



5 July 2016

Alex Harris
fyi-request-4178-a884d9f4@requests.fyi.org.nz

Dear Alex

Official information request for investigator's contract for the Investigation into the Possible Unauthorised Disclosure of Information Relating to the Ministry of Foreign Affairs and Trade (the Investigation)

I refer to your official information request dated 23 June 2016 for a copy of Dame Paula Rebstock's contract to lead the Investigation.

The information that you have requested is enclosed (a letter dated 8 May 2012, entitled "Investigation – Ministry of Foreign Affairs and Trade"), subject to information being withheld under one or both of the following sections of the Official Information Act 1982 (OIA):

- section 9(2)(a), to protect the privacy of natural persons, including that of deceased natural persons
- section 9(2)(b)(ii), to protect the information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA.

You will note that on 23 May 2012 I amended the Investigation's terms of reference to ensure that the scope of matters being investigated was sufficiently wide.

The letter of delegation and the terms of reference referred to in the letter dated 8 May 2012 are withheld in full under section 18(d) of the OIA, on the grounds that the information requested is or soon will be publicly available. The documents, including the amended terms of reference dated 23 May 2012, are available in Appendix A of the Report on the Investigation on the State Services Commission's website (<http://www.ssc.govt.nz/report-unauthorised-disclosure-mfat-papers>). Dame Paula's total remuneration for leading the Investigation, \$208,916.79, is also publicly available (Hansard from 19 February 2014 <https://www.parliament.nz/en/pb/hansard-debates>).

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.

If you wish to discuss this decision with us, please feel free to contact us through commission@ssc.govt.nz or (04) 495 6600.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Andrew Royle', written over a horizontal line.

Andrew Royle
On behalf of State Services Commissioner

8 May 2012



Paula Rebstock

9(2)(a)

Dear Paula

Investigation – Ministry of Foreign Affairs and Trade

Thank you for agreeing to lead the investigation into the leak last week of Cabinet papers relating to restructuring plans at the Ministry of Foreign Affairs and Trade (MFAT).

The letter of delegation and terms of reference have already been provided to you.

This letter is to set out the terms of your engagement in respect to administrative matters. You will, of course, have complete independence for the investigation itself in accordance with your delegation under the State Sector Act 1988.

9(2)(a), 9(2)(b)(ii)

I confirm that Helen Moody and Lisa Hansen will assist you in the inquiry. Please do not hesitate to call on other resources available in the Commission as required from time to time.

You will note the letter of delegation requests you to carry out the investigation promptly. Clearly though, the Commission recognises the need for you to adhere to the principles of natural justice when undertaking your investigation.

It is not unusual for matters to come to light during an investigation that do not fall within the scope of the terms of reference. Should this occur in your investigation, I should be grateful if you would be kind enough to make a note of any matters that do arise and advise me separately of these.

While your investigation has the full support of the chief executive of MFAT, you should refer any matters that require clarification or further attention to me in the first instance.

If you have any queries please do not hesitate to contact me.

Yours sincerely

Helene Quilter
Deputy Commissioner
for State Services Commissioner