



## Targeted engagement on the merits of a review of the Official Information Act 1982

Hon Andrew Little, Minister of Justice  
22 February 2019

### Purpose

1. This note outlines our proposed approach to engaging with stakeholders on the merits of a review of the Official Information Act 1982 (OIA). We will discuss our proposed engagement plan with you at the officials meeting on Monday 25 February 2019.

### Background

2. Last year you asked us to undertake targeted engagement to inform a decision on whether to progress a formal review of the OIA. The targeted engagement is part of the Government's wider plan to improve openness and reflects its commitment to the international Open Government Partnership (OGP).

### Proposed targeted engagement

3. We propose to run a targeted engagement exercise in late March and April 2019. We have identified an initial list of people and organisations to engage with (attached). The aim of the engagement will be to:
  - understand stakeholders' views and perspectives on the OIA
  - help us understand potential weaknesses and gaps in the legislation, and
  - help inform our advice to you on the possible scope of any review (should we recommend this).
4. As we do not want to pre-determine the issues we think stakeholders may wish to discuss, we do not plan to provide an issues paper as a basis for engagement. Instead we plan to ask questions focussing on stakeholders' experience of the OIA and the key issues and challenges they think we need to be aware of.
5. These key issues may include the matters raised by the Law Commission in its 2012 report *The Public's Right to Know*. The report found that the fundamentals of the OIA remained sound, but that reform was necessary to respond to the context in which the Act now operates, such as changes in technology. Its recommendations included:
  - extending the OIA's application to certain parliamentary information (e.g. Parliamentary Services and the Office of the Clerk)
  - clarifying and adding withholding grounds, and
  - establishing a statutory oversight function, such as an Information Commissioner.
6. We plan to put the focus questions on the Ministry of Justice website. This will provide an opportunity for other people and interested groups to provide their feedback as well, if they wish to do so. We will also build on the ideas generated through public engagement last year on the draft OGP National Action Plan
7. Following the engagement, we will provide advice to you to inform a decision on whether to review the OIA. We will liaise closely with the State Services Commission as they are responsible for improving operational practice in the public sector.

Approved by: Chris Hubscher, Policy Manager, Electoral & Constitutional, Policy Group

**Initial list of stakeholders for targeted consultation on the OIA review**

People with specific expertise/interests	Government departments
<ul style="list-style-type: none"> <li>• Office of the Ombudsmen</li> <li>• Office of the Privacy Commissioner</li> <li>• Speaker of the House</li> <li>• Law Commission</li> <li>• Sir Geoffrey Palmer – Academic (Victoria University of Wellington)</li> <li>• Professor Ursula Cheer – Academic (University of Canterbury)</li> <li>• Professor Paul Roth – Academic (University of Otago)</li> <li>• Professor Andrew Geddis – Academic (University of Otago)</li> <li>• Dr Bryce Edwards – Academic (Victoria University of Wellington)</li> <li>• New Zealand Law Society</li> <li>• Crown Law</li> <li>• Andrew Ecclestone – specialist in freedom of information</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Business Innovation and Employment</li> <li>• Ministry of Social Development</li> <li>• Department of Prime Minister and Cabinet</li> <li>• Department of Internal Affairs</li> <li>• Te Arawhiti</li> <li>• Te Puni Kōkiri</li> <li>• Statistics New Zealand</li> <li>• Inland Revenue Department</li> <li>• Department of Conservation</li> <li>• Department of Corrections</li> <li>• Police</li> <li>• Land Information New Zealand</li> </ul> <p><b>Maori/iwi perspective</b></p> <ul style="list-style-type: none"> <li>• Panui (Māori policy commentary)</li> <li>• Morgan Godfery (blogger)</li> <li>• Māori TV</li> <li>• E-Tangata (a Māori and Pacific magazine)</li> </ul>
<p><b>Non-government organisations/civil society</b></p>	<p><b>Media commentators/bloggers/journalists</b></p>
<ul style="list-style-type: none"> <li>• Transparency International</li> <li>• New Zealand Council for Civil Liberties</li> <li>• Open Government Partnership Expert Advisory Group</li> </ul>	<ul style="list-style-type: none"> <li>• Malcolm Harbrow - Blogger</li> <li>• Graeme Edgeler - Blogger</li> <li>• Shane Cowlshaw - Journalist (Newsroom)</li> <li>• Media Freedom Committee</li> <li>• Dr Gavin Ellis – Media commentator</li> <li>• David Fisher – Journalist (NZ Herald)</li> <li>• Kirsty Johnston – Journalist (NZ Herald)</li> <li>• Richard Harmon – Blogger</li> <li>• Mark Hanna – Blogger</li> </ul>
<p><b>Crown entities</b></p>	
<ul style="list-style-type: none"> <li>• Fire and Emergency New Zealand</li> <li>• Accident Compensation Corporation</li> <li>• Human Rights Commission</li> <li>• Commerce Commission</li> </ul>	
<p><b>Public records management</b></p>	<p><b>Local Government</b></p>
<ul style="list-style-type: none"> <li>• Archives NZ</li> </ul>	<ul style="list-style-type: none"> <li>• Local Government New Zealand</li> </ul>

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982