Sharlene suggest working through the attached decision tree to prioritise the statutes:

<X:\COVID-19\Legislation review for s15 order\Decision tree for determining priority - s15 work.docx>

Sharlene and Jess have also suggested criteria to use when considering the lower priority legislation:

- Level of obligation (individual / organisation / Govt)
- Number impacted

- Significance of implications on the effected level
- Significance of flow-on effects

And finally, FYI Sharlene has completed an example priority assessment:

[X:\COVID-19\Legislation review for s15 order\Example decision tree for determining priority - s15 work \(alcohol\).docx](#)

The trick is to not get too bogged down getting it perfect; the main thing is to identify any changes you think are necessary as soon as you can.

For each Unit and/or Team, please:

- start your own excel sheet and work through the statutes that belong to your teams,
- complete the rapid assessment and advise the outcome of that work to your GM and me by midday Thursday
- prioritise remaining statutes and assess
- assess the remaining set of statutes.

If you think you need to **consult** outside of government to complete the assessment, contact me and we will work together to prepare key messages so that they can be reviewed and used consistently. If you need to consult across government, especially for jointly administered statutes, you can tap into your networks

If you have any ideas to improve this process please do share – I can be the first point of call or you can work amongst yourselves and copy me in.

Timeframe

- Midday Thursday (26 March) – advise your GM and me the outcome of your rapid assessment
- COP Wednesday (1 April) – advise your GM and me of the outcome of your full assessment

Happy to discuss.

Ginny



Virginia McLean
Chief Advisor, Policy Group
s9(2)(a)
Part time – I work Monday-Thursday



Epidemic Immediate Modification Orders and discussion about Official Information Act

Hon Andrew Little, Minister of Justice

28 April 2020

Purpose

1. This note sets out the discussions between the Ministry of Justice and the Office of the Ombudsman in relation to the operation of the Official Information Act in the context of COVID-19.

Immediate Modification Orders under the Epidemic Preparedness Act

2. On 24 March 2020, the Prime Minister issued an Epidemic Notice under section 5 of the EPA. While an Epidemic Notice is in force the Governor-General may, by Order in Council made on the recommendation of the Minister of the Crown responsible for the administration of an enactment, modify any requirement or restriction imposed by the enactment. This is called an "Immediate Modification Order"
3. It is not possible to suspend an Act using an Immediate Modification Order.
4. Under section 15 of the EPA, a modification order can be made only if:
 - 4.1. the effects of the COVID-19 epidemic are, or are likely to be, such that the requirements or restrictions are impossible or impracticable to comply, or comply fully, with; and
 - 4.2. the proposed modifications go no further than is, or is likely to be, reasonably necessary in the circumstances.
5. The Ministry of Justice administers over 140 statutes. As with other agencies that administer legislation, in the week of 20 March we began to scan our legislation for areas where Immediate Modification Orders might be necessary, in anticipation of a potential Epidemic Notice being made. This included making contact with other agencies, as relevant, to inquire into whether they considered a modification or relaxation of requirements in the Act was necessary.

Contact with Office of Ombudsman

6. Below sets out the timeline of interactions with the Office of the Ombudsman regarding the Official Information Act in the context of COVID-19.
 - 6.1. **Friday 20 March:** Justice official left a voice message with the Office of Ombudsman inviting a discussion about the OIA Act and whether we should be looking at a modification order.
 - 6.2. **Monday 23 March:** Advisor at Office of Ombudsman returned the phone call. The Justice official:
 - explained the purpose of an IMO under the Epidemic Preparedness Act, and that we were scanning all of our legislation to see if any IMOs might need to be considered, if an Epidemic Notice Act were made.
 - indicated that we were interested in whether any of the statutory requirements in the Official Information Act might be impracticable to comply with. The statutory

Approved by: Rajesh Chhana, Deputy-Secretary, Policy.

timeframes for responding to requests as an example of a specific statutory requirement was used as an example.

- invited the Office of the Ombudsman to let us know what their views were in relation to the Official Information Act, and particularly the statutory timeframes, and whether they thought an IMO should be considered.
- The Advisor at Office of Ombudsman said they would consult their colleagues and come back.

6.3. **Monday 23 March:** Office of Ombudsman emailed with a response. It said:

“The Chief Ombudsman has discussed with the Solicitor General the issue of a possible recommendation for modifications of the Official Information Act 1982 under section 15 of the Epidemic Preparedness Act 2006

As a result he agrees with the Solicitor General that The OIA has sufficient flexible provisions and mechanisms in place to allow agencies to manage requests during this difficult and rapidly evolving time. The Chief Ombudsman will be looking to issue guidance to agencies and requesters on the website to assist them. He will be doing this in consultation with the Solicitor General.”

6.4. **Tuesday 24 March:** Office of Ombudsman shares that Chief Ombudsman released public statement on official information response times during the COVID-19 emergency: <https://www.ombudsman.parliament.nz/news/chief-ombudsmans-statement-official-information-response-times-during-covid-19-emergency>

6.5. **Thursday 9 April:** Office of Ombudsman advised that it was looking to publish a set of frequently asked questions for agencies and requesters covering requests for official information during COVID-19, and invited feedback prior to publication.

6.6. **Thursday 9 April:** We responded to the Office of Ombudsman, expressing support for the guidance, and in particular the suggested approach the grounds for refusing requests where the information cannot be accessed due to inability to access records in offices. We suggested it would be really helpful if there could be alignment between the Crown Law guidance and Ombudsman on this matter. We also indicated that we were “still keeping an eye on whether any temporary modification is needed to the Act over this period” and that we would appreciate it if the Office could share any feedback it received about how agencies are meeting their OIA obligations and, in particular, whether any issues are arising that (in their view) cannot be sufficiently addressed through guidance.

Media reporting and the Ombudsman’s response

6.7. Following reporting by Newsroom on Thursday 23 April 2020, and a media query to the Ministry of Justice, a response attributed to Rajesh Chhana (Dep Sec, Policy) was provided. A copy is attached.

6.8. On Friday 24 April 2020, in response to the media reporting, the Chief Ombudsman Mr Peter Boshier contacted the Ministry and asked that our Chief Executive be advised that “What is in your statement, is accurate.” A copy is attached.

6.9. On Friday 24 April 2020, the Chief Ombudsman also shared with the Ministry a message that he sent to the Newsroom reporter in which he clarifies. A copy is attached.

Contact with the Solicitor-General

7. For completeness, we note that there was also discussion on 26/27 March between the Ministry of Justice and the Solicitor-General about whether an IMO for the Official Information Act should be considered in the context of COVID-19.
8. s9(2)(h)
9. We were somewhat reassured by the Chief Ombudsman's view that the issues can be managed within the existing provisions, support by guidance. We didn't form a view on this idea, and did not progress further consideration of an IMO due to a lack of information about whether agencies were having difficulty meeting the timeframes.
10. The Ministry of Justice did not provide any advice to the Minister about these ideas, as the discussions did not result in any proposal for a modification.
11. We supported the development of guidance by the Office of the Ombudsman and the Solicitor-General.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

ATTACHMENT 1: Ministry of Justice statement to Newsroom (Thursday 23 April 2020)

To be attributed to Rajesh Chhana, Deputy Secretary, Policy:

“The Epidemic Preparedness Act enables legislative restrictions or requirements to be relaxed, by Order in Council, where the restriction is impossible or impracticable to comply with during an epidemic. When the Epidemic Notice was issued, all government agencies considered whether legislation they administer had such restrictions or requirements, in order to determine whether they should be relaxed to allow people to meet them during the lockdown periods.

The Ministry of Justice administers the Official Information Act (OIA). As part of scanning the legislation that it administers, it sought the Ombudsman’s and Solicitor General’s view on whether any temporary modifications to the OIA would be required. At no point did the Ministry consider suspension of the Act.

The Ombudsman and Solicitor General were of the view that the OIA is sufficiently flexible as is, and no temporary modifications are required. They indicated that they would prepare guidance on how to deal with situations where public servants cannot access their workplaces and hence respond to OIA requests on time. This guidance has now been issued.

The Official Information Act, and the principal of availability of information, is very important in a well-functioning democracy. The Ombudsman’s advice on how to deal with official information requests during the COVID-19 pandemic is timely and useful.

The Ministry will, as is its statutory duty, continue to monitor the effective functioning of the Official Information Act over this period, in conjunction with the Office of the Ombudsman and the Solicitor General.”

Background: The guidance, available [here](#), notes that if the information requested is not available remotely, agencies should not enter premises that are required to be closed during the lockdown in order to retrieve it. This would be in breach of orders made by the Director-General of Health. In such cases a request may be refused under section 18(c)(i) of the OIA. Agencies should provide an explanation as to why they are unable to access the information at issue without breaching the Director-General’s orders, and explain that requesters may resubmit their request again at a later date.

ATTACHMENT 2: Email from Chief Ombudsman to Ministry of Justice (Friday 24 April)

From: Peter Boshier <pfboshier@ombudsman.parliament.nz>

Sent: Friday, 24 April 2020 12:40 PM

To: Mills, Hannah <Hannah.Mills@justice.govt.nz>

Cc: Mark Torley <Mark.Torley@ombudsman.parliament.nz>; Bridget Hewson <Bridget.Hewson@ombudsman.parliament.nz>

Subject: Newsroom article

Dear Hannah

I am replying to you directly, because the newsroom report on this particular issue has bothered me. I have already remarked to my staff that the reporter has drawn a very long bow from comments I actually made. What is in your statement, is accurate.

I would be most grateful if you could advise Andrew Kibblewhite of the correct position. Sadly, misconstructions can occur – it's life!

Best regards

Peter Boshier

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

ATTACHMENT 3: Email from Chief Ombudsman to Newsroom (Friday 24 April 2020)

From: Mark Torley <Mark.Torley@ombudsman.parliament.nz>

Sent: Friday, 24 April 2020 3:44 PM

To: Mills, Hannah <Hannah.Mills@justice.govt.nz>

Subject: FW: Article published this morning on the Official Information Act

Hello again Hannah,

The Chief Ombudsman has asked me to send you a copy of an email he has just sent to Sam Sachdeva in response to his article this morning. Could you please pass this on? Have a safe and happy long weekend. Kind regards Mark

Dear Sam

I have read your article published this morning on the Official Information Act and I wish to clarify some points with you.

The vast majority of our interview this week was about how my office was performing in terms of its response to complaints under the Act during the pandemic, the guidance we have given to agencies and the proactive release of information. I felt I had a positive story to tell.

I am disappointed you focussed on one aspect of our discussion in your story.

I did not intend to suggest to you that the Official Information Act itself was to be suspended. What I hoped to have made clear was that some operational parts of the Act were being considered for suspension by way of temporary amendment as part of the emergency response.

In the article, you stated that I was "*forced to intervene in government plans*". I think this goes too far.

I indicated during our interview that discussions about the Act were at a policy advisor level by way of consultation and I must stress to you that no one at a ministerial level was involved.

Officials consulted with my office about whether any provisions contained in the Official Information Act should be relaxed or temporarily amended as part of the emergency response to the pandemic.

I felt the public's right to access meaningful information in a timely manner was more crucial in these exceptional circumstances such as when the Government was about to invoke its powers under section 15 of the Epidemic Preparedness Act 2006.

I discussed the issue with the Solicitor-General. We both believed the law was robust and flexible enough as it was and there were no provisions that required suspension or temporary amendment.

I was very pleased that in the end no changes were made to the Official Information Act and it continues to operate as usual even in these challenging times.

This is a fundamental matter to get right. The public's confidence in the effective operation of the OIA during this time is critical. It goes to the heart of democracy. I think it would be important for Newsroom to clarify my position.

Best regards
Peter Boshier
Chief Ombudsman

Karen Carter

Executive Assistant to Peter Boshier, Chief Ombudsman
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