



Final opinion of the Chief Ombudsman

**Official Information Act compliance and practice in
Ministry for Regulation – Te Manatū
Waeture**

June 2026

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Introduction

In September 2025, we commenced an investigation into the Ministry for Regulation – Te Manatū Waeture (the Ministry) as part of our regular program of proactive investigations into Official Information Act 1982 (OIA) compliance and practice. The Ministry is one of five agencies selected – we also examined the Civil Aviation Authority, Inland Revenue, the Ministry for Primary Industries, and the Ministry for the Environment.

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

An agency's culture around transparency, openness, and the strength of its OIA practices flows from the attitudes, messaging, as well as 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, 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.

Methodology

As part of this investigation, we gathered evidence through:

- a staff survey;
- agency questionnaire;
- interviews with staff involved in different aspects of the OIA process;
- 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 is wrong, unreasonable or contrary to law under the Ombudsman Act. As such, there are no formal recommendations. We have

¹ Link to [OIA self-assessment tool](#) on the Ombudsman's website.

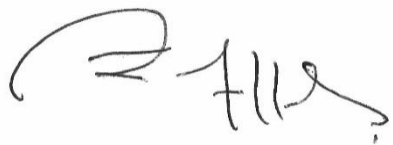
² The decisions on these requests were not reviewed as if a complaint had been made to the Ombudsman, but to evaluate the Ministry's OIA leadership, culture, and performance monitoring.

identified good practices, as well as some opportunities for the Ministry to improve its ability to improve its OIA compliance and practice.

Senior leaders are generally open and transparent; staff survey results indicate the Chief Executive, and other leaders, are pro-openness and positive about the OIA. The Ministry's OIA practices are streamlined and efficient, the agency has demonstrated it can develop new strategies to manage an influx of OIA requests. The Ministry was also open to my suggested actions, updating its website, reviewing and publishing some relevant policy documents during the course of the investigation.

The Ministry had an opportunity to comment on the provisional opinion. In response it said it supported the action points for strengthening OIA practice, and is committed to continuous improvement of OIA practices. Several actions have already been addressed, and the Ministry is taking steps to address the remaining action points. A table summarising the Ministry's comments and actions is included at [Appendix 1](#). We are pleased with the commitment the Ministry has shown to continuous improvement of its OIA compliance and practice.

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 investigators; completed the staff survey and liaised with our office throughout the investigation. We greatly value their contribution to this investigation.



John Allen
Chief Ombudsman

Leadership and culture

We expect Ministers, Chief Executives, senior leaders, and managers to demonstrate a commitment to the agency meeting its obligations under the OIA and actively foster a culture of openness.

Messaging from senior leaders to staff

Leaders should make clear, regular statements to staff and stakeholders in support of openness, transparency, and the OIA.

In response to our September 2025 agency questionnaire, the Ministry advised that senior leaders provide regular communications confirming its commitment to the principles of openness and transparency, as well as compliance with the requirements and purpose of the

OIA. These actions include regular stand-up meetings led by senior leaders, agency debriefs, multiple internal communications, and external presentations, such as one held by our office.

The Chief Executive and Senior Leadership Team help lead this work via twice weekly stand-up meetings with the whole organisation. The weekly stand-up includes discussion of the week ahead, the week that has been and work implementation updates. They also welcome new starters and celebrate work milestones.

The second weekly stand-up occurs later in the week. The Chief Executive provides an update to all staff following her meeting with the Minister. This is to ensure that updates on key decisions and next steps are shared across the whole organisation, and staff are aligned on priorities and expectations.

Interviews with staff confirmed that the OIA is a regular feature of weekly stand-up meetings. Staff said that there has been discussion on the importance of the OIA, as well as openness and transparency more generally. A staff interviewee said the importance of transparency is discussed at the meeting when new staff members commence employment. They said transparency is part of the Ministry's kaupapa.³

The Ministry has a dedicated team responsible for processing OIA requests called Ministerial and Strategic Services. It is positive that the Head of Ministerial and Strategic Services and the Ministerial and Strategic Services team produce information and education about the OIA and its purpose. Head of Ministerial and Strategic Services provides a weekly newsletter to the whole organisation which is designed to keep staff updated, aligned and engaged in the machinery of government and ministerial servicing.

We were provided copies of a sample of these communications which included topics relevant to the OIA, such as updates on OIA request numbers and an explanation of the proactive release policy. They also featured discussions on noteworthy OIA requests, offering operational advice on topics such as legal privilege waivers and an overview of upcoming information releases. There was an example provided of a reminder to staff of the importance of good record keeping, stating good records *'makes everyone's jobs easier when we go to research and collate the information'* when responding to OIA requests.

Ministerial and Strategic Services holds a virtual meeting called *'Ministerial Connect'* every week to give staff an operational update on the work it has on hand. This includes sharing and discussing noteworthy, recent or complex OIA requests, parliamentary questions, correspondence, Minister's office commissions, and decisions and actions from meetings. A *'Ministerial Connect Dashboard'* supports this meeting and tracks ministerial requests, OIA requests, parliamentary questions, cabinet papers and other information related to the Ministerial and Strategic Services team portfolio.

In late October – early November 2025, we surveyed staff on their impressions of the signals sent by leadership about the disclosure of information under the OIA.⁴ *'Signals'* could include

³ Kaupapa is a Māori term referring to a topic, policy, purpose, plan, or theme.

⁴ There were 70 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.

specific messaging from leaders about the Act, or actions demonstrating support for the disclosure of information under the OIA.

Around 90 percent of survey respondents indicated that the Chief Executive was strongly or moderately pro disclosure under the Act. Tier two leaders were rated the same. See below:

Staff impressions of the signals sent by leadership about the disclosure of information under the OIA⁵

	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	90%	0%	10%
Tier two leaders	90%	0%	10%

Across the four other agencies investigated, the average rating for Chief Executives being strongly or moderately pro-disclosure was approximately 49 percent.⁶

The rating from surveyed staff at the Ministry is significantly higher than average and was the highest of the five investigated agencies. We also note none of the other four agencies received 0 percent of staff survey respondents stating that leadership sent strongly or moderately anti disclosure messages about the OIA.

These staff survey results are commendable and may be due to the consistent positive messaging about the OIA and openness from the Chief Executive and the Senior Leadership Team. The results indicate that the positive messages from senior leaders have filtered across the organisation.

From the evidence supplied, the internal culture appears open and transparent, which staff see as key in enabling the organisation to achieve its goals. We encourage leaders to continue looking for opportunities to promote the OIA on a regular, ongoing basis.

Fostering a culture of openness and transparency in a new agency

We surveyed staff about their impressions of the Ministry’s commitment to a culture of openness.⁷ All of those who responded rated the agency as being strongly or moderately pro-openness. See below:

⁵ 68 survey respondents answered this question. Percentages have been rounded to the nearest whole number.

⁶ The average for all five agencies investigated was 57 percent.

⁷ As above.

Staff 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'
100%	0%	0%

It is clear from the staff survey, agency questionnaire, and interviews with staff and the Chief Executive that there has been strong and deliberate messaging about openness and transparency. A staff interviewee considered that the Chief Executive had been consistent and clear that she *'wanted to maintain transparency'*, and a culture where people are *'looped in'*, where it is helpful, not holding information in silos. This is reflected in the highly positive response to this survey question, which is the highest percentage observed in this cohort of investigations, and is commendable.

The Ministry itself is quite small, with under 90 employees. It also has an extremely streamlined structure, with only four layers between an Advisor and the Chief Executive. Its size and relatively flat structure may mean the culture lends itself to being open and transparent.

As a new agency, the Chief Executive and Senior Leadership Team had an opportunity to build and foster the internal culture from scratch. It is positive that the OIA has been a key tenet of the Ministry's approach to its work and culture. In its response to our agency questionnaire, the Ministry stated that *'building strong relationships and fostering a deeper understanding of the principles of the OIA are central to the Ministry's approach'*. A staff interviewee also said that the agency's culture of transparency *'translates into the general OIA philosophy'*; the Ministry has a *'pragmatic approach'* to OIA requests, *'ultimately getting the stuff out there sooner rather than later is the best approach'*.

Other staff interviewees noted that the Ministry needs to be as externally transparent as possible, with one noting that the Ministry is trying to be *'citizen focused'*. Although members of the public may not always agree with the work being undertaken by the agency, it was clear from staff interviewees and the Chief Executive that external transparency and maintaining political neutrality are culturally important.

A number of interviewees commented that the high level of public scrutiny means it needs to be as apolitical and *'squeaky clean'* as possible. It is positive that the Ministry has proactively sought advice from our office when it has encountered challenges. For example, when the Ministry began receiving a significant increase in OIA requests related to the preliminary Treaty impact analysis for the proposed Regulatory Standards Bill, it reached out to the Ombudsman's Learning and Development Team for advice on the approach.

It is encouraging that the effort made by senior leaders to foster an open culture is being reflected across the organisation. Senior leaders should consider ways to further promote a culture of openness and positivity about the OIA. For instance, providing regular training to all staff about the importance of the OIA is encouraged.

A streamlined approach to OIA processing

We expect senior leaders to oversee their agency's OIA system, as well as actively to consider and address any issues which risk the Ministry's ability to comply with the Act. Responding to OIA requests is a core function of the public sector. Good leaders ensure that there are adequate resources in place to meet the legal obligations under the Act.

The Ministry has a centralised OIA handling system, with all OIA requests handled exclusively by the Ministerial and Strategic Services team. In terms of team resourcing, the OIA handling team has grown from its establishment and now includes the Head of Ministerial and Strategic Services, a Principal Advisor, two Senior Advisors and an Advisor. The Private Secretary also sits underneath the Head of Ministerial and Strategic Services; however, we have been advised they are not formally involved with official information processing. Other support includes a co-ordinator for the group Ministerial and Strategic Services sits within. The Ministry has also commenced a graduate intern scheme, which has resulted in two interns being allocated to the team.

A staff interviewee said the resourcing was originally based on what they anticipated for a small agency. However, following establishment, it became apparent that the team was '*under-resourced*'. This may be due to the Ministry receiving more OIA requests than usually expected for an organisation of its size. There are many possible reasons for the higher level of OIA requests received. For instance, there may be a high level of public interest in the Ministry due to it being a new entity, or due to it being the lead agency on the Regulatory Standards Act. This is discussed further in [Managing an influx of OIA requests](#), below.

To gain an understanding of how the Ministry processes requests, investigators reviewed a small sample of OIA request files. The workflow and processing system the team uses is Microsoft SharePoint. The Ministry states that it decided to choose a non-bespoke processing system to keep costs as low as possible.

OIA requests are received via a single email inbox, and they are logged, triaged, and allocated daily. We were advised that there is a standard autoreply for this mailbox, confirming the OIA request had been received. However, we did not receive any documentary evidence of this. While a formal acknowledgement email was not observed, there was evidence of one OIA timeframe being provided to a requester when they requested it.

In response to the provisional opinion, the Ministry advised that an autoreply had been set up prior to the Ombudsman investigation commencing. However, it advised that '*we have since become aware that replies to external senders had been disabled*'. The autoreply has now been reinstated and the Ministry states '*we are confident it is working as intended*'.

We expect requesters to be advised at the time they submit a request that a decision must be made and communicated '*as soon as reasonably practicable*' and no later than 20 working days after the day on which the request was received.⁸ If requesters are not aware of these key timeframes, they will not be aware that failure to comply with a time limit may be the subject

⁸ See link to [s 15\(1\) Official Information Act 1982](#)

of a complaint to the Ombudsman. Acknowledging requests for official information as soon as possible is vital for transparency, accountability, and building public trust. We encourage the Ministry to continue to provide acknowledgement emails and ensure this practice continues.

Once allocated, a Ministerial and Strategic Services advisor scopes the OIA request and identifies whether there is a requirement for involvement of a subject matter expert (SME) from across the organisation.

If the request is not clear, the Ministerial and Strategic Services advisor will contact the requestor to clarify, which can include a telephone call. For example, for 'all correspondence' requests, the Ministerial and Strategic Services advisor will call the requester to clarify exactly what information they are after.

If SME assistance is required, the Ministerial and Strategic Services advisor will arrange a scoping meeting with the SME to identify what information and support is required. There is currently no 'service level agreement' with SMEs for collating the relevant information. However, staff interviewees said there is an expectation that documents will be provided at least five days in advance of the deadline. A staff interviewee noted that while SMEs occasionally provide documentation close to the OIA deadline date, this is very rare. We note that the OIA states that information is to be provided '*as soon as reasonably practicable*'. Although we have been advised that delays due to SMEs are rare, the Ministry should ensure it is supporting staff in the Ministerial and Strategic Services team to receive information from the wider organisation in a timely manner. If individuals or work groups are delaying OIA responses, there should be a clear and robust way to resolve this.

As part of the collation of relevant documents, SMEs also highlight the information they believe should be withheld and the reasoning behind that decision. The SME's withholding suggestions are considered, but staff have said that ultimately Ministerial and Strategic Services and the Head of Ministerial and Strategic Services that make the final decision on withholding information, even if it goes against the SMEs suggestion.

The sign-out process is very streamlined and efficient in terms of sign out steps, with the Head of Ministerial and Strategic Services having sole responsibility for signing out the OIA request response. The Ministerial and Strategic Services advisor completes a draft response, which is then reviewed by a SME. The Legal team is routinely involved in ensuring which withholding grounds are applied and the responses are '*thorough, robust and legally sound*'. The Ministry states it has a '*strong peer review culture*' within the Ministerial and Strategic Services team. An OIA response will not progress to sign out without peer review being completed.

All OIA responses are reviewed and signed out by the Head of Ministerial and Strategic Services, with no requirement for Deputy Chief Executive or Chief Executive approval. Where there is a '*noteworthy*' response, the team will consult with the Head of Engagement and the Minister's office. However, they do not require their approval for sign-out.

We saw examples of the time limit for making a decision on OIA requests being extended in some of the reviewed OIA sample files. The reasons used for the extensions were valid under the Act. For instance, the request was for a large quantity of information or consultations were necessary to make the decision.

In most cases, the extension letter was sent prior to the 20-day deadline being missed. However, one example was observed where the 20-working day deadline was missed without a formal extension being made. In this case the advisor apologised and met the updated timeframe. One instance is not necessarily an indication of a systemic issue, however, the lack of an initial acknowledgement email meant the requester was not informed of their right to complain to the Ombudsman regarding the statutory delay.

Action points
The Ministry should ensure staff in Ministerial and Strategic Services are supported to receive information from the wider organisation in a timely manner.
Senior leaders to ensure extensions are made before statutory deadlines.

Managing an influx of OIA requests

Senior leaders should ensure there is adequate capacity to not only adhere to the OIA but also to ensure other elements of the OIA system are functioning well. For instance, ensuring enough resources are available to process OIA requests when there is an influx of requests.

Between November 2024 to January 2025, public feedback was sought in relation to the Regulatory Standards Bill. During this time, over 23,000 public submissions were received by the Ministry, which also received nearly 700 OIA requests during and soon after the submission period.

Staff interviewed from that period say the Ministry had not anticipated the high volume of OIA requests. At the time, the team handling OIA requests was smaller than the current team, requiring the Ministry to develop new strategies to manage the influx of requests and uphold timeliness obligations.

Most of the OIA requests were similar in nature as the majority of requestors used templates to submit the requests. However, the team noted that many of the requests included additional requests in addition to the standard template. This meant that the Ministerial and Strategic Services team were required to read each request in detail to ensure that requests were not missed.

To help manage the workstream, similar requests were batched together when responded to, which enabled the OIA responses to be fairly uniform for different cohorts. These batched responses were then sent by cohort, which saved substantial time.

It is positive that the Ministry contacted our office for help and guidance on dealing with the high volume of requests. Advice was supplied in relation to OIA deadlines and extending requests, which helped the Ministry meet its legal obligations under the OIA.

The Ministry also considered whether information could be proactively released to potentially reduce the amount of OIA requests being received. This approach has been a key part of the ongoing work for the Ministry and was in practice both before and after the influx period. One

interviewee noted there was a review process, which included identifying information for proactive release to satisfy public interest and pre-empt potential OIA requests.

However, staff noted that while some information had been proactively released, it had not necessarily reduced the number of OIA requests. A specific example which caused much interest was the Preliminary Treaty Impact Analysis document, which was proactively released with partial redactions under section 9(2)(h) of the OIA, to maintain legal professional privilege. Numerous requests were made for an unredacted copy of the Preliminary Treaty Impact Analysis document. In each case, the Ministry maintained the same decision that it made on the proactively released document.

Our office received a large volume of complaints about the Ministry's decision on the request, which our office decided to investigate as a group because they all related to the same information. Subject to any stronger public interest in release, section 9(2)(h) of the OIA provides good reason to withhold information where it is necessary to maintain legal professional privilege. We considered the complaints, and the Chief Ombudsman formed the opinion that the Ministry was entitled to withhold the redacted information, on the basis that section 9(2)(h) of the OIA provided good reason for doing so. Our office has published an opinion on the matter which provides further detail.⁹

While it is positive that the Ministry proactively released the document, albeit with some withheld information, the high number of OIA complaints indicates there may have been a lack of clarity explaining to the public why the information in question was withheld. The Ministry could have considered releasing the document with more context or a better explanation of the meaning behind the redactions.

In response to the provisional opinion, the Ministry said it does not agree that the number of OIA complaints necessarily reflected a lack of clarity in explaining withholding decisions or proactive release redactions. It considers that, in this instance, the number of requests were *'driven by a coordinated social media campaign in which standardised templates were circulated and widely used...'*. The Ministry said it clearly annotates the application of withholding grounds to proactively released material to be *'clear about what information is being provided and why'* and it will *'continue to provide additional context or explanatory material alongside proactively released documents where appropriate...'*

Ministerial interactions

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

⁹ See link to [Requests for unredacted copies of the Preliminary Treaty Impact Analysis for the proposed Regulatory Standards Bill | Ombudsman New Zealand](#)

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.

Staff interviewees indicated that the Ministry has a positive relationship with its Minister; it was clear from the OIA sample files that the Chief Executive (or a duly authorised official), was the ultimate decision maker on departmental OIA requests.

The Ministry has advised that the Minister’s office is notified of any OIA requests which it thinks would be of interest to the Minister. From the evidence reviewed, this interaction appears to be a true and genuine reflection of a ‘no surprises’ approach. Staff said there is no expectation of engagement, or direction from the Minister’s office, and the Ministry is notifying the office of a release rather than seeking guidance or approval to do so.

Occasionally the Minister’s office may be consulted and advice sought. However, the final decision ultimately remains with the Ministry itself, even if its actions are not aligned with the feedback made by the Minister’s office.

It is encouraging that senior leadership is clear that the decision maker on departmental OIA requests remains the Chief Executive (or an official of the agency whom the chief executive has duly authorised) and undue interference appears to not be tolerated. We encourage the development of written guidance, a policy, or agreement to reflect this practice.

In response to the provisional opinion, the Ministry said its OIA policy includes a section on ‘working with Minister’s offices’ which it had considered sufficient given the level of public sector experience among Ministry staff. However, it acknowledges that this may not always be the case. For instance, it states:

Several new graduates have recently joined the Ministry and have benefited from a more structured framework and process for interactions with the Minister’s office on OIA requests.

The Ministry said the Ministerial and Strategic Services team will engage with senior leaders to consider developing further guidance or an agreement regarding Ministerial interactions.

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 Official Information Act 1982](#).

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

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 Once finalised, we suggest publishing this guidance to ensure transparency, foster trust in the request-handling process, and clarify when an agency should seek ministerial input (consultation) versus when information is provided for awareness only (FYI).

Action point

Senior leaders to develop guidance or an agreement regarding ministerial interactions on OIA requests and consider publishing the document.

Demonstrating a public commitment to openness

We expect chief executives to make clear, regular statements to the public and external stakeholders in support of the principle and purposes of the official information legislation.

As noted in [Managing an influx of OIA requests](#), the Ministry receives a high level of public scrutiny. The Chief Executive said they have been attempting to pre-empt this interest by proactively engaging with a range of stakeholders on the work of the Ministry. The Ministry has demonstrated this approach by publishing information such as 'summaries of engagement' which gives the public an opportunity to provide feedback. This is a good example an agency enabling participation in the policy process, which is one of the purposes of the OIA.¹⁵ It also shows a deeper understanding of the principles of the OIA and its place in our democracy.

We asked the Ministry for examples of senior leaders communicating to the public about the principles of openness and transparency. In response, the Ministry said:

The Ministry demonstrates a strong commitment to openness and transparency through:

- *Proactive release/publication of key decision-making documents (discussed further below in [Proactive release of information](#)).*
- *Responsive and respectful handling of public queries and OIA requests*
- *Internal checks and reviews to ensure accurate and accessible public information.*

As discussed in [Fostering a culture of openness and transparency in a new agency](#), the Ministry is a new organisation, established March 2024, so the Chief Executive and her start-up team have been able to instil a culture of openness and transparency from the outset.

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

¹⁴ See link to [section 8.53 of the Cabinet Manual](#)

¹⁵ See link to [section 4\(a\)\(i\) of the Official Information Act](#) 1982.

Requesters can find information about making a request for official information on the Ministry's website.¹⁶ At the time of the investigation, the OIA page included the following details:

- How to make an OIA request – including an email address and postal address.
- How it responds to OIA requests – stating OIA requests will be responded to as soon as possible, and acknowledged in 5 working days.
- Making a complaint – directly to the Ministry or to the Ombudsman.

The page itself is clear and written in plain language. It is positive that requesters have multiple ways to make a request. However, key information about the OIA that was missing from the website that is useful for the public to know. In the provisional opinion, the Ministry was advised that it should consider adding the following information to its official information webpage:

- An overarching statement regarding the principle of availability and that the Ministry is committed to being an open and transparent agency.
- Other ways to make a request – for instance over the phone.
- The OIA process once the Ministry receives the request.
- The details of an OIA contact.
- That information is to be made available '*as soon as reasonably practicable*' or no later than 20 working days.

In response to the provisional opinion, the Ministry advised that it updated its OIA webpage with each suggestion. It also advised it is committed to including an embedded online OIA request form on its website. We are pleased that the website now includes OIA statistics.

We encourage the Ministry to continue to include more internal policies on the website, in a place that is obvious and accessible. Publishing policies, such as OIA guidance, demonstrates openness and supports accountability. By publishing OIA guidance, agencies make themselves accountable to the public for ensuring that the policy and practice align.

The Ministry has advised that it is now publishing the official information and proactive release policy on its website. It states it will also consider reviewing other internal policies for publication.

Action point

Continue publishing more internal policies on the website, especially those relevant to openness and transparency.

¹⁶ [Official Information Act requests | Ministry for Regulation](#)

Proactive release of information

Proactive release is the practice of publishing official information that is not subject to an information request under the OIA. Sound proactive release practices complement a well-functioning process for responding to OIA requests. Together, these mechanisms help agencies to progressively increase the availability of official information to the people of New Zealand, which is one of the purposes of the OIA.¹⁷ We expect there is clear senior leadership commitment to the proactive release of information.

The Ministry has an internal 'proactive release of official information' policy, which states:

Open government is one of five principles in the Public Service Act 2020 (the Public Service Act) and at its core it is about improving transparency of the workings of government, public participation and accountability of the government to the New Zealand public.

It states that the Ministry has a 'goal' to increase the availability of official information to the New Zealand public. It is encouraging that the Ministry has established a policy document covering proactive release criteria, consultation requirements, and a due diligence process.

We strongly encourage agencies to publish their proactive release policies. Not only is this a visible demonstration of openness, it also drives accountability for adherence to the policy. By publishing proactive release policies, agencies make themselves accountable to the public for ensuring that practice and policy align.

It is encouraging that the Ministry is proactively publishing ministerial advice, aides memoire, briefings and cabinet papers, as well as other documentation related to its regulatory reviews. The amount of information the Ministry is proactively publishing is also evolving. For instance, following a sustained period of parliamentary questions, the Ministry team started publishing weekly reports and other information which was being requested on a regular occurrence.

In addition, since our investigation commenced, the Ministry has retrospectively published many of its OIA responses on its website to aid transparency. When asked why the OIA responses were not published immediately, a staff interviewee said they would have liked to have published them earlier, but they had been 'too busy'. In response to the provisional opinion, the Ministry said the timing of proactive release reflects the broader work programme prioritisation, stating 'it was not an incidental or unintended consequence'.

In terms of how OIA requests are chosen for proactive release, there is no formal criteria used. Senior staff are trusted to identify the requests that they believe would be of interest to the general public, and these are subsequently released.

¹⁷ See link to [section 4 of the Official Information Act 1982](#).

In response to the provisional opinion, the Ministry has reviewed and updated its proactive release policy and it has been published on the website.¹⁸ We note that our office is available for advice on agency-specific guidance material if required.¹⁹

Performance monitoring and learning

Agencies need to have an established system for capturing and analysing data to inform appropriate, and meaningful performance measures. There should be regular reporting to senior leadership, monitoring the effectiveness of its structures, resources, capacity and capability, and learning from OIA data analysis and practice.

Collecting, analysing, and reporting OIA statistics

The Ministry uses Microsoft SharePoint as a workflow tool to track official information requests handled by Ministerial and Strategic Services. This includes tracking key milestones for each OIA request and a calendar to monitor deadlines and progress. It is the main document management system for Ministerial and Strategic Services and is used to record all the work being undertaken by that team, including proactive releases, official correspondence and other ad hoc work requests.

This is supported by an intranet dashboard called ‘Ministerial Connect’ which includes a ‘*live update page*’ and information about how many OIA requests are on hand. This information is shared as part of the weekly Ministerial Connect meetings and included in newsletters which are sent to the whole organisation. A staff interviewee said they do not have regular formal reporting to the Senior Leadership Team because this data is so readily available and visible to all staff. This level of internal transparency of OIA statistics is commendable.

Ministerial and Strategic Services also collect a comprehensive set of OIA data for its reporting to Te Kawa Mataaho – Public Services Commission (PSC). The PSC reporting statistics submitted by the Ministry includes the following:

- number of OIA requests received;
- number of OIA requests completed within the statutory timeframe;
- number of OIA requests extended or transferred (including whether transfers are partial or full, and whether to internal or external parties);
- date of decision made and date of information released; and
- a summary of statistics on OIA performance, such as timeliness and outcome.

¹⁸ See link to the Ministry’s [proactive release of official information policy](#).

¹⁹ See link to the Ombudsman’s website, [Resources for agencies](#).

Staff interviewees said the Ministerial and Strategic Services team is considering more in-depth analysis to identify trends and themes using ‘Microsoft Power BI’.²⁰ The Ministry’s increasing maturity and expanded data availability are making these insights easier to generate.

A review of the Ministry’s website and annual report²¹ at the time of the investigation indicated that it did not publicly report a substantial amount of information about the OIA requests it receives.

In the Ministry’s response to the provisional opinion, it acknowledged that including this information is beneficial to the public and has identified the following data points for proactive release:

- number of requests received in a particular period;
- timeliness;
- outcome;
- number of complaints; and
- responses published.

We commend the Ministry for including this information on its website and encourage it to continue to consider whether it could publish further data on OIA processing.

Action point
Continue to consider publishing further OIA statistics on the Ministry’s website and in the annual report.

Quality measures

Good quality assurance processes are a useful way for an organisation to ensure reflection and promote continuous improvement. This can include conducting a quality assurance process once an OIA request processing is complete. While there is currently a peer-review process for OIA responses, there are no further quality assurance processes being undertaken.

As the Ministry matures as an organisation and increases capacity, it should consider conducting quality assurance reviews on OIA requests once processing is complete. For example, a sample of completed OIA requests should be examined periodically to consider:

- consistency of approach across similar requests;
- the reasons for any delays;

²⁰ Microsoft Power BI is a cloud-based business analytics service and platform that connects disparate data sources.

²¹ See link to [Annual Report 2024-2025 | Ministry for Regulation](#)

- how involved Ministerial and Strategic Services has been in processing the OIA request and whether additional support or training may be needed in a particular area of the agency; and
- examples of excellence.

The agency could report any findings from the above process to senior leaders. Any changes to practice should be included in the OIA guide.

In response to the provisional opinion, the Ministry acknowledged that no additional formal quality assurance processes are currently in place. However, its existing approach incorporates a range of embedded quality checks. It considers the current approach reflects the Ministry's size and '*streamlined operating model*' and has been considered an effective and '*proportionate means of maintaining quality*'.

The Ministry advised that it does also '*recognise the value of supplementing these practices with a more structured quality assurance approach*'. It said it is committed to considering the development of a preliminary quality assurance framework no later than December 2026, which could include periodic sampling and establishing '*what good looks like*' in OIA responses. We look forward to receiving updates on the progress of these action points.

Action points

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

Include details of a quality assurance process in OIA guidance.

Appendix 1. Response to provisional action points

Provisional action point	Ministry's comment	Summarised action
1. Senior leaders to ensure acknowledgement emails are sent in all cases.	We were concerned by this comment as an out-of-office auto-reply had been in place in the Hello mailbox for more than a year. However, we have since become aware that replies to external senders had been disabled. This was unfortunate, as the purpose of the auto-reply was to ensure requesters received the relevant information about their request. ...	Completed We have reinstated the auto-reply from the Hello mailbox and we are confident it is working as intended. We have also updated the auto-reply with some additional wording from the Ombudsman template to address Action point 1. ...
2. The Ministry should ensure staff in Ministerial and Strategic Services are supported to receive information from the wider organisation in a timely manner.	... it is extremely rare that other parts of the Ministry are delaying the provision of information without cause. The Ministerial and Strategic Services team is well supported by the organisation and find that other teams are very proactive and take their obligations to provide information seriously.	Continuing/ongoing
3. Senior leaders to ensure extensions are made before statutory deadlines.	We acknowledge the one example of the Ministry missing the 20 working-day deadline without notifying the requestor of an extension. We would like to reinforce that we do not believe this is a systemic issue as we are acutely aware of our statutory timeframes.	Noted Our SharePoint-based workflow includes a calendar view of current items due within the next seven days as well as dashboard reporting of upcoming deadlines to help us manage statutory timeframes more proactively.
4. Senior leaders to develop guidance or an agreement regarding ministerial	There is a specific section in the Ministry's Official Information	Under consideration

Provisional action point	Ministry's comment	Summarised action
interactions on OIA requests and consider publishing the document.	policy relating to Working with Minister's offices. We do feel that the existing section in our Official Information policy gives effect to this action point. However, we note it is not a formal protocol. ... As it is part of our Official Information policy, we will consider its wider publication as part of action point 6. ...	The Ministerial and Strategic Services team will engage with senior leaders to consider developing further guidance or an agreement regarding ministerial interactions on OIA requests in a way which is fit for purpose for an agency of our size and type.
5. Update the OIA webpage to include our suggestions.	We have now included a statement in our OIA webpage [an overarching OIA statement]. ... The Ministry does not have a central or main phone number for the public to use... This approach helps protect staff from potential harassment, and recognises that many staff use their mobile numbers for both work and personal purposes. We primarily receive information requests via email (through the Hello mailbox) and occasionally, via written correspondence sent by post. ... We have updated our OIA webpage to more clearly explain our OIA process to the public. ...	Completed The Ministry's OIA webpage has been updated. The refreshed information on the OIA webpage addresses each of the Ombudsman's suggestions in action point 5(a) through to 5(e). The Ministry also commits to including an embedded online OIA request form on its website. The online form is already developed in our testing environment and will be put into production before the end of July.

Provisional action point	Ministry's comment	Summarised action
6. Consider publishing more internal policies on the website, especially those relevant to openness and transparency.	The Ministry agrees that where policies relate to openness and transparency it would be in the public interest to have those available to the public.	Partially complete The Ministry's Official Information Policy and Proactive Release Policy have been published on the Ministry's website. The Ministry will consider reviewing other internal policies and whether they should be made available on the Ministry's website.
7. Senior leaders to review proactive release guidance incorporating our suggestions and consider publishing the proactive release policy.	In our proactive release policy, we have made the factors more explicit when considering OIA responses for proactive release ... We acknowledge that we have now formally documented these in our proactive release policy.	The Ministry has reviewed and updated the Proactive Release Policy to include the factors when assessing OIA responses for proactive release. The policy has also now been published on the Ministry's website.
8. Consider publishing more OIA statistics on the Ministry's website and in the annual report.	The Ministry acknowledges that this would be beneficial. ... The Ministry has identified [a number of] data points for proactive release. ... We commit to publishing more fulsome OIA statistics no less than biannually. We will ensure to highlight in our OIA webpage our OIA statistics and also add a link to the PSC website for full details across the public service.	Completed You can find the most recent reporting in our OIA webpage.
9. Consider conducting regular quality assurance of a sample of completed OIA requests and	The Ministry acknowledges that this would be beneficial and commits to having an OIA	Work has started.

Provisional action point	Ministry's comment	Summarised action
reporting outcomes to senior leaders.	quality assurance framework in practice no later than December 2026.	
10. Include details of a quality assurance process in OIA guidance.	As per the above action, the Ministry will ensure the new quality assurance framework and process is incorporated in the Ministry's OIA operating procedures and guidance.	Work has started.