



16 January 2025

Chris Johnston
fyi-request-29412-cfb2aadb@requests.fyi.org.nz

Ref: OIA-2024/25-0550

Dear Chris Johnston

Official Information Act request relating to inquiry regarding specifics of handover process between Prime Minister's in regard to the Ministers office

Thank you for your Official Information Act 1982 (the Act) request received on 23 December 2024. You requested:

1) Can you please provide documentation that shows that successive Prime Minister's Office (PMO) are regarded as separate legal entities for the purposes of the Official Information Act and/or the Public Records Act under the following scenarios:

1a) A change in the party leader of the governing party (so the Prime Minister changes);

1b) A change in the person holding the role of Prime Minister within a coalition government to the leader of another party where the parties in the governing coalition do not change;

1c) No change of Prime Minister but a new term as a result of an election where the governing party retains power with the same leader

1d) A change in Prime Minister as a result of another party or Coalition winning the election - the case in point for the OIA that forms the basis of this enquiry.

2) Can you please provide documentation that describes the requirements, policy and process of archiving or retaining documentation/Records generated by the "previous" Prime Minister's Office (PMO) in the following scenarios:

2a) A change in the party leader of the governing party (so the Prime Minister changes);

2b) A change in the person holding the role of Prime Minister within a coalition government to the leader of another party where the parties in the governing coalition do not change;

2c) No change of Prime Minister but a new term as a result of an election where the governing party retains power with the same leader

2d) A change in Prime Minister as a result of another party or Coalition winning the election - the case in point for the OIA that forms the basis of this enquiry.

3) Can you confirm via documentation or otherwise that at some point the Records of the following entities are eventually sent to the National Archives of New Zealand (and if there is any moratorium set on the time that must pass until they can be accessed by the public)?

3a) PMO

3b) Parliamentary Services

If you are unable to provide a document for any of the above I am open to you answering the question directly.

In regard to parts 1(a) to 1(d) of your request, the Department of the Prime Minister and Cabinet (DPMC) does not hold this information and does not believe that any relevant documentation exists or is held by another agency. I am therefore refusing this part of your request under section 18(e) of the Act as the requested information does not exist.

You may be interested in the Cabinet Manual which guides Cabinet's procedures and is the primary source of information for New Zealand's constitutional arrangements: [Cabinet Manual 2023](#)

The following guidance from the Ombudsman also sets out how information from former ministerial offices is treated: [Information not held - A guide to sections 18\(e\) and \(g\) of the OIA and sections 17\(e\) and \(g\) of the LGOIMA.pdf](#)

I believe the parts 2(a), 2(b) and 3(a) of your request for information about retaining records from former ministerial offices are more closely connected to the functions of the Department of Internal Affairs (DIA). Accordingly, I have decided to transfer this part of your request to the DIA under section 14(b)(ii) of the Act. DPMC does not hold any information relevant to this part of your request.

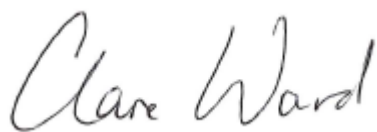
Regarding part 3(b), neither DPMC nor the current Prime Minister's Office hold this information. DIA do not hold the requested information either, however, they oversee Archives New Zealand and the Public Records Act 2005. I therefore suggest seeking appropriate guidance through the Archives Council who provide independent advice to the Minister responsible for Archives New Zealand on recordkeeping and archives matters. You can contact them here: OCA@dia.govt.nz

Please note that the Parliamentary Service is not subject to the Official Information Act 1982. If you are interested in their record-keeping, I recommend contacting them directly.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

We do not intend to publish this response on the Department of the Prime Minister and Cabinet's website.

Yours sincerely



Clare Ward
Executive Director
Strategy, Governance and Engagement