



31 October 2022

Ministerial Services
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Craig Innes

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Dear Craig Innes

Request for information (OIA 2223-0291)

Thank you for your request for information dated 8 October 2022 made under the Official Information Act 1982 (the Act) to the Department of Internal Affairs (the Department).

You requested:

On 18 January 2022 a request for information relating to the issues of workplace bullying and sexual harassment at the Ministry of Justice was made under the Official Information Act 1982 to Kris Faafoi. The request for the information was refused.

After discussion with the Office of the Ombudsman, a fresh set of requests is hereby being made.

This is a request for information under the Official Information Act 1982 from the following agencies:

The Ministry of Justice

The Office of the Minister of Justice

Department of Internal Affairs

The Office of the Prime Minister and Cabinet

The information requested is all information relating to the issue of workplace bullying and sexual harassment occurring within the Waitangi Tribunal Unit (the body within the Ministry of Justice that provides administrative and support services to the Waitangi Tribunal -not the Waitangi Tribunal itself), since 2017.

This request includes all the papers or documents relating to each respective Minister of Justice and Associate Minister of Justice since 2017.

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Response to your request

Interpretation of request

Our interpretation of your request to the Department is based on the Ombudsman's determination of June 2016 that:

- the Department, which provides Ministerial Services, is deemed to be the agency to hold records of former Ministers of the Crown [Case numbers 363 632, 403092 refer]
- the Department would only hold emails of former Ministers made in their official capacity. Emails made by the Ministers in their personal, constituency or political party capacity are not applicable as the Department's functions are limited to the provision of ministerial email services.

The Department has therefore interpreted the scope of your information request to be only the email records of former Justice Ministers Hon Andrew Little and Hon Kris Faafoi, and the email records of former Associate Justice Minister Hon Willie Jackson relating to workplace bullying and sexual harassment within the Waitangi Tribunal unit.

Process for identifying official information

As referenced above, former Ministers' email correspondence is the only record available for retrieval by the Department. Email correspondence of former Ministers is stored on the Parliamentary Server maintained by the Parliamentary Service. Since November 2011, the Parliamentary Service has provided ICT service to Ministers and their offices on behalf of the Department.

For your information, the following outlines the process for searching for the information requested:

- The Department asks the Parliamentary Service to perform a search for email correspondence to or from Hon Little, Hon Faafoi and Hon Jackson as specified in your request.
- Once the Parliamentary Service has identified any information that may fall within the scope of your request, the Department will write to Hon Little, Hon Faafoi and Hon Jackson to advise them of your information request, and to give them the opportunity to review the identified information. This is required to identify any material within the scope of your request that may constitute official information.
- Hon Little, Hon Faafoi and Hon Jackson may themselves review the identified information or request the Parliamentary Service to complete this step on their behalf.

- Once any emails have been confirmed as official information, they would be provided by Parliamentary Service to the Department for consideration of release under the Act.

Extension of time limit of response

Due to the large volume of information to be searched and reviewed and consultation required, it is not possible to respond to your request within the 20 working day time limit set out in the Act.

As such, the Department has extended its response timeframe by 60 working days to 20 February 2023 under section 15(A) of the Act:

- (1) Where a request in accordance with section 12 is made or transferred to a department or an interdepartmental venture or a Minister of the Crown or an organisation, the chief executive of that department or board of that venture or an officer or employee of that department or venture authorised by that chief executive or board or that Minister of the Crown or that organisation may extend the time limit set out in section 14 or 15(1) in respect of the request if -
 - (a) the request is for a large quantity of official information or necessitates a search through a large quantity of information and meeting the original time limit would unnecessarily interfere with the operations of the department or the venture or the Minister of the Crown or the organisation; or
 - (b) consultations necessary to make a decision on the request are such that a proper response to the request cannot be reasonably be made within the original time limit.

This time extension is standard for such requests for former Ministers' records, we will however endeavour to provide a decision on your request to you as soon as practicable.

As part of this process, we may also look to respond to your request in stages following consultation with the named Ministers.

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.

Yours sincerely



Briget Ridden
General Manager – Ministerial Services
Te Haumi – Enterprise Partnerships
Te Tari Taiwhenua – The Department of Internal Affairs