

# Publishing OIA Responses - Procedures

Version number 2.0 February 2025



MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT  
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Te Kāwanatanga o Aotearoa  
New Zealand Government

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## 1 When to use

- 1.1 If you are involved in the writing or management of Departmental Official Information Act (OIA) requests, you must follow these procedures for considering and undertaking the publication of OIAs. These procedures only apply for publishing Departmental OIAs.
- 1.2 These procedures must be read in conjunction with the [Publishing Official Information policy](#).

## 2 Key points to note

- 2.1 All responses to OIA requests should be initially considered for publishing, however not all OIAs will be suitable for publishing. The information contained in these procedures will help you to decide if a OIA is suitable or not.
- 2.2 The primary location for published information is MBIE.govt.nz. Responses will be stored in the document library of the site and linked to on the Published Official Information Act Requests landing page.

## 3 Considering Publishing an OIA Responses

- 3.1 All OIAs should be initially considered for publishing, however not all OIAs will be suitable for publishing. The following list provides categories or types of OIAs which are *not* suitable for publishing:

| Category of OIAs                       | Reason for not being suitable for publishing                                                                                                                                                                                                                                                                                          |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Personal information/Specific person   | The request or response primarily relates to personal information or specific people. This can refer to members of the public or staff, however requests relating to members of SLT will be considered on a case-by-case basis (for example, the Chief Executive may be named due to their position).                                 |
| Specific case                          | The request or response relates to a specific case, property, company or body corporate. For example: individual weathertight assessments, some Labour Inspectorate cases, intellectual property applications etc. This category may not apply to funding applications.                                                               |
| Refusal or information mostly withheld | The request has been refused under section 18 of the OIA, or the majority of information in scope of the request has been withheld/redacted. This may not apply to requests refused under section 18(d) of the OIA where the response links to a range of publicly available information which could be useful to the general public. |
| Specialised request                    | The request is for a very specific piece of information – often only relevant to the requester and not deemed to be of interest to the public. For example; a specific email or information relating to a previous OIA request. Requests for single briefings or documents would not usually fit into this category.                  |
| Administratively burdensome            | The processing of the request for publishing would place a large administrative burden on the business group and may impact on their day-to-day operations. This may include instances where substantial redactions are required in addition to redactions under the OIA.                                                             |
| Other                                  | Even if they do not fall within the above categories, OIA responses may be considered unsuitable for publishing once they have been assessed using the document <a href="#">Proactive release - legal risk considerations</a> and section 6 of this document.                                                                         |

- 3.2 If the OIA you are working on does not meet one of the types/categories listed above you should consider the appropriateness of publishing the response.

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- 3.3 You may identify that an OIA is suitable for publishing, either during writing and management of the OIA response, or after the OIA response has been sent. In either case there are key tasks which need to be undertaken or considered before the OIA response can be published. These are listed below:

#### **External Consultation**

- 3.4 If the OIA response proposed for publishing includes information relating to another party (including government or private agencies/persons), MBIE should consult third parties to allow them to conduct their own assessment and agreement.
- 3.5 This would ideally be completed at the same time as consultations for the OIA response. However, this can occur after the response has been sent.

#### **Advise internal stakeholders**

- 3.6 As you work with stakeholders (including, but not limited to, SMEs, Communications Teams, the CE Office, Minister's Offices and managers) to process the OIA request you should also consider if you need to advise them of the proposal to publish an OIA.
- 3.7 This action can also be taken after the OIA has been sent, especially in the case of OIAs which were more sensitive or a higher profile.

#### **Remove Identifying Information**

- 3.8 In addition to the standard redactions there are specific types of information which will need to be redacted for any OIAs which are published online (listed below).
- 3.9 Where additional information is redacted for publishing, the reasons should be clearly noted at the site of the redaction, stating: "Information has been withheld for [insert provision, e.g. privacy] reasons".

#### **Requestor Information**

- 3.10 Information which identifies individuals should be redacted under 'privacy of natural persons'. Identifiable information, as noted by the Privacy Commissioner, extends beyond names, and contact details to include any identifiable information and is not limited to information about their family life, hobbies, interests, and political or religious beliefs; financial information; employment information; health information; and photographs or audio/video recordings of a person.

#### **Staff Information**

- 3.11 Details of Tier 3 employees and above should be considered for publishing, except where an individual within another tier has signed out a briefing or OIA response. However, due diligence should still occur for details eligible for publishing and that each Business Group may wish to withhold these details.

#### **Third Party information**

- 3.12 Information which may identify any external individual, which is being released as part of an OIA may need to be reviewed to see if it is suitable for publishing.

#### **Section 48 Considerations**

- 3.13 Please note that under Section 48 of the Official Information Act (OIA), MBIE is protected from liability when we are making information available in good faith in response to a request for that information under the Act. However, these protections do not apply when information is proactively released, including when information has previously been released to an individual requester under the OIA.

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- 3.14 It is therefore necessary to ensure that possible legal liability that might arise from releasing information is identified prior to release. Documents need to be reviewed to establish their appropriateness for release to ensure information will not expose Ministers or the Ministry to civil and criminal liability.
- 3.15 All OIAs proposed for publishing, must be assessed using the document [Proactive release - legal risk considerations](#).

## 4 Informing the Requester

- 4.1 All OIA responses should include the standard line informing the requester of the intention to publish the OIA response. This standard line is contained in each of the OIA response templates available in Nexus.
- 4.2 If the standard line has not been included in the OIA response, you must inform the requester that you intend to publish the OIA at least 5 days prior to the publication date.

## 5 Approval (Internal)

- 5.1 Once all due diligence has been completed and documents for publication have been correctly redacted, the decision to publish needs to be made by the relevant Manager. This should be recorded in Nexus.

## 6 Complete / Update Nexus

- 6.1 All information relating to the publishing of OIAs, including the list of documents below, should be saved in the Nexus. This should be done in accordance with the requirements listed in the [submitting documents for loading to the MBIE website](#).
- 6.2 All OIA to be published must be accompanied by relevant document information, including key words and a short description. Response owners/writers will complete the relevant documentation, including the CSV file and ensure this document is contained within Nexus. It is the responsibility of the paper owner/writer to provide SPOT with full and complete information to ensure the document is filed and tagged correctly within the MBIE.govt.nz document library. This will also ensure all documents published are accessible and searchable.
- 6.3 Titles of documents saved in Nexus should follow these naming conventions:
- OIA xxxx-xxxx Response Letter\_Publishing\_MARKED UP
  - OIA xxxx-xxxx Response Letter\_Publishing\_Final
  - OIA xxxx-xxxx Coversheet for OIA Publishing – Business Group
  - OIA xxxx-xxxx CSV File
  - OIA xxxx-xxxx\_Publishing\_xxxx Approval
- 6.4 In Nexus you must also update the 'Publish Request' field (found on the Response Details tab) and complete the fields regarding the approval date.

Publish Request

Publish to Website ☒ Yes

Publish Approval Date ---

Published Date ---

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- 6.5 If the record in Nexus is closed, please contact [ministerialservcies@mbie.govt.nz](mailto:ministerialservcies@mbie.govt.nz) to request the record is reopened.

## 7 Publishing on the MBIE website

- 7.1 Periodically, SPOT will run a report from Nexus to create a list of OIAs which are ready for publishing. SPOT will undertake a Publishing QA check on these OIAs to ensure they are ready to be published.
- 7.2 Once the Publishing QA check has been completed and the OIA has been found ready to be published, SPOT will submit the relevant documents to the Digital Engagement Team using the [web request form](#).
- 7.3 The Digital Engagement Team are responsible for uploading the submitted OIA responses onto the MBIE website.

## 8 MBIE checklist and guidance material

- 8.1 A one-page checklist and legal risk guidance material has been created for response owners/writers to refer to when considering OIA Publishing.
- 8.2 This information is intended to be a quick reference when deciding to publish OIAs, and is supplementary to, but not intended to replace this procedures document. The Te Taura page which contains all information relating to Proactive release of information can be found here: [Te kaha whakaputa i ngā mōhiotio - Proactive release of information](#)
- 8.3 Please find further documentation which may be useful below:
- [Proactive Release Legal Risk Guidance](#)
  - [How to create accessible documents](#)

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## 9 Step by step process guide incorporating roles and responsibilities

### OIA Publishing - step by step process guide incorporating roles and responsibilities

|                                              |        | Established process                                                                                                                                     | Additional process                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                              |        | OIA Process                                                                                                                                             | SPOT                                                                                                                                                       | Business Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                              | Step 1 | <ul style="list-style-type: none"> <li>OIA request received</li> </ul>                                                                                  | <ul style="list-style-type: none"> <li>Received directly by SPOT through <a href="mailto:oia@mbie.govt.nz">oia@mbie.govt.nz</a> or the website.</li> </ul> | <ul style="list-style-type: none"> <li>Receives OIA request and sends to <a href="mailto:ministerialservices@mbie.govt.nz">ministerialservices@mbie.govt.nz</a></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|                                              | Step 2 | <ul style="list-style-type: none"> <li>OIA is logged into Nexus and the OIA is allocated to the relevant Business Group</li> </ul>                      |                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                              | Step 3 | <ul style="list-style-type: none"> <li>Business Group allocates OIA to a writer</li> </ul>                                                              |                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                                              | Step 4 | <ul style="list-style-type: none"> <li>Writer scopes OIA</li> </ul>                                                                                     |                                                                                                                                                            | <ul style="list-style-type: none"> <li>Consideration given to whether OIA should be published, using identification process (here).</li> <li>If yes, indicate in Nexus by selecting the 'publish to website' option under the 'Response details' tab in Nexus</li> <li>These actions are to be repeated across Steps 5-11.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                              | Step 5 | <ul style="list-style-type: none"> <li>Consideration given to refining scope or transferring</li> </ul>                                                 |                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| ↑<br>20 business days (unless extended)<br>↓ | Step 6 | <ul style="list-style-type: none"> <li>Gathering information</li> </ul>                                                                                 |                                                                                                                                                            | <ul style="list-style-type: none"> <li>Consider gathering contextual information for the response letter</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|                                              | Step 7 | <ul style="list-style-type: none"> <li>Draft response letter</li> <li>Mark up redactions</li> <li>Draft briefing or aide memoire if required</li> </ul> |                                                                                                                                                            | <ul style="list-style-type: none"> <li>Include standard line in the response letter to notify the requester of impending publishing. This is contained in OIA response templates.</li> <li>Complete due diligence using the document <a href="#">Proactive release - legal risk considerations</a> and section 6 of the OIA Publishing Procedures</li> <li>Mark up and redact a 'For publishing version' of the redacted OIA documents and response letter using &lt;legal risk form&gt;</li> <li>Consult with Legal only for complex or sensitive content (see <a href="#">legal risk considerations</a>).</li> <li>Consult with Communications re timing or release for high profile releases.</li> <li>Collate all approvals</li> <li>If required, Aide Memoire or Briefing should note impending publishing of the OIA.</li> </ul> |
|                                              | Step 8 | <ul style="list-style-type: none"> <li>Consult with internal and external parties on information to be released under the OIA</li> </ul>                |                                                                                                                                                            | <ul style="list-style-type: none"> <li>At the same time, undertake consultation on the information to be published</li> <li>Consult staff on the release of their details if required</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                              | Step 9 | <ul style="list-style-type: none"> <li>Approval of SME and Sign Out Manager</li> </ul>                                                                  |                                                                                                                                                            | <ul style="list-style-type: none"> <li>Save all approvals into the publishing folder, Save copies of the information for publishing into the OIA Publishing subfolder using the naming conventions outlined in section 16 of the procedures.</li> <li>SME and Sign out Manager to also approve publishing version of response and documents.</li> <li>Sign out Manager to use electronic signature on a word version of response.</li> <li>Sign out Manager to confirm whether their name and signature should be redacted on the publishing version. If so, redactions completed.</li> </ul>                                                                                                                                                                                                                                          |

|                                                 |         | Established process                                                                                                       | Additional process                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                 |         | OIA Process                                                                                                               | SPOT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Business Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|                                                 | Step 10 | <ul style="list-style-type: none"> <li>Send to Minister's Office for consultation or notification if required.</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Notify the Minister via aide memoire on the impending publishing of the OIA when notifying them of the OIA release, include the publishing versions for their information; or</li> <li>Include recommendation in Briefing to Minister that they provide any feedback on the publishing version of the OIA response, including reference to due diligence when consulting with them.</li> <li>Briefing should include advice to consult with other relevant Ministers if required.</li> </ul>                       |
|                                                 |         | <ul style="list-style-type: none"> <li>Finalise any changes to the OIA</li> </ul>                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Finalise any changes to the publishing versions.</li> <li>Save copies of the checklist, coversheet, publishing version of redacted response letter and publishing version of redacted documents as separate files and email links to <a href="mailto:proactiverelapse@mbie.govt.nz">proactiverelapse@mbie.govt.nz</a> along with publication information form (CSV content) <a href="https://mako.wd.govt.nz/otcs/llisapi.dll/link/88847473">https://mako.wd.govt.nz/otcs/llisapi.dll/link/88847473</a></li> </ul> |
|                                                 | Step 11 | Send OIA response to requester                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>Ensure letter contains blurb about the publishing of the OIA response</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| After 10 <sup>th</sup> day of the current month | Step 12 |                                                                                                                           | <ul style="list-style-type: none"> <li>Pull list of the previous month's sent OIAs which have been identified in Nexus as being suitable for publishing, or do not have a recorded exclusion category</li> <li>Send to OIA Writers, Sign out Managers and Communications with links to relevant documents included.</li> <li>Seek final approval for publishing</li> <li>Create a subfolder in Mako folder '<a href="#">OIA for publishing</a>' and add documentation for publishing.</li> </ul> | <ul style="list-style-type: none"> <li>Once list is received, review and approve for publishing</li> <li>Inform SPOT if no longer suitable for publishing.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                     |
| 3-5 days                                        | Step 13 |                                                                                                                           | <ul style="list-style-type: none"> <li>Collate CVS file for all OIAs for publishing</li> <li>Send to Digital Channels via the <a href="#">Web Request Form</a></li> </ul>                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                 | Step 14 | Digital Channels receive web request and process.                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |