



Final opinion of the Chief Ombudsman

**Official Information Act compliance and practice in
Ministry for the Environment |
Te Manatū mō te Taiao**

June 2026



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Manatū mō te Taiao**

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Introduction

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

This report sets out our observations on how the Ministry meets the requirements and purposes of the Official Information Act 1982 (OIA) against our indicators of good practice.¹ Our investigation focussed on the dimensions of leadership and culture, and performance 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 – 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 specifically, and of the importance of openness more generally.

Accurate performance reporting is also crucial for responding to demands and reprioritising 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, addressed and, in effect, create a feedback loop.

At the time of writing this report, the Ministry is entering a transformative phase as it moves toward a merger into a new agency in July 2026. This new entity, the Ministry of Cities, Environment, Regions and Transport (MCERT), will integrate the Ministry's environmental stewardship with transport, housing, and local government functions.

During the period of this investigation the Ministry was led by James Palmer, who served as the Secretary for the Environment and Chief Executive from March 2023 until early 2026. Throughout this report Mr Palmer will be referred to as 'the Chief Executive'.

Methodology

As part of this investigation, we gathered evidence through:

- a staff survey;
- an agency questionnaire;
- interviews with staff, involved in different aspects of the OIA process;

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

- a review of a sample of OIA files;² and
- Chief Executive questionnaire and interview.

These sources are referred to throughout the report.

My opinion

I have not identified any conduct by the Ministry that was wrong, unreasonable or contrary to law under the Ombudsmen Act 1975. As such, I have not made any formal recommendations. However, good practices have been identified, as well as some opportunities for the Ministry to improve its OIA compliance and practice.

It was encouraging to hear from staff that the Chief Executive had set the tone for the agency by focusing on the intent of the OIA, prioritising OIA requests as a core function, and engaging more effectively with requesters. The Ministry maintains a proactive strategic approach to the OIA, demonstrated through strong executive stewardship and a culture of continuous improvement of OIA practice. Active executive oversight has fostered a positive OIA culture within the Ministry, prioritising statutory obligations alongside a sustained lift in OIA timeliness. Notably, I welcome the Ministry's efforts to look behind reported OIA statistics to analyse the specific factors driving the agency's performance, providing clear visibility of the Ministry's capacity or capability needs that basic timeliness data might not fully capture.

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.

In its response to my provisional opinion the Ministry advised that it accepted most action points, while noting that the implementation of some would have to be the decision of the MCERT Chief Executive and leadership team once that entity is operational. The Ministry stated as follows:

The Action Points are well reasoned and a combination of actions that can be implemented immediately and actions that can be considered/pursued through the integration of the four ministerial services functions in MCERT.

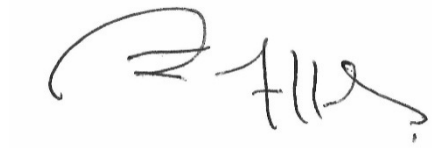
The Ministry advised that it would recommend MCERT implement (or continue to implement) most action points '*as the ministerial servicing functions are integrated [in MCERT] over the coming months*'.

We look forward to tracking MCERT's progress on implementing our action points over the coming year, during which time my Office will seek periodic updates.³

² The sample file review was not intended to determine the substantive merits of the specific decisions made on those files, but rather to evaluate the underlying processes and what these indicate about an agency's OIA leadership, culture and performance.

³ Because MCERT is the statutory successor to the Ministry for the Environment, and its Chief Executive assumes the responsibilities of the Secretary for the Environment, my Office will continue its follow-ups directly with MCERT.

We would like to extend thanks to the Ministry for the positive and open way it engaged with this investigation. In particular, our thanks go 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.

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 OIA and to actively foster a culture of openness within the agency.

Messaging to staff

Senior leaders should make clear, regular statements to staff and stakeholders in support of the principle and purposes of the OIA, reminding staff of their obligations. Staff receive signals from senior leaders not only through overt messaging but through their actions, including role-modelling openness and providing staff with the systems, resources and support to facilitate the timely release of information.

During this investigation, the Ministry's staff were surveyed about their impressions of the Ministry's commitment to a culture of openness.⁴ Of those who responded, the majority rated the agency as being strongly or moderately pro-openness as indicated below:⁵

Staff survey respondents' impressions of the agency's overall commitment to a culture of openness:

Strongly or moderately pro-openness	Strongly or moderately anti-openness	It is silent on the issue or 'I don't know'
93%	3%	4%

Respondents' comments on the culture were overwhelmingly positive, for example:

Our Senior Leadership team frequently talks about transparency in line with our role as public servants.

Feels like a good culture of pro-active release where appropriate and a default position of openness.

Although open disclosure is resource intensive, it is prioritised by leadership and staff alike.

MfE has a very high standard of openness, transparency, and provides all the instruction and leadership to maintain this standard.

⁴ There were 252 individually verified responses to the Ministry's staff survey. Respondents were not required to answer each survey question and the number of responses per question varied.

⁵ This question was answered by 228 survey respondents. Percentages have been rounded to the nearest whole number.

My manager and [General Manager] regularly emphasise the importance of transparency. They model openness by communicating across teams, being candid about challenges...

I see acceptance across the agency of the importance of the OIA and of us as public service adhering to its intent

Interviews with staff highlighted a cultural shift following the Chief Executive's appointment in 2023. Staff said that the Chief Executive has set a tone for the agency by focusing on the intent of the OIA,⁶ prioritising OIA requests as a core function, and engaging more effectively with requesters. Interviews indicated that this messaging has cascaded throughout the organisation, with the executive leadership team communicating these expectations across all business areas.

It is encouraging to see this leader-led shift, which has coincided with an upward trend in the Ministry's reported OIA timeliness (discussed in '[PSC reporting](#)' below).

Senior leaders' messages are delivered to staff through various channels such as all-staff meetings, emails and fortnightly blogs maintained by the Chief Executive and tier two managers. For example, an email from the Office of the Chief Executive included the following statement:

Responding to Official Information Act (OIA) requests is a cornerstone of transparent and accountable Government. Ensuring our responses are accurate and appropriately managed is essential to maintaining the trust and confidence of our Ministers and the public...

The Ministry's OIA training has also been instrumental in fostering an OIA-focused culture and was praised by many staff during interviews and surveys as engaging and informative. The recent training session was promoted by the Office of the Chief Executive and included the following statement:

Being able to request and access official information is part of New Zealand's constitution. It allows the public to participate in our democracy and hold government and the State sector to account.

In addition to statements, senior leaders signal their commitments through action, further evidencing the Ministry's positive culture shift as described by staff.

For example, the Ministry advised that its OIA team⁷ was recently moved into the Office of the Chief Executive and under the oversight of the Chief of Staff (a tier two manager) to elevate

⁶ The intent of the OIA is expressed through its statutory purposes outlined in section 4 of the Act. This establishes that the OIA's purposes are to progressively increase information availability to enable public participation, promote government accountability, and protect official information where this is warranted to the extent consistent with the public interest.

⁷ The Ministry's OIA function sits within a team called 'Ministerial Services team' which, in addition to responsibilities around OIA and proactive releases, also handles the Ministry's ministerial correspondence, written parliamentary questions, and providing weekly updates to ministers.

‘the team’s visibility and influence’. This move was supported by the appointment of a permanent Ministerial Services Manager tasked with monitoring performance targets, improving OIA timeliness and resourcing.

The Chief Executive explained during an interview that he made the decision to move the OIA team because the OIA function was *‘mission critical to everything else the organisation does’* as it *‘define[s] the extent to which the organisation is seen as trusted and responsive’* and *‘adhering to the drivers of our democracy’*. This high-level support was mirrored by staff, who reported in surveys and interviews that the OIA team is highly regarded and wields significant influence across the organisation.

Senior leaders should continue to support and enhance the Ministry’s positive OIA culture, especially as some areas for improvement were identified in the staff survey.

When asked about their impressions of the signals⁸ sent by leadership about the disclosure of information under the OIA specifically, we note that a reasonable percentage of survey respondents indicated that they did not know or thought the Chief Executive and tier two leaders were silent about the disclosure of information under the OIA (32 percent and 33 percent respectively). These results are below:

Staff survey respondents’ impressions of the signals sent by leadership about the disclosure of information under the OIA⁹

	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	68%	0%	32%
Tier two leaders	64%	4%	33%

While survey results indicate a positive perception of the Ministry’s overall commitment to openness in general, there is an opportunity for senior leaders to more visibly and regularly signal their support for the OIA. Senior leaders may wish to send more communications to staff (e.g. via meetings, emails, the intranet and high-level statements in the agency’s internal guidance and training materials) reinforcing the importance the Ministry attaches to complying with the principle and purposes of the OIA.

To build on the Ministry’s approach and reach of training as a tool for delivering OIA messages, the Ministry could consider implementing mandatory OIA training for all staff with regular refreshers delivered at appropriate intervals. This approach would be particularly beneficial given the Ministry’s OIA processing model, where any staff member may be involved in

⁸ ‘Signals’ could include specific messaging from leaders about the OIA, or actions demonstrating support for the disclosure of information under the OIA.

⁹ This question was answered by 228 survey respondents. Percentages have been rounded to the nearest whole number.

handling an OIA request. It would also support the collaborative process between the OIA team and subject matter experts when discussing how withholding grounds apply to technical information.

Senior leaders should role-model a commitment to the OIA by participating in the same training as their staff, especially as an over-reliance on past experience rather than up-to-date knowledge can lead to outdated practices becoming embedded in the agency. Role-modelling an internal culture of refresher OIA training can also be a practical reflection of the Ministry’s commitment to continuous improvement practices.

Finally, implementing regular mandatory training on the OIA for all staff will help improve the Ministry’s OIA practices in line with suggestions outlined in [‘Communicating decisions on OIA requests’](#) and [‘Ensuring transparency in OIA decision-making’](#) below.

Action points
The Chief Executive and senior leaders should look for further opportunities to promote the importance of the OIA.
Senior leaders should consider implementing mandatory OIA training and regular refreshers for all staff, while role-modelling a commitment to the OIA by participating in the training themselves.

OIA strategy

To promote a positive OIA culture, senior leaders should establish an effective OIA strategic framework describing how the agency intends to achieve:

- compliance with the OIA;
- good OIA practice;
- a culture of openness and continuous improvement; and
- participation and access to information by the public and stakeholder groups.

Although the Ministry does not currently have a formal OIA strategy, it maintains a proactive strategic approach to the OIA, demonstrated through strong executive stewardship and a culture of continuous improvement of OIA practice.

One clear reflection of the Ministry’s strategic approach is the placement of the OIA team within the Office of the Chief Executive and under the oversight of the Chief of Staff. This signals that information disclosure is a core strategic priority for the Ministry, rather than a routine compliance exercise. Staff interviews confirmed that this structural elevation allows the OIA Manager to focus on high-level improvements to the Ministry’s OIA practices, while a dedicated team leader manages the daily handling of OIA requests.

Strategic statements pertaining to the OIA are included in an internal document titled *‘Plan on a Page’*. This outlines the role of the Office of the Chief Executive and expresses the Ministry’s

‘commitment to facilitate the timely release of accurate official and parliamentary information’, ‘building trust and confidence’ and ensuring ‘accountability to the public’.

It is positive that the Ministry translates these commitments into action through ‘quarterly workplans’ for OIA improvements with such ‘deliverables’ as implementing new OIA guidance and updating OIA templates to include ‘clearer prompts’ for staff. Notably, in line with senior leaders’ focus on the intent of the OIA, the workplans included, as a ‘key development focus’, *‘embedding the new Cabinet paper proactive release process with a view to increasing organisational compliance with the target of releasing material within 30 working days’.*

The progress on the OIA deliverables is closely monitored by the OIA team through regular ‘check-ins’ within quarterly workplans, providing a robust roadmap for the operational delivery of the planned improvements.

The Ministry further demonstrated its culture of continuous improvement and root cause analysis by a recent internal OIA review after sensitive information (that should have appropriately been withheld) was accidentally released in an OIA response. Following this, the Ministry promptly updated its OIA processes to address root causes.

Overall, it is commendable that the Ministry’s senior leaders have been fostering a strategic approach to the OIA, and to openness and transparency. The Ministry is currently in a good position to embed this culture into permanent practice by elevating it into a formal OIA strategy. The ‘Plan on a page’ and the quarterly workplans may serve as strong foundations for this process and can be utilised to translate the existing operational plan of OIA practice improvements into a high-level, agency-wide OIA strategy.

Implementing an OIA strategy is particularly important for the Ministry as it is currently undergoing organisational transition (merger into MCERT) and leadership change (the recent departure of the Chief Executive). To help prevent dilution of the Ministry’s positive culture and practices following these changes, senior leaders should consider formalising them as visible blueprints for the incoming MCERT, clearly signalling OIA excellence as a core stewardship responsibility.

An OIA strategy may formalise the following positive aspects of the Ministry’s OIA culture and practices:

- the Ministry’s current focus on the *intent* of the OIA and prioritising effective engagement with requesters when handling OIA requests (discussed in [‘Messaging to staff’](#) above);
- clear accountability at the senior leadership level to champion openness and transparency, while empowering an OIA strategic lead (e.g. OIA Manager) to focus on embedding the OIA strategy into the Ministry’s daily operations, translating them into practice improvements as required;
- maintaining a direct reporting and/or advisory line between the OIA strategic lead and the executive leadership team to ensure OIA resourcing and workload risks are visible at

the highest level and can be addressed proactively (discussed in [‘Internal OIA reporting’](#) below).

Action point

Senior leaders should consider formalising current positive practices into an OIA strategy to serve as a visible blueprint for the incoming MCERT, ensuring that OIA excellence is maintained as a core stewardship responsibility during the organisational transition.

Interactions with Ministers on OIA requests

Our investigation focused on OIA requests made to agencies – ‘departmental’ OIA requests – as opposed to Ministerial OIA requests, which are those for information held by, or more closely connected to, a Minister.

There is no requirement in the OIA for agencies to advise their Ministers about departmental OIA requests received and decisions made. However, both the OIA and the Cabinet Manual make provision for agencies to consult their Minister prior to a decision being made, where reasonably necessary.¹⁰ The decision maker on departmental OIA requests remains the Chief Executive (or an official of the department whom the Chief Executive has duly authorised).¹¹

In addition, the Cabinet Manual recognises that the relationship between Ministers and chief executives should be guided by the ‘*no surprises*’ principle. This principle is defined in the Cabinet Manual and states:¹²

As a general rule, [officials] should inform Ministers promptly of matters of significance within their portfolio responsibilities, particularly where these matters may be controversial or may become the subject of public debate.

In its response to the agency questionnaire, the Ministry outlined its practices for interacting with Ministers’ offices on departmental OIA requests (i.e. OIA requests addressed to the Ministry, rather than the Minister):

The Ministry does not provide Ministers with responses to its departmental OIA requests as a matter of course.

Departmental OIA requests may be shared with Ministers’ offices when they supplied the information within scope of the request, the request concerns ministerial functions or activities, or the release could affect ministerial functions or activities.

¹⁰ Consultation may be reasonably necessary when the requested information is of concern to the Minister – for example, because they supplied the information or it is about their functions or activities.

¹¹ See link to [section 15\(4\) of the OIA](#).

¹² See link to the [Cabinet Manual, para 3.26\(a\)](#).

During interviews, staff confirmed their understanding of the Ministry's decision-making authority under the OIA, i.e. that the final responsibility for departmental OIA decisions rests solely with the Ministry, rather than Ministers' offices.

This understanding was reflected in the Ministry's sample OIA files. For example, in one file, which involved a consultation with a Minister's office, there was clear evidence of the Ministry considering views put forward from the Minister's office while maintaining the independence of its OIA decision-making and weighing Ministerial input against public interest considerations.

However, our file review showed a lack of clarity among Ministry staff seconded to Ministers' offices. Their use of language such as *'good to go'* or *'approve the document being released'* incorrectly implied that the Minister's office can *'approve'* departmental OIA responses sent to them on a 'no surprises' basis. While current OIA staff appear confident in asserting the Ministry's statutory responsibility for OIA decision-making, this inaccurate terminology risks confusing newer staff and should be discouraged.

Such framing is especially concerning as it is consistent with perceptions expressed by some Ministry staff in our online survey that the agency's decisions on OIA requests may be unduly influenced by Ministers' considerations of political risks and Ministry staff prioritising good relationships with Ministers' offices over compliance with the OIA. While we found no specific evidence of this based on our review of the Ministry's sample OIA files, the perception among some staff that such influence occurs represents a vulnerability.

To help address staff's perceptions and provide clarity, the Ministry may wish to develop written agreements with the Ministers' offices to reinforce mutual understanding that the Chief Executive (or their delegates) holds the statutory authority for decisions on departmental OIA requests. To reflect this, the agreement may stipulate the following:

- clear specific criteria that determine when a request requires consultation (Minister's input prior to the Ministry's decision on a request) versus notification (an 'FYI' of the Ministry's decision in accordance with the 'no surprises' principle);
- timeframes for feedback from the Minister's office (to help prevent undue delays in OIA processing);
- use of standardised templates for ministerial interactions including appropriate language for consultations, e.g. making it clear that the Ministry is not seeking clearance or approval from a Minister on responses to departmental requests;¹³ and
- all feedback from Ministers' offices must be in writing and kept on the OIA file (retaining detailed records will make clear that the Ministry is acting independently in line with its decision-making responsibilities under the OIA).

¹³ When developing template letters for corresponding with the Ministers' offices, the Ministry may wish to refer to wording used in the Ombudsman's [Template letter 25: Consultation with third parties](#). For example, the template may set a clear deadline, noting that failure to respond may result in a decision being made without the input from the Minister's office.

In developing the agreement, the Ministry may wish to refer to the Ombudsman's Model protocol¹⁴ and the guide *'Dealing with OIA requests involving Ministers'*.¹⁵

To ensure the agreement is effective, senior leaders should incorporate its terms into regular staff training, guidance and targeted messaging to staff to build a shared understanding of the Ministry's independent decision-making authority and the specific boundaries of ministerial interaction.

In its response to my provisional opinion, the Ministry stated that it has already started implementing the above suggestions in that it recently agreed with Ministers' Offices that *'a new process for providing visibility of when departmental OIA responses requiring consultation and notification will be provided to offices'*.

The Ministry also advised that *'[t]he Manager Ministerial Services will recommend this action point is adopted as the ministerial servicing functions are integrated [in MCERT] over the coming months'*.

We commend the Ministry for the above actions and look forward to engaging with MCERT to follow up on its progress in implementing our suggestions over the coming year.

Action point

Senior leaders should consider developing formal agreements with Ministers' offices on handling departmental OIA requests.

Oversight of OIA compliance and practice

Senior leaders should demonstrate support for the OIA by providing clear oversight of the agency's OIA compliance and practices. As the Chief Executive and his delegates are legally responsible for OIA decisions, senior leadership is accountable for ensuring OIA practices are lawful and align with good practice. This stewardship requires active monitoring of the OIA system to address any risks to statutory compliance. In addition, 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.

Communicating decisions on OIA requests

When making decisions on OIA requests, senior leaders must ensure that the agency does not communicate its final decision until it has reviewed all information within scope, identified any material to be withheld under the OIA, and completed all required consultations or approvals.¹⁶

¹⁴ See link to the Ombudsman's [Model protocol on dealing with OIA requests involving Ministers](#)'.

¹⁵ See link to the Ombudsman's guide [Dealing with OIA requests involving Ministers](#)'.

¹⁶ See link to [Kelsey v The Minister of Trade \[2015\] NZHC 2497](#), at [108]. For further discussion, see link to the Ombudsman's case note [Deficiencies and delays in decision-making process and release of official information](#)'.

Our review of the Ministry's sample OIA files identified one instance suggesting that the Ministry communicated its decision on an OIA request before all necessary consultations were completed. While one occurrence is not indicative of a systemic issue, it may point to an area of potential vulnerability.

To address this, senior leaders and OIA guidance should reinforce that OIA decisions may only be communicated to a requester¹⁷ once all information within the scope of a request has been reviewed and a decision made by an authorised decision maker. Rather than communicating a 'provisional' decision, the Ministry should either extend the time limit of the request (where the legal criteria for an extension¹⁸ are met) or report the response as delayed. This approach ensures the Ministry's practice aligns with the OIA and that its OIA reporting (discussed in ['PSC reporting'](#)) accurately captures both valid extensions (which for reporting purposes are counted as 'on time') and instances where responses are delayed.

The Ministry's OIA guidance and processes (including templates) should be reviewed to ensure alignment with the above suggestions. Any updates should also be reflected in OIA training.

I am pleased that, in response to my provisional opinion, the Ministry has advised it will amend its OIA template memo and communicate these changes to staff. Furthermore, the Ministry will recommend that these updated practices continue to be embedded across MCERT.

Ensuring transparency in OIA decision-making

To protect the integrity of the Ministry's decisions on OIA requests, senior leaders should champion a culture of comprehensive record-keeping and embed it within OIA guidance, ensuring that the agency maintains a full audit trail of the OIA decision-making process. This includes documenting the detailed grounds behind any refusal or withholding of information, rather than just reciting statutory clauses.

The evidentiary basis for all decisions should be appropriately recorded, including all substantive internal discussions. This information helps staff locate similar, previous requests to ensure consistency in decision-making or justified departures from any past responses. It also helps the public understand why decisions have been made. If a complaint is made to our Office, the agency can more readily explain why it came to the decision *at the time it was made*, which may expedite resolution of the complaint.

It is positive that our review of the Ministry's sample OIA files shows that the decision-making process is consistently documented via a template memo. This document records the

¹⁷ See link to [section 15\(1\) of the OIA](#).

¹⁸ See link to [section 15A of the OIA](#). Also, see link to the Ombudsman's case note '[Unreasonable extension of time limit for internal consultations](#)'. For example, while routine peer reviews and sign-outs are part of the standard decision-making process and do not justify an extension, internal consultations can be valid grounds if they involve, for example, subject matter experts or legal advisors when they are not the decision-makers. To qualify, these consultations must be discrete from the decision-making processes such as peer review and sign-out.

background of the request, identifies the internal and external parties consulted, and outlines the statutory sections of the OIA used as the reasons for refusing or withholding information.

However, while these memos cite the relevant sections, they often lack the underlying reasoning or specific grounds for their application.

Therefore, to safeguard future OIA compliance and enhance transparent decision-making, senior leaders should ensure that full records are kept of the Ministry's reasoning and grounds when refusing requests¹⁹ or withholding information.²⁰ The evidentiary basis for decisions should be captured by recording all substantive internal discussions (including those held via in-person meetings, phone calls or Microsoft Teams).

The Ministry's OIA guidance and processes (including templates) should be reviewed to ensure alignment with the above suggestions. Any updates should also be reflected in OIA training.

In its response to my provisional opinion, the Ministry has advised that '*[t]his work is already underway and has been a key focus for the Ministerial Services Manager for this calendar year*'. The response stated that the Ministerial Services Manager has set the expectation that the OIA memo include '*meaningful analysis of the grounds applied, the rationale for why and how the ground applies, and where applicable, any public interest considerations*'.

In relation to record keeping, the Ministry's response outlined its planned implementation of our suggestions as follows:

The Manager Ministerial Services will issue a reminder to our OIA practitioners about this action point and as part of her post-sending checks/audits will assess the quality of record-keeping, providing feedback to individual OIA practitioners.

Finally, the Ministry advised that it would recommend that these updated practices continue to be embedded across MCERT.

Action points

Senior leaders should reinforce the requirement that a decision may only be communicated under section 15(1) of the OIA when it is final and settled, ensuring the Ministry uses formal extensions or report delays, where appropriate.

Senior leaders should set clear expectations for OIA records to document the specific grounds (rather than just the sections of the OIA) for withholding information and refusing requests.

¹⁹ For example, when refusing information under section 18(d), the decision-making memo can outline (among other aspects) that there was a pre-existing decision or a high degree of certainty that the specific information requested will be published. See link to the Ombudsman's guidance ['Publicly available information: A guide to section 18\(d\) of the OIA...'](#).

²⁰ For example, when withholding information under section 9 of the OIA, the Ministry's records should include an assessment of the prejudice or harm that would result from release, as well as the required public interest 'balancing exercise'. See link to the Ombudsman's guidance ['Public interest: A guide to the public interest test'](#).

Action points

Senior leaders should foster a culture of robust record-keeping where staff document substantive internal discussions, including those held via in-person meetings, phone calls or Microsoft Teams.

Messaging to the public

Senior leaders should foster a culture of openness by providing strong, visible messaging to the public about their agency's commitment to the principles and purposes of the OIA, anchored in published corporate documents and strategic plans (discussed in ['OIA strategy'](#)). Agencies should maintain a prominent OIA webpage featuring a leadership statement of support and clear requester guidance.

The Ministry has a dedicated OIA webpage which provides instructions for making OIA requests, along with links to recent responses to OIA requests and Cabinet papers and associated documents.²¹ The webpage also visibly outlines the principle of availability of information, which is positive.

The Ministry's corporate publications, i.e. the Annual Report 2024/25²² and Strategic Intentions 2025–29,²³ broadly frame transparency and accountability as foundational commitments to the New Zealand public. For example, the Strategic Intentions state:

The Ministry... must publish its strategic intentions at least every three years as part of a transparent, accountable public service.

From our review of these documents and the OIA webpage, it appears there is an opportunity for the Ministry to elevate its public signalling.

Senior leaders should consider how to better position externally the OIA as a specific strategic priority, consistent with its internal OIA strategy.²⁴ This might include updating the Ministry's corporate documents and OIA webpage to include high-level statements of commitment to both the letter and spirit of the OIA. To further signal transparency, the Ministry could also consider additional steps, such as publishing its internal OIA decision-making rules²⁵ and its own OIA performance data directly on its website.

²¹ See link to the Ministry's webpage ['Official Information Act requests'](#).

²² See link to the Ministry's [Annual Report 2024/25](#)

²³ See link to the Ministry's [Strategic Intentions 2025–2029](#).

²⁴ This may include elevating proactive release to a primary performance indicator.

²⁵ See link to [section 22 of the OIA](#). Under this section, requesters have a presumptive right to access documents containing 'policies, principles, rules, or guidelines in accordance with which decisions or recommendations are made'.

Action points

The Ministry should update its corporate documents and OIA webpage to include high-level statements of commitment to compliance with the letter and spirit of the OIA.

The Ministry should consider additional steps to signal transparency, such as publishing the Ministry's internal OIA decision-making rules and OIA performance data directly on its website.

Performance monitoring and learning

Agencies need to have an established system for capturing and analysing OIA data to inform meaningful, as well as appropriate performance measures. There should be regular reporting, monitoring, and learning from OIA data analysis and practice.

PSC reporting

In 2024 and 2025, the Ministry maintained strong OIA timeliness, even while navigating a demanding work programme²⁶ and resourcing constraints that necessitated a significant reduction in personnel during the agency's transition to a new operating model.²⁷

Building on a steady upward trajectory since early 2023, the Ministry completed 98.8 percent of OIA requests on time in the 2024 calendar year,²⁸ reaching an even stronger 99.75 percent timeliness in 2025.²⁹

The Ministry's OIA performance has shown significant and sustained improvement in the last several years. Reported OIA timeliness increased from 90 percent in early 2023³⁰ to 99.5 percent by late 2025. This trend reflects a positive shift in organisational culture (discussed in [‘Messaging to staff’](#)) and demonstrates effective oversight by the executive leadership team in prioritising statutory obligations.

To maintain this high standard, senior leadership should ensure that these statistics represent completed OIA requests that clearly differentiate between those subject to formal extensions (which for reporting purposes are counted as ‘on time’) and those that are delayed (discussed in [‘Communicating decisions on OIA requests’](#)). Reporting that an on-time decision has been made when this is not accurate, could mask vulnerabilities in the OIA handling process. It is important that this is brought to senior leaders' attention as it may indicate a systemic issue that should be addressed, such as a capability, capacity or processing concern.

Internal OIA reporting

The Ministry's senior leaders monitor OIA performance and practice through several channels.

²⁶ This primarily refers to the three-phase overhaul of the resource management system initiated in December 2023. Key delivery milestones during this period included the repeal of previous legislation, the introduction of the Fast-track Approvals Act 2024, and the ongoing development of the Planning and Natural Environment Bills to replace the Resource Management Act 1991.

²⁷ See link to the Ministry's [Annual Report 2023-2024](#), page 7.

²⁸ The 2024 calendar year statistics are an average derived from two reporting periods published by the PSC: January–June 2024 (99.5 percent) and July–December 2024 (98.1 percent). See links for [January-June 2024](#) and [July-December 2024](#).

²⁹ The 2025 calendar year statistics are an average derived from two reporting periods published by the PSC: January–June 2025 (100 percent) and July–December 2025 (99.5 percent). See links for [January-June 2025](#) and [July-December 2025](#).

³⁰ See link to the [PSC statistics for January-June 2023](#).

The OIA timeliness statistics are reported to senior leaders through monthly and quarterly reports. The Ministry's six-monthly OIA statistics, submitted to the PSC, are also provided to the Chief Executive and the Chief of Staff via a memo.

The Ministry's PSC memo reflects a diligent approach to monitoring OIA performance by explaining the drivers behind the Ministry's OIA statistics, e.g. a decrease in published OIA responses or an increase in extensions. For example, the sample memo (provided by the Ministry during this investigation) included the following context for the agency's proactive release performance:

We have seen good progress in the Ministry's proactive release of Cabinet papers... 70% of Cabinet papers were released, compared to 41% in the last reporting period.

... This indicates that messaging on the importance of the proactive release of Cabinet papers is having an effect and Cabinet paper release is a priority for the Ministry.

The Ministry's recent memo also documented how specific improvement measures (like new processes for proactive releases of Cabinet paper) have directly resulted in improved statistics for publishing Cabinet papers.

It is positive that, by focusing on the 'why' behind the numbers, the Ministry moves beyond simple data collection to help uncover the true drivers of performance. This approach provides senior leaders with a clear view of capacity or capability needs that basic timeliness data might not fully capture.

This robust reporting framework was reflected in staff's observations during interviews, where both OIA team members and subject matter experts from across the organisation reported feeling well-supported and equipped to handle their OIA responsibilities. Interviewees said that the reporting provides the executive leadership team with clear visibility of the Ministry's OIA practice and performance, enabling prompt resourcing decisions. Additionally, staff noted that the OIA team's specific placement within the organisational structure (discussed in ['Messaging to staff'](#)) creates a direct feedback loop with senior leadership, enabling swift action whenever a spike in requests occurs.

Overall, it is positive that the Ministry's current OIA reporting, enhanced by the OIA team's strategic placement and proximity to the executive leadership team, promotes organisational agility and facilitates timely identification of emerging resource requirements.

However, there are some opportunities for the Ministry to further improve its internal OIA reporting.

The Ministry stated in its response to the agency questionnaire that its internal OIA reporting does not currently include data on outcomes of OIA requests, i.e. where the Ministry refused a request or withheld information in response to a request.

We suggest that senior leaders receive reporting on these indicators to have clear visibility of OIA outcomes as part of effective stewardship of official information. For example, this data-

driven oversight will help senior leaders ensure that the principle of availability is applied consistently by the Ministry.

In addition to OIA outcomes, senior leaders should monitor a broader range of qualitative OIA performance measures to promote learning and systemic improvements in the OIA function. This comprehensive data allows leaders to meet their stewardship responsibilities and make informed decisions on resourcing the OIA function.

For example, senior leaders may wish to consider receiving reporting on the following indicators:

- time spent on handling requests within specific business units (this helps to identify bottlenecks and assist with resourcing and capacity planning);
- request types and complexity (this will provide a more accurate picture of the agency's workload than simple volume metrics);
- interactions with Ministers' offices (as discussed in '[Interactions with Ministers on OIA requests](#)', monitoring these interactions will help the Ministry maintain its statutory independence and identify issues that could compromise the integrity of departmental decision-making); and
- reasons for extensions or delays (this data may help the Ministry detect potentially systemic issues that are causing delays, such as over-reliance on extensions or workload distribution among staff).

The Ministry should also consider introducing formal systems for gathering staff feedback on the Ministry's OIA culture and practice and reporting the results to senior leaders. The agency already has solid foundations for implementing this measure as the outcome of the internal OIA review (discussed in '[OIA strategy](#)') was in large part informed by feedback from staff, which is commendable.

Finally, in relation to the Ministry's OIA performance targets, we note that the key performance indicator for departmental OIA responses is 95 percent timeliness. This should be amended to 100 percent to ensure compliance with the 20-working day maximum statutory timeframe (unless extended),³¹ as it is a legal requirement in the OIA.

In its response to my provisional opinion, the Ministry expressed concerns about reporting on the following:

- *time spent on handling requests within specific business units*
- *request types and complexity*
- *interactions with Ministers' offices ...*

³¹ An OIA request is considered 'on time' for PSC reporting if the decision is communicated within the original 20-working-day limit or, if an extension is used, within the newly specified deadline.

We do not have tools or systems capable of efficiently and robustly capturing this data and I am at least somewhat concerned that additional internal reporting compliance activities may divert staff focus from their responsibilities to service OIA requests in a timely and accurate manner.

I appreciate these reservations. To reiterate, my guidance is intended to provide suggestions about the OIA data that the Ministry may benefit from collecting, rather than impose rigid compliance requirements. The goal of this qualitative OIA reporting is to help senior leadership identify bottlenecks, inform resourcing decisions, and protect staff workloads over the long term.

Action points

Senior leadership should ensure that OIA performance reporting accurately reflects completed OIA requests, as well as formal extensions and delays, to ensure systemic issues are visible and can be addressed.

OIA reporting to senior leaders should include more qualitative data on the handling of OIA requests (especially outcomes), incorporating our suggestions.

Senior leaders should consider introducing formal systems for gathering staff feedback on the Ministry's OIA culture and practice and including the results in the internal OIA reporting.

The Ministry should amend the key performance indicator for departmental OIA requests to 100 percent timeliness to ensure compliance with the legal requirement in the OIA.

Quality assurance

To help ensure high-quality OIA outcomes, senior leaders should maintain oversight of the agency's quality assurance framework by ensuring that 'post-closure' quality assurance processes are established. These should involve a systematic review of finalised OIA responses to identify errors and evaluate the consistency of decision-making. The resulting insights should be reported to senior leadership to inform future training and process improvements.

It is positive that the Ministry has recently implemented a 'post-closure' quality assurance process following the internal OIA practice review (discussed in ['OIA strategy'](#)). By proactively reviewing completed OIA requests, the Ministry sets a leading example for other agencies to follow, demonstrating a high level of commitment to continuous improvement and systemic learning. The Ministry may wish to embed these practices by, for example, including them into the OIA strategy (discussed in ['OIA strategy'](#)).

In another recent addition to the Ministry's quality assurance framework, the internal review also led to the introduction of the template '*OIA Checklist*' which staff are instructed to complete when handling OIA requests. This includes the following indicators of OIA practice:

For OIAs with multiple contributing business groups, ensure SMEs have been identified by Day 5; ...

Advice provided by MfE is consistent with any feedback from previous OIAs unless there is a clear reason why a different approach is suitable. Where decisions differ from previous requests, this is noted in the memo...

Appropriate grounds of the Act have been applied and explained...

Marked up documents should be clean, text-searchable PDF versions (not Word) and show the proposed redactions and grounds...

...the response is clear, complete and accurate.

The Ministry may wish to build on these positive practices and update this template to align with suggestions in '[Communicating decisions on OIA requests](#)' and '[Ensuring transparency in OIA decision-making](#)'.

External professional networks

Senior leaders should ensure that their agency actively and routinely participates in external OIA forums and networks, as these are vital for sharing best practices, discussing emerging issues, and collectively lifting OIA capability across the public sector.

During an interview, one senior staff member highlighted the Ministry's involvement in cross-agency networking, specifically regarding the transition to MCERT and, more broadly, integration of artificial intelligence in OIA practices. However, another staff interviewee said that the Ministry does not yet participate in external OIA learning forums or networks as a matter of 'routine'.

To bridge this gap, leadership should facilitate the Ministry's participation in cross-agency OIA forums³² and OIA practitioner networks to ensure a reciprocal exchange of knowledge. Importantly, by consistently sharing its own OIA successes, the Ministry can help set a higher standard for transparency and efficiency for all government agencies.

In its response to my provisional opinion, the Ministry outlined its implementation of our suggestions as follows:

The Manager Ministerial Services has already asked OIA practitioners to register themselves with PSC's OIA Forum so that they receive invitations and messages from the Forum directly...

The Manager Ministerial Services will consider whether any of our current work programmes and ways of working would benefit the wider sector and seek to have these added to an upcoming Forum agenda. Separately, she will share this Action Point with her counterparts in MCERT's foundational agencies. As the functions are integrated over the coming months, she will reference this Action Point.

³² See, for example, link to the [OIA forum](#) led by Te Kawa Mataaho Public Service Commission.

Action point

Senior leaders should facilitate regular participation in external OIA forums and networks to ensure the Ministry both shares its successes and learns from other agencies to lift sector-wide capability.

