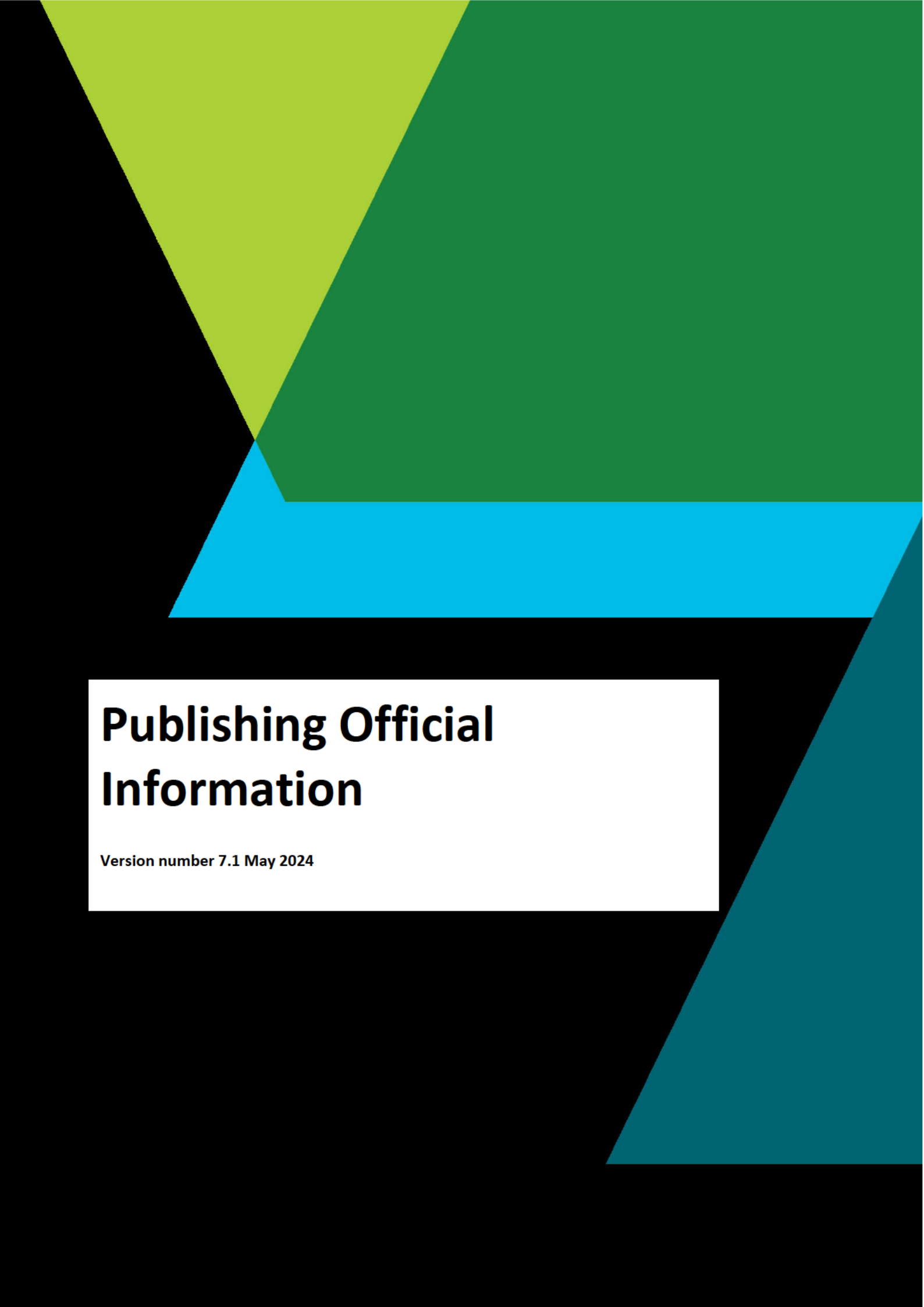




Publishing Official Information

Version number 7.1 May 2024

1 MBIE guiding principles relevant to this policy

- 1.1 The Publishing of Official Information policy aligns with the following MBIE guiding principles:
- protecting organisational reputation
 - complying with legislation, regulations and standards

2 Purpose

- 2.1 The purpose of the Publishing Official Information Policy is to ensure that MBIE acts in accordance with the expectations of the public and Government for greater transparency and proactive release of official information in the spirit of the Official Information Act 1982 (OIA) by increasing the availability of official information to the people of New Zealand.
- 2.2 The policy is focussed on ensuring that there is regular publishing of Cabinet papers and other official information as required.

3 Scope

- 3.1 This policy applies to all staff, secondees and contractors employed or engaged on any basis by MBIE (our people), whether they are casual, fixed-term or permanent, whether full time or part time and whether they are in New Zealand or in any other country.

4 Help

- 4.1 For any queries relating to the policy, please contact the Manager - Strategy, Performance and Operations (SPO) or [email Ministerial Services](#).

5 Definition of terms

Term	Definition
Proactive Release and Publishing	Interchangeable terms used to mean the release of official information externally into the public domain.
Cabinet material	Cabinet papers and attachments to papers, and Cabinet minutes. including minutes resulting from the consideration of oral items. It can include release of a Regulatory Impact Statement (RIS), but this requires departmental approval. Only Ministers may approve the release of Cabinet papers and minutes. Excluded are summaries prepared by the Cabinet Office in the Department of Prime Minister and Cabinet (DPMC), Cabinet and Cabinet committee agendas, and Cabinet Appointments and Honours (APH) papers.
Due diligence	Robust risk assessment of information falling within the scope of the release to ensure that any information needing to be withheld is identified and any risks associated with information to be released are identified and mitigated. Noting that protections which exist under the OIA do not apply to proactively released material.
Official information	Official information is defined in the OIA. Information released proactively is official information released outside of an Official Information Act request. The types of official information which fall in scope of this policy include:

Term	Definition
	• Cabinet material: Cabinet papers and attachments to papers, and Cabinet minutes including minutes resulting from the consideration of oral items. It excludes summaries prepared by the Cabinet Office in the Department of Prime Minister and Cabinet (DPMC), Cabinet and Cabinet committee agendas, and Cabinet Appointments and Honours (APH) papers. Only Ministers can approve the release of Cabinet papers and minutes. It can include release of a Regulatory Impact Statement (RIS), but this requires departmental approval. • Official Information Act responses: Responses to Official Information Act requests should be considered for release, however not all of them will be suitable for publishing (the number considered will depend on resourcing and types of requests received) The responses identified for publishing should be of public interest and the considerations outlined in the procedures should be taken into account prior to publishing. • Ministerial material: With agreement (case-by-case) from Ministers Offices' this information may include regularly publishing lists of briefing titles and/or briefings to Ministers produced by the Ministry. • General information of public interest: Where certain information generates or is likely to generate high levels of public interest, it may be beneficial to proactively release information on the topic. These releases can contain a variety of information, such as internal memoranda and/or external reports commissioned by the Ministry.
CabNet	Online external system for managing all Cabinet information up to, and including, material classified as Sensitive and Restricted.
Release of information	In the context of this policy, it can be: • The publication of Cabinet papers, minutes, including minutes from oral items and lead advice regarding the policy development and decisions by Cabinet or Cabinet Committee; • The publication of information that was previously provided in response to a request under the OIA; • The publication of both titles and documentation of briefings and weekly reports to Ministers. • Submissions related to consultation on policy changes to which a Cabinet papers refers; and/or • Information which is deemed to be of public interest and maybe beneficial to be publicly available. However, this excludes the business-as-usual publications of information such as: • Corporate documents; • Fact sheets;

Term	Definition
	• Evaluations; • Occasional papers; • Strategy papers; • Working papers (including drafts); • Technical papers; and • Research.

6 Policy statements

- 6.1 MBIE acknowledges that under New Zealand's Open Government Partnership third National Action Plan 2018-2020, the Government has committed to improving agency practices around proactive release of information and requests for official information under the OIA, and will adopt and implement appropriate processes and procedures to this effect.
- 6.2 MBIE is committed to open government and improving practices around the proactive release and publishing of official information. We recognise that the OIA plays a significant part in New Zealand's constitutional framework and enables New Zealanders to have access to information that supports their participation in government. The proactive release of official information is another element that aids in building trust and confidence in government.
- 6.3 MBIE will regularly publish official information to enhance public access to information and to reduce the need for information to be requested under the OIA.
- 6.4 MBIE will support Ministers to proactively release their information, ensuring it is done appropriately and with due diligence.
- 6.5 MBIE will apply due diligence to all proactively released information, including redacting information in line with the OIA or as a result of other considerations. This will be undertaken, noting that proactively released information does not have protections under section 48 of the OIA.
- 6.6 MBIE will publish all proactively released information to MBIE's main website (mbie.govt.nz).
- 6.7 Generally, names of staff who are a tier 3 and above manager should be released in the published documents, unless there is a reason not to. For all other staff, their names should be redacted, unless as part of the release their name is listed as decision maker, in which case their name should not be redacted.
- 6.8 If required, timeframes for publishing specific categories of information will be detailed in relevant procedures documents.

7 Key accountabilities and responsibilities

Role	Responsibility
<i>Governance and oversight</i>	
Secretary for Business, Innovation and Employment and Chief Executive (The Secretary)	• Ensuring the Ministry meets its legal obligations and expectations of Ministers under the policy.
Assurance, Risk and Accountability Committee (ARA)	• Approves the policy or recommending changes to the policy.
<i>Business group management: Identify and manage risks in day-to-day operations (1st Line)</i>	

Role	Responsibility
Deputy Secretaries (Dep Secs)	• Embedding this policy in their groups. • Ensuring their business groups are complying with this policy, procedures, guidance and templates as applicable. • Ensuring their business groups are complying with the no surprises convention. • Ensuring appropriate managers have been authorised to approve proactive releases in their areas.
Managers and People Leaders	• Embedding the policy into operational activities within their business area. • Ensuring new and existing staff in their teams are made aware of and comply with the policy.
Our People	• Complying with all policies and procedures applicable to their role. • Participating in relevant training as required.
Tier 3 or 4 Managers of teams or approved delegates preparing information for release (paper owners)	• The content and sign out of the proactive release assessment or advice. A manager must review the information to be released, including any decisions made on information. • Escalating or informing the Deputy Secretary about aspects of a release that might create risk. • Approving consultation with Ministers on departmental proactive release. • Ensuring that due diligence has been undertaken on the items to be proactively released. • Ensuring training and support for their staff.
Branches and teams preparing source information (paper owners and writers)	• Identifying information suitable for proactive release and informing SPO team. • Advising SPO team if a paper is withdrawn or deferred or is not to be released. • Advising SPO team of OIA responses that meet the criteria to be proactively released (for internal tracking and processing purposes). • Checking with SPO team which other forms of proactive release need to be tracked. • Ensuring business groups have guidance and access to tools required for proactive release. • Engagement with the relevant Communications Team. • Consultation with Ministers and third parties (including external agencies).

Role	Responsibility
	- Obtaining approval to publish either from managers for departmental material, or from Ministers for Cabinet papers and minutes. - Final preparation of documents, including redacting and tagging, and sending to SPO team to arrange publishing.
Specialist functions: Set MBIE-wide expectations, policies and procedures (2nd Line)	
GM Communications and Government Services (Policy Owner)	- Ensuring the policy is working effectively through regular monitoring and reporting of compliance with the policy. - Proactive release and publishing information. - Maintenance of and updating this policy. - Promoting staff awareness.
Strategy, Performance and Operations team (SPO team)	- Coordination of proactive release activities across MBIE. - Logging, tracking, monitoring and reporting on proactive releases. - Providing proactive release training and support. - Providing redaction training. - Processing OIA responses for proactive release where the response was originally prepared by SPO team. - Final QA on documents provided by paper owners to check that redactions are properly formatted and effective, coversheet included (if needed), publishing information complete. - Liaising with Digital Channels for finalised documents to be published.

8 Procedures

- a. [Publication of Cabinet papers and other ministerial documentation Procedures](#)
- b. [Publishing OIA Responses Procedures](#)
- c. [Publication of Titles of Briefings Procedures](#)
- d. [Proactive release of information](#)

9 Related MBIE policies and documents

- a. [Information and Records Management Policy](#)
- b. [News Media Policy](#)
- c. [Official Information Act Requests Policy](#)
- d. [Privacy Policy](#)
- e. [Risk Management Framework](#)

10 Relevant legislation, regulations and standards

- a. [Cabinet Manual](#)
- b. [CO \(23\) 4: Proactive Release of Cabinet Material: Updated Requirements](#)
- c. [Official Information Act 1982](#)
- d. [Ombudsmen Act 1975](#)
- e. [Privacy Act 2020](#)
- f. [Public Records Act 2005](#)

11 Measures of success and compliance management

11.1 MBIE has the following measure of success in place:

- a. 95% of papers to Ministers' offices are published within 20 working days of having been considered at Cabinet.
- b. All Cabinet material is released with mandatory Ministerial approval and secure redactions applied.
- c. All information published under the policy is released with approval from a relevant Manager with secure redactions applied.
- d. Due diligence has been applied to all OIAs put forward for publishing on the website.

11.2 Compliance management process

- a. Reporting on these measures will be achieved through tracking, monitoring and record-keeping of each step of the process.
- b. MBIE acknowledges that the time taken to gain Minister's approval of final redactions may extend the time it takes to publish papers.

11.3 Compliance reporting and information

- a. Compliance information regarding the performance of this policy will be provided, as detailed in the procedures, to SLT, the relevant Business Groups and the Risk, Compliance and Insurance team on a quarterly basis.

12 Non-compliance

12.1 Failure to comply with this policy may be considered a breach of the [Code of Conduct](#).

12.2 Any action taken as a result of a breach of any of the obligations set out in this policy will be conducted in good faith, a fair process will be followed, and the person involved will have a full opportunity to respond to the concerns or allegations and have access to appropriate support, advice or representation.