



Opinion of the Chief Ombudsman

**Official Information Act compliance and practice in the
Ministry for Primary Industries |
Manatū Ahu Matua**

June 2026



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Contents

Introduction	1
Methodology	1
My opinion	2
Leadership and culture	3
Limited messaging about openness	3
Strengthening positive OIA messaging to staff	6
Providing tools to support a robust OIA process	7
Messaging to the public	9
Proactive release of information – practice and policy	10
Review and sign out processes	12
A risk to timeliness compliance	12
Adding contextual information	13
The role of Public Affairs in OIA review	13
Interactions with Ministers’ offices on departmental OIA requests	14
Performance monitoring and learning	17
OIA data collection and reporting to senior leaders	17
Quality assurance	18

Introduction

In September 2025, we began an investigation into the Ministry for Primary Industries (MPI), as part of our regular program of proactive investigations into official information compliance and practice. MPI is one of five agencies selected – we also examined the Civil Aviation Authority, Inland Revenue, Ministry for the Environment, and the Ministry for Regulation.

This report sets out our observations on how MPI meets the requirements and purposes of the OIA against our indicators of good practice.¹ Our investigation focussed on the dimensions of leadership and culture, and performing monitoring and learning, and the interaction between them.

An agency's culture around transparency, openness, and the strength of its OIA practices flows from the attitudes, messaging, and actions of its senior leaders, and particularly those of the Chief Executive. It is our expectation that leaders make clear, regular statements to staff and to the public in support of the principle and purposes of official information legislation, and of the importance of openness more generally.

Accurate performance reporting is also crucial to respond to demands and reprioritise when required. Through regular reporting, senior leaders can oversee the agency's practice and compliance with the OIA, the effectiveness of its structures, resources, capacity and capability. Any issues identified that risk the agency's ability to comply with the OIA should be actively considered and addressed and, in effect, create a feedback loop.

We would like to extend thanks to the Ministry for the positive and open way it engaged with this investigation. In particular, our thanks to those staff members who took the time to meet with the investigators; completed the staff survey and liaised with our office throughout the investigation. We greatly value their contribution to this investigation.

Methodology

As part of this investigation, we gathered evidence through:

- an online staff survey;
- an agency questionnaire;
- interviews with staff involved in different aspects of the OIA process;
- a review of a sample of OIA files; and
- a questionnaire and interview with the Chief Executive.

These sources are referred to throughout the report.

¹ See link to [Chief Ombudsman's OIA and LGOIMA Self-Assessment tools](#)

My opinion

I have not identified any conduct by MPI that was wrong, unreasonable or contrary to law under the Ombudsmen Act 1975. As such I have not made any formal recommendations. We have identified some good practices, as well as some opportunities for MPI to improve its ability to discharge its OIA responsibilities more effectively.

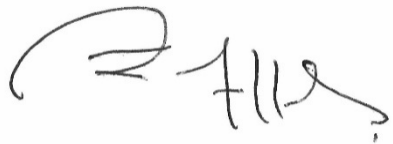
The Ministry already has some good practices in place which may be built on to further strengthen its OIA performance and I look forward to following its progress over the next year.

It is encouraging that the Ministry has mechanisms in place to promote robust information management and to highlight public service principles, both of which are drivers of OIA compliance. In addition to this, the Ministry's OIA team is to be commended for introducing targeted OIA training for business units, and for using OIA performance data to identify practice improvements.

The Ministry was provided the opportunity to comment on my provisional opinion, and I have taken its comments into consideration in forming my final opinion. I am encouraged that the Director General stated in his response *'MPI is committed to implementing the action points provided in your provisional opinion.'*

I appreciate his collaborative approach and his commitment to continuous improvement.

The Director General added more specific comments in relation to each action point in his response, and I will reference these throughout my report.

A handwritten signature in black ink, appearing to read 'John Allen', with a stylized flourish at the end.

John Allen
Chief Ombudsman

Leadership and culture

Effective leadership is central to building and maintaining a culture that supports the principle and purposes of the OIA. Culture is shaped by what leaders prioritise, model, and reinforce through their actions and messaging. We expect chief executives, senior leaders and managers to demonstrate a commitment to the agency meeting its obligations under the Act and to actively foster a culture of openness within the agency.

Limited messaging about openness

We saw limited evidence of active leadership at a senior level to promote a culture of openness and positive engagement with the OIA. The impression gained from our investigation, including my discussion with the Director General, is that aversion to reputational risk is emphasised, at times over the importance of timely information disclosure under the OIA.

In response to our agency questionnaire, MPI was unable to point to any recent messaging from the Chief Executive or senior leaders which promoted explicitly to staff the agency's commitment to OIA compliance and transparency – *'(w)e have not explicitly referred to the purpose of the OIA in recent staff communications, however we do regularly remind staff about their wider obligations as public servants through other methods such as the annual declaration of conflicts of interest.'*²

During our meeting, the Director General highlighted key messages he seeks to communicate to staff in relation to MPI's OIA culture. He said he considered it is important to impress upon staff that all written materials generated by staff are discoverable under the OIA, leading to the need to be 'thoughtful' about what they commit to record.

In context, we understand this messaging as intended to encourage staff to use appropriate and professional language in written communications. However, it raises concerns in two respects.

First, the framing of this message does not reflect the principle and purposes of the OIA, which is premised on the availability of official information and the importance of transparency and accountability. Messaging of this nature risks placing emphasis on avoiding risk over encouraging transparency.

Second, such messaging is open to misinterpretation. Without clear guidance and without a robust OIA culture rooted in openness, staff may understand this as an instruction to avoid recording information to reduce the likelihood of disclosure when requested under the OIA. This potentially undermines both the agency's ability to meet its statutory obligations under the OIA, and its obligations to maintain full and accurate records under the Public Records Act 2005.

² Within 12 months prior to the date the questionnaire was provided to the agency.

It is important that messaging from senior leaders reinforces the need for full and accurate record-keeping, alongside an understanding that it is never appropriate to fail to make clear and full records in order to avoid disclosure.

Although the Director General’s reported emphasis on being ‘thoughtful’ about what staff commit to record is concerning, given the risk of misinterpretation, staff perceptions do not indicate an anti-openness culture driven by senior leadership. Instead, most staff survey respondents consider the Director General is silent on the issue of information disclosure under the OIA, or they ‘*don’t know*’ what his approach to the OIA is, at all. Only a little over a third of respondents consider the Director General is ‘*strongly or moderately pro-disclosure*’ under the OIA (see below table).

This is the lowest figure of the five agencies under investigation with the average across the other four agencies’ Chief Executives being 63 percent. This demonstrates that there is work that can and should be done, beginning with the Director General, to develop an official information culture which is open to the release of information.

Staff impressions of the signals sent by levels of leadership about the disclosure of information under the OIA.³

	Strongly or moderately pro disclosure under the OIA	Strongly or moderately anti disclosure under the OIA	They are silent on the issue or ‘I don’t know’
Chief Executive	35%	3%	61%
Tier 2 leaders	46%	9%	46%

Staff who responded to our survey had the opportunity to add their own comments about the Ministry’s approach to transparency. There was a prevalent perception that the Ministry is averse to risk and that this can impact its approach to information disclosure.

- Extremely risk-averse to bad news. There is a culture to use high-level vague messaging to obscure the details to address questions from public.*
- The agency is very risk averse.*
- Risk averse and reactive.*
- There has not been much focus on OIA by MPI*
- Quite risk averse which dampens transparency and openness of communication*

³ Figures have been rounded to the nearest percentage, therefore may not total 100 percent.
438 staff completed our online staff survey. According to MPI’s 2024/25 annual report the Ministry had 3449 FTE staff as at 30 June 2025.

Very risk averse, stick to the rules so will disclose when required, but won't go above and beyond.

I would say that the agency is extremely focused on political management and that can lead to over-use of redaction criteria in OIAs.

The overall culture in all aspects is extremely 'risk averse' which means there is a lot of deliberation about disclosure of information.

I believe that overall MPI places a very large importance on protecting its reputation. This inherently leads to a culture where openness is not the primary concern, and instead 'reputational risk' to MPI itself and the industries it regulates is given more importance. I'm not sure if this comes from a specific part of leadership, and I believe it is more likely that it is institutionalised in the culture of the agency.

It is important to note that although a perception of risk aversion was prevalent, it was not universal. Some staff said they considered that the agency to be transparent and open:

My observation is that MPI has a culture that emphasises supporting and collaborating with our stakeholders in the primary sector. This culture includes openness and a willingness to share information with our stakeholders.

Transparency is part of MPI culture.

What I've observed in my directorate is that we prefer to share information proactively than wait until it's requested under the OIA.

My experience is that the agency takes careful consideration of public interest and withholding grounds when making OIA decisions.

All very open and transparent.

The divergence of views among staff demonstrates what appears to be an inconsistent OIA and transparency culture within and between different directorates. This may be expected when there is a lack of consistent messaging about leadership's intent and approach to the OIA and transparency.

We note that the disparate views about the agency's approach to transparency may not stem solely from inconsistent organisational messaging about openness, but also from the different functions the Ministry's multiple business units perform. Areas of the Ministry which undertake, for example, investigative functions will often hold information that appropriately requires protection under the OIA, particularly during active investigations, and this may understandably contribute to a more cautious disclosure culture.

Precisely because those environments involve regular consideration of this type of information, it is critical that staff not only have a strong working knowledge of the OIA (to be discussed further under [OIA Training](#)) but are also supported by a strong organisational culture of transparency. Without that, there is a risk that understandable caution may outweigh the legislative presumption in favour of information release.

Ultimately, senior leaders are responsible for shaping organisational attitudes toward transparency and official information. The Director General and senior leaders should more clearly and consistently reinforce the importance of the OIA as a fundamental constitutional mechanism that supports democratic accountability, public participation, and trust in government, and as a core part of the role of public servants.

Senior leadership messaging is not confined to formal statements to staff; it is also conveyed through:

- the priority given to OIA reporting and oversight;
- the approach senior leaders take when exercising their own responsibilities during the OIA process (such as reviewing, record keeping, and decision-making on OIA responses); and
- the degree of organisational support given to the OIA function through policies, training, resourcing, and capability development.

Collectively, these actions send powerful signals to staff about the value an agency places on openness and transparency. We are encouraged, therefore, by the Director General’s response to my provisional opinion in which he affirmed that *‘MPI will continue to strengthen expectations around transparency, to ensure the role of the OIA is clearly understood and embedded across the Ministry.’* He also noted that he intended to work with his leadership team on *‘how the importance of the OIA can be reinforced across the organisation’* and that he intended to *‘reinforce this through my regular engagement with staff, including my weekly updates’*.

Action point
The Director General and senior leaders should reinforce the importance of the OIA through clear and consistent messaging, and through their actions and oversight of the OIA process.

Strengthening positive OIA messaging to staff

While we identified limited agency-wide messaging and leadership emphasis on the OIA, this should not be taken to suggest a lack of commitment to the OIA and transparency among staff more broadly. During interviews, we encountered staff who demonstrated a strong commitment to the principle and purposes of the OIA. This was also reflected in a number of the OIA files we reviewed, where staff often took considerable care to identify and obtain all relevant information to support full and accurate responses.

Stronger and more consistent leadership messaging about the importance of the OIA would not need to create a culture of openness from scratch but could build on and reinforce some of the good practices already evident and further bolster the understanding of the OIA as being a part of the core business of public service, and a tool for building public trust.

The Ministry has mechanisms to promote certain practices and processes that it wishes to emphasise to staff. In its response to our agency questionnaire the Ministry highlighted two

campaigns in particular – an annual training module on Information Management, and a training module for the Ministry’s refreshed Code of Conduct. We were encouraged to see the agency using regular campaigns and communications to reinforce expectations around information management and staff conduct. These initiatives demonstrate an existing organisational commitment to promoting good administrative practice and supporting staff awareness of their responsibilities as public servants. We note that both campaigns touch on OIA-related concepts at a high level, including the handling of official information and expectations of compliance with legislation relevant to the Ministry, which includes the OIA.

We note that these existing campaigns could provide a useful foundation on which the agency could develop a focus on the obligations conferred by the OIA and its principle, purposes, and constitutional importance.

For example, the Ministry could consider enhancing the OIA focus within these existing campaigns, leveraging the natural links between the OIA, and both information management and public service code of conduct. Alternatively—or in addition—the Ministry could use these annual campaigns as a model for developing a similar, OIA-focused awareness initiative operating alongside them.

We are pleased that the Ministry is already turning its mind to how this may be implemented, with the Director General noting, in response to my provisional opinion:

I will ask the Learning and Development team at MPI to assess existing training programs and identify areas where OIA content could be included or expanded. I will also ask the Learning and Development team to promote awareness of Te Puna Mātauranga amongst MPI staff and management.

Action point

Consider enhancing OIA content in existing information management and code of conduct training and/or using these campaigns as a model for a similar, OIA-focused campaign to operate alongside them.

Providing tools to support a robust OIA process

Messaging about the OIA is not always explicit – the emphasis given by senior leaders to building and maintaining the resources, policies and training required to service a well-functioning OIA system is a signal to staff about the importance they place on the OIA.

OIA training

We expect that senior leaders model an internal culture where all staff are trained to the appropriate level for their job on official information policies and procedures and understand their obligations under the OIA.

SMEs should be adequately trained on the OIA in order that they can meaningfully participate in discussions about whether information should be released or withheld, and weighing the public interest in releasing information. Similarly, decision makers—meaning OIA signatories—

must have a sound understanding of technical aspects of the OIA so that they can make accurate and well-informed decisions aligned with the OIA. As public servants, all staff should have an awareness of the constitutional importance of the OIA and their role in that process.

A program of OIA training for staff should include:

- training at induction (including training on information management and record keeping);
- introductory basic awareness of key OIA and record keeping principles for all staff;
- advanced courses for OIA specialists;
- additional training for senior managers; and
- ongoing refresher courses.

The Ministry advised that it requires all new starters in the OIA team to complete the Te Puna Matauranga training module produced by my Office. Other than this, OIA training opportunities appear limited. Nearly half of staff survey respondents – 49 percent – said either that they had never had OIA training since working at MPI or that they had not received any training since 2020 or earlier.⁴

It was encouraging to see a newly developed initiative from the OIA team to upskill staff in other business units on their obligations under the OIA. These are termed ‘outreach sessions’ and cover introductory information about the purposes of the OIA, the definition of official information, and MPI’s OIA process. Staff we spoke to who had participated in these sessions gave positive feedback about them.

Ultimately, responsibility for ensuring staff are appropriately trained in relation to the OIA sits with the leadership team. It would be good to see senior leaders developing the range of training opportunities for staff in line with our suggestions above. There would also be merit in agency leadership supporting the OIA team’s current training initiative by making participation compulsory within relevant directorates or business units. This would help to promote a more consistent baseline understanding of OIA obligations and contribute to embedding a stronger organisational culture of transparency and openness.

We are pleased that the Director General has noted that he *‘agree(s) with this action point for senior leadership to support and promote OIA training opportunities for their staff and will make this expectation clear, including encouraging engagement with the ‘outreach sessions’ with the OIA team.’*

The Director General also noted our suggestion to make these sessions mandatory and pointed out this would be reliant on the OIA team’s capacity, which we understand and accept.

⁴ 24 percent of respondents said they received training in 2025, the year the survey was conducted; the remaining 27 percent of respondents said they had received training between 2021 and 2024.

Action point

Senior leaders should expand the range of OIA training opportunities for all staff, in line with our suggestions.

Senior leaders should consider making 'outreach sessions' with the OIA team mandatory for relevant business units.

OIA policy

MPI provided a copy of its *OIA policy* in response to our agency questionnaire. The designated policy owner is the Deputy Director General in the Office of Director General, a role which we understand was disestablished in 2019. Based on the date on the policy it appears not to have been updated since 2015.

A review and refresh of the OIA policy would be timely, providing an opportunity to update guidance and expectations around how the agency approaches OIA requests. Reviewing the policy also provides an opportunity to recalibrate the agency's current emphasis, which appears in some areas to be weighted toward risk management. An updated policy could help ensure that the principles of open government, accountability, and the OIA's principle of availability are given clearer emphasis.

A review of OIA policy by senior leaders could serve as an opportunity to reset and strengthen organisational messaging around transparency, openness, and public service principles, particularly if the updated policy is accompanied with a campaign of messaging to staff from senior leaders.

In his response to my provisional opinion, the Director General noted that he agreed that it was *'timely to review and update MPI's OIA policy'* and that he intended *'to link the refreshed policy with wider leadership messaging to staff'*.

Action point

Review and update OIA policy, ensuring ownership of the policy is linked to a current role.

Consider linking new OIA policy with a campaign of messaging to staff from senior leaders.

Messaging to the public

Public-facing messaging about the Official Information Act can play an important role in promoting accessibility, transparency, and public understanding of the right to request official information. Clear and accessible information about how to make a request, what requesters can expect from the process, and the agency's approach to openness can help build public confidence in government transparency.

In response to our agency questionnaire, MPI advised that it did not undertake specific public messaging about its commitment to the OIA. However, we consider that an agency's public-facing OIA webpage is itself an important form of messaging about the agency's approach to

official information and transparency. In this respect, we found the agency's OIA webpage to be generally clear, accessible, and informative.

The webpage gives plain-English information on how members of the public can make an official information request; some of the circumstances in which requests may be refused or information withheld under the OIA; and outlines the Ministry's obligations when responding to requests.

An agency's approach to proactively releasing information also offers a signal to the public about its commitment to openness and transparency. The Ministry proactively releases a range of information about the work it does (discussed further under Proactive release of information). However, material was not always easy to locate on the Ministry's website. In particular, the pages dedicated to 'Official Information Act releases', which sit as subordinate pages within OIA section of the website, would appear to be a logical location for proactively released OIA material. However, many of these pages had not been updated since 2021.

Where proactively released information is difficult to locate or appears outdated, there is a risk that members of the public may gain an inaccurate impression about the extent of the agency's proactive release activity or its broader commitment to transparency. Ensuring proactively released information is easy to locate, regularly updated, and presented in an accessible way can help reinforce public confidence in the agency's openness.

Overall, we consider the agency's public-facing OIA webpage provides a reasonable foundation for communicating with the public about official information. There is, however, an opportunity to further strengthen this messaging through a more visible and consistent approach to the proactive release of information, which we will discuss further in the next section.

Proactive release of information – practice and policy

There should be clear leadership commitment to the proactive release of information. This may be demonstrated through the existence of policies and processes which facilitate the disclosure of a variety of information, to include (but not limited to):

- the role and structure of the agency and the information it holds;
- strategy, planning and performance information;
- details of current or planned work programmes, including background papers, options, Cabinet papers and consultation documents;
- internal rules and policies, including rules on decision-making (for example, the proactive release and official information policies);
- corporate information about expenditure, procurement activities, audit reports and performance;
- monitoring data and information on matters the agency is responsible for; and

- OIA responses.

MPI proactively releases a range of information, including, for example, Food Residues Survey Programme reports and quarterly fisheries observer health and safety incident data. This demonstrates an acknowledgement of the importance of making official information available to the public other than in response to individual requests and reflects the broader purposes of the Official Information Act to progressively increase the availability of official information and promote public participation and accountability.

However, we consider the agency's proactive release practices would benefit from being underpinned by a proactive release policy. In the absence of such guidance, decisions about what information should be proactively released, when release should occur, and what level of review or protection may be required risk being made inconsistently across different parts of the agency. This is particularly important in an agency with a diverse range of business units holding information of varying sensitivity, which may legitimately require different levels of protection, consultation, or risk assessment. A clear policy framework can assist staff to approach proactive release consistently, while also providing assurance that appropriate protections are being applied where necessary.

Having a proactive release policy with responsibility for its implementation assigned to a specific senior leader may help to drive accountability and ensure proactive release practice is regular and consistent.

A more mature proactive release framework would also help support a culture of transparency and openness. In this respect, we were disappointed to see that the proactive publication of responses to OIA requests does not form part of the agency's routine practice. Publication of OIA responses is an increasingly common feature of good official information practice across the public sector. According to the OIA statistics published biannually by PSC, MPI is one of only five government departments out of 34 that published no OIA responses in the most recent reporting period.⁵

The absence of a practice of proactively releasing OIA responses may reflect what some staff considered a culture of risk aversion toward the release of official information. This is particularly notable given the central role of the agency's OIA function in promoting and enabling openness within the organisation. As the business unit most directly responsible for supporting good official information practice, it is appropriate that the OIA function should model and champion a proactive approach to transparency.

Incorporating a practice of proactively releasing OIA responses into policy and implementing this policy should be a priority for the Ministry. I also encourage the Ministry to publish its proactive release policy once it is developed.

In response to my provisional opinion the Director General noted he agreed that *'developing a proactive release policy is an important next step for MPI, and we will prioritise this work.'* He

⁵ See link to [PSC OIA statistics data](#) July – December 2025

also committed to proactively releasing OIA responses where appropriate and that this approach would also be reflected in the development of the Ministry’s proactive release policy.

The Director General also signalled that developing a proactive release policy which reflects the scale and diversity of MPI’s functions may take some time, which we appreciate. We look forward to following the Ministry’s progress over the coming year and our Office is available to provide guidance on developing policy.

As a first step, the Ministry may wish to refer to the guidance published on the Office’s website on good practice for the proactive release of information as it develops its proactive release policy.⁶

Action point
Prioritise the development of a proactive release policy and publish this policy when it is finalised.
Prioritise the development of a practice of proactively releasing OIA responses and ensure this is incorporated in the proactive release policy.

Review and sign out processes

An agency’s OIA review and sign out process should be robust but not excessively layered. Senior leaders should ensure the process achieves a balance between quality assessment and ensuring that final decisions are made by a suitably senior decision-maker, while also adopting a pragmatic and streamlined approach to avoid undue delays in releasing information.

Review and sign-out process can reflect an agency’s risk tolerance. In our review of a sample of the Ministry’s OIA files, we saw some examples of the OIA review process being swift and pragmatic, but others where the process included multiple layers, which may impact on timeliness and transparency.

A risk to timeliness compliance

The Ministry has some good practices in place to help ensure timeliness compliance is in balance with its review processes. The OIA Team engages with roles it identifies as being required to review responses as early as possible in the OIA handling process, so they are forewarned, and we often saw reviewers being very responsive to requests to review draft OIA responses.

However, in one file we reviewed, the review process involved six layers of review, and staff we spoke to advised us the process could sometimes involve seven or more review layers. In the example we saw, the number of roles involved in reviewing the response may have

⁶ Link to website of the Office of the Ombudsman [Proactive release: Good practices for proactive release of information](#).

contributed to the response being delayed beyond the date it was due to the requester, which had already been extended by the Ministry.

Adding contextual information

Staff, including the Director General, spoke about the value of adding contextual information to OIA responses to assist requesters' understanding of the topic. Generally, we are supportive of this approach where it does not impede an agency's statutory timeliness obligations. However, the Director General stated that when they are dealing with OIA requests which hold a perceived risk for the agency *'(t)hen we become extra careful and sometimes we take a bit longer to see if there are ways we can help that person understand what it is we're trying to do.'*

This is another example of the culture of risk aversion which some staff spoke of in our agency questionnaire. The Director General's approach of taking more time to respond to a request than necessary in order to guide requesters' understanding of the topic could be received as a tacit message about his approach to the OIA that staff will absorb whether or not the Director General explicitly states this as the Ministry's official policy. At essence, it endorses prioritising reputational risk management over OIA compliance.

While we generally support providing useful contextual information where it does not impede timeliness, it is not a requirement of the OIA that agencies must do so. Nor is it required that the requester understand information in a way that aligns with the agency's interpretation. It is, however, a requirement of the OIA that decisions on requests are made and communicated to requesters as soon as reasonably practicable⁷ and information is provided without 'undue delay'.⁸

We would be concerned if an agency delayed providing information to a requester, even if its intent were to be helpful. We remind MPI that quality control is important, but timeliness is a legislative requirement and must be prioritised. It is important that this expectation is clearly communicated and modelled by senior leaders and reflected in MPI's OIA policy and practices.

The role of Public Affairs in OIA review

I am concerned about the role of 'Public Affairs' in MPI's OIA sign-out process. The Ministry's OIA guidance requires that draft OIA responses are provided to 'Public Affairs' in hard copy where the response is considered sensitive and requires their review. However, 'Public Affairs' is the name of the directorate the OIA Team is placed in; it does not identify a specific role or decision-maker. In practice, this creates opacity around who is providing input.

Based on discussions with staff, we understand that the review from 'Public Affairs' is typically conducted by a senior member of staff at Deputy Director General or Principal Advisor level and, in its response to my provisional opinion, the Ministry clarified that a 'Public Affairs' review in the OIA context refers to *'a forum of senior Public Affairs leaders' comprising 'the*

⁷ Link to [OIA](#) s 15(1)

⁸ Link to [OIA](#) s 28(5)

Deputy Director General Public Affairs, alongside senior advisors and relevant Public Affairs directors, and may also include leadership from subject matter teams.’ However, this is not always clear in the documented process, and references to input or approval from ‘Public Affairs’ within OIA sample files often refers to a reviewer only by the acronym ‘PA’, not to an actual person/people or role(s). This could make it difficult to attribute responsibility for input on OIA responses.

The lack of transparency is compounded by the way feedback from Public Affairs is conveyed and recorded. Staff advised us that input from ‘Public Affairs’ is typically provided orally to an OIA advisor rather than being documented (for example, by email or tracked changes in the draft OIA response). The OIA advisor then incorporates suggested changes into the draft response. As a result, neither the identity of the individual within Public Affairs who proposed the changes, nor the nature of their input, is captured in any document versions or other reliable record.

The combined effect is reduced transparency around who has influenced the content of OIA responses and on what basis. As noted above, maintaining a clear audit trail is a core aspect of good administrative practice and supports accountable decision making. Processes that obscure the identity of contributors, or fail to document their input, risk undermining a culture of openness and transparency in an agency.

In response to my provisional opinion the Ministry affirmed that it ‘recognise(d) the importance of maintaining a clear and transparent record of how decisions are reached...’ It stated:

MPI will maintain review and sign-out processes that are proportionate, and that the addition of contextual information does not affect our ability to meet statutory timeliness obligations. We will maintain a clear audit trail of substantive input into OIA responses, including input provided through the Public Affairs review process.

The Ministry also committed to reflecting these outcomes in its refreshed OIA policy.

Action point

Review and update the OIA review and sign-out process ensuring that:

- The number of steps required is proportionate and the addition of contextual information does not impede OIA timeliness obligations.
- A clear audit trail is maintained of substantive input on draft OIA responses, including input from ‘Public Affairs’.

Interactions with Ministers’ offices on departmental OIA requests

It is the responsibility of senior leaders to ensure there is clear direction around the interaction between Ministers’ offices and the Ministry on OIA requests. In this investigation we focus on departmental OIA requests—which may require interaction with Ministers offices either on a ‘no surprises’ or a consultative basis—not Ministerial OIA requests.

Interactions between agencies and Ministers' offices in relation to departmental OIA requests require careful management to ensure that agencies maintain decision-making independence in accordance with OIA obligations.⁹ It can be appropriate for Ministers' offices to be informed about information releases that may generate public, parliamentary, or media interest. This reflects the 'no surprises' convention described in the Cabinet Manual,¹⁰ and on which basis an agency may provide draft OIA responses to Ministers' office on a 'for your information' (fyi) basis. However, 'fyi' processes should not operate in a way that delays responses or creates uncertainty about who is responsible for making decisions under the OIA.

We were encouraged to see that the Ministry clearly distinguish between requests sent to Ministers' offices on an 'fyi' basis and those involving consultation. We saw examples where agency staff communicated clearly to Ministers' offices that material was being provided for information only and that no response from the office was expected or required. This is good practice which helps to reinforce the Ministry's responsibility for making independent decisions on departmental OIA requests.

However, we also heard from staff that, in practice, the agency seeks where possible to provide draft responses to Ministers' offices up to five working days before the maximum allowable timeframe for communicating a decision under the OIA.¹¹ In response to my provisional opinion, the Ministry confirmed its *'standard practice is to allow up to five working working days for Ministers's offices to consider material provided to them...'* but gave an assurance that this *'does not override MPI's statutory obligations under the OIA...This is reflected in our current on-time response rate of 97.6 percent.'*

While a five working day timeframe may be appropriate in some circumstances—particularly where substantive consultation is required, as the Ministry noted in its response to my provisional opinion—it should rarely require a full five days for a Minister to be informed on an 'fyi' basis.

Senior leaders should ensure the process of interacting with Ministers' offices is carefully managed to ensure it does not adversely affect the agency's ability to comply with its obligations under the OIA, including the requirement to make and communicate decisions on requests as soon as reasonably practicable.¹² This is the primary timeliness obligation for agencies under the OIA and it is not necessarily reflected in the timeliness statistics reported to, and published by PSC, which is based on the number of OIA requests responded to within 20 working days, the maximum allowable timeframe under the OIA.

A lengthy 'fyi' process risks creating avoidable delay and may contribute to a perception that ministerial awareness is being prioritised over timely release to requesters.

We encourage the Ministry to review its practices on interacting with Minister's offices on departmental OIA requests, identifying opportunities where its obligation under the 'no

⁹ Link to [OIA s 15\(4\)](#)

¹⁰ See link to [the Cabinet Manual](#) at 3.26

¹¹ Being 20 days after the day the request is received – see link to [OIA s 15\(1\)](#)

¹² See link to [OIA s 15\(1\)](#)

surprises’ principle can be satisfied by providing the response to the Ministers office at the same time, or slightly before it is sent to the requester rather than a number of days in advance. It may also streamline the process to identify opportunities where it is appropriate to provide Ministers’ offices the topic only, or a brief synopsis of the response rather than the proposed response in its entirety.

In response to my provisional opinion the Ministry stated that it *‘will consider its processes for interacting with Ministers’ office on departmental OIA requests, including under the ‘no surprises’ convention, as part of the review of its OIA policy.’*

We also heard that discussions may sometimes occur orally between agency staff and Ministers’ offices regarding departmental OIA responses. There is nothing inherently inappropriate about such discussions. However, where substantive discussions occur about the proposed release of official information, it is important that appropriate records are created and maintained. Maintaining clear records of substantive interactions supports transparency and accountability, and it will help to clearly demonstrate that the agency has retained responsibility for decisions made under the OIA.

In response to my provisional opinion the Ministry noted that it *‘expects that substantive discussions relating to OIA responses, including those with Ministers’ offices, are appropriately recorded, and will continue to promote consistent practice in this area.’*

We consider there would be value in the Ministry developing a written protocol or guidance document governing interactions with Ministers’ offices in relation to departmental OIA requests. Clear guidance of this nature can help ensure ongoing good practice in respect of the distinction between consultation and ‘fyi’ processes, ensure clarity around which staff members are responsible for interacting with Ministers’ offices on OIA responses, and detail an escalation process in the event of differences of opinion. Guidance could be based on the Ombudsman’s *Model protocol on dealing with OIA requests involving Ministers*,¹³ which is endorsed in the Cabinet Manual.¹⁴

The Ministry affirmed, in its response to my provisional opinion, that *‘guidance on Ministerial interactions on departmental OIA requests will be developed as part of the review of our OIA policy.’*

Action point

Review and update the Ministry’s process of interacting with Minister’s offices on an ‘fyi’ basis for departmental OIA requests.

Ensure full and accurate records are kept of substantive discussions about OIA responses, including those between Ministers’ offices and the Ministry.

Develop guidance or an agreement regarding ministerial interactions on departmental OIA requests and consider publishing the document.

¹³ See link to [Model protocol on dealing with OIA requests involving Ministers](#)

¹⁴ See link to [Cabinet Manual](#) at 8.53

Performance monitoring and learning

OIA data collection and reporting to senior leaders

An agency's commitment to the OIA is reflected in how it monitors its own performance and pursues continuous improvement. We expect senior leaders to oversee their agency's practice and compliance with the OIA, the effectiveness of its structures, resources, capacity and capability through regular reporting.

OIA performance reporting to senior leaders at MPI appears limited. In response to our agency questionnaire, the Ministry advised that its primary OIA reporting to senior leaders relates to the six-monthly mandatory reporting provided to the Public Service Commission, which is focused largely on timeliness metrics, and ultimately is made public: *'Our leadership team receive data every six months before it is provided to PSC which includes all departmental OIA, Minister's OIA, media OIA requests and any proactive release of Cabinet papers.'* While this demonstrates an awareness of the importance of accountability for statutory compliance with the OIA, there appears to be less emphasis on using OIA performance information as an internal organisational learning and improvement tool.

The agency provides more frequent reporting to senior leadership on performance against service targets for Ministerial servicing and Ministerial OIA requests: *'Our leadership team also receive data quarterly for the Service Performance Measure Policy Advice and Ministerial Servicing Development and Implementation of Primary Industries Policy Advice Multi-Category Appropriation. This includes Ministerial OIAs and this figure is also published in our Annual Report.'*

This suggests that areas associated with ministerial risk and responsiveness receive a greater degree of oversight and performance monitoring than departmental OIA requests made by members of the public. Given the central democratic purpose of the OIA in promoting public participation, accountability, and transparency in government decision-making, there is an opportunity for the agency to place greater focus on how effectively it is serving the public through internal reporting on its departmental OIA processes.

It was encouraging to see the agency's OIA team making use of OIA performance information to identify areas where improvements could be made to OIA handling by offering additional support, guidance, or training:

We use a mix of quantitative and qualitative signals to target support including daily reporting to spot emerging themes, and regular team discussions to identify where requests are clustering or where extra guidance would be helpful. A recent example was a spike in requests relating to the Fisheries Act Amendment Bill, where we brought relevant SMEs and OIA staff together to align scope, coordinate information gathering and approval steps, and consider options for proactive release to reduce repeat requests.

This is a good example of performance monitoring being used not just to assess compliance, but as a tool to drive continuous improvement. There would be value in the senior leadership level taking the lead on using OIA performance reporting for this purpose.

More frequent, qualitative reporting to senior leaders on departmental OIA performance could support a stronger culture of continuous improvement and openness across the organisation. For example, reporting could extend beyond timeliness data to include trends in delays, use of withholding grounds, complaint outcomes, proactive release activity and quality assurance findings (discussed further under Quality Assurance). This may assist senior leaders to identify areas where support and/or training is required, monitor OIA handling capacity and capability, and reinforce the importance of the OIA as a core public service function rather than solely a compliance obligation.

In its response to my provisional opinion the Ministry stated:

MPI acknowledges the opportunity to strengthen how OIA performance information is reported to senior leaders, including the use of qualitative insights. We will consider how this can be incorporated into existing reporting practices in a way that supports continuous improvement and is proportionate to the resources available.

Action point

OIA reporting to senior leaders should be more frequent and should include qualitative data in accordance with our suggestions with a view to using this data to drive continuous improvement and identify areas where support, training and capacity is required.

Quality assurance

An important part of performance monitoring is that it enables an agency to learn from previous practice to inform future practice. While the Ministry has a robust review process in place (discussed earlier in [Review and sign out processes](#)), it does not have a quality assurance process. Quality assurance is conducted once the process of responding to an OIA request is complete, and it has a broader focus on the effectiveness of the process as a whole.

There is a wealth of qualitative data to be gained from incorporating quality assurance into the OIA process. When analysed effectively, this can be used to inform improvements in the OIA process, including:

- ensuring consistency in the agency's approach across similar requests;
- determining the reason for delays; and
- identifying training and capability needs.

There may be benefit in the Ministry developing a formal quality assurance system where a sample of closed OIA files are reviewed on a periodic basis to ensure consistency of decision-making and the identification of risks and vulnerabilities. It may also help identify examples of

good practice that can be shared more widely, thereby supporting a culture that is supportive of information disclosure under the OIA.

The Ministry noted in its response to my provisional opinion that its Customer Resolutions team, which responds to Ombudsman complaints about its OIA responses, shares feedback from that process with the OIA team and senior leaders. It will *'consider the development of a formal quality assurance framework to complement or replace our existing quality and improvement practices for OIA requests.'*

We acknowledge the value of obtaining qualitative data through the complaints process, while noting that relying on this pathway for feedback is purely reactive, whereas instituting a quality assurance framework as described above, would allow the Ministry to focus proactively on areas where it wishes to drive improvement.

Action point

Consider conducting quality assurance of a sample of completed OIA requests and reporting outcomes to senior leaders.

