



Internal policy: Ministry for Regulation Proactive Release of Official Information Policy

Version	3.0	Contact	Head of Ministerial and Strategic Services
Policy Owner	Deputy Chief Executive Organisational Enablement	Approved	11 June 2026
SharePoint	Internal policies	Due for Revision	11 June 2028

Scope

This policy applies to all staff (permanent and fixed term employees, secondees, and consultants and contractors who conduct in-house Ministry core work) at the Ministry for Regulation (the Ministry or we/our) when the Ministry is considering proactively releasing information.

The Official Information Act policy applies generally in respect of the Ministry's obligations under the Official Information Act 1982 (the OIA) and also when considering requests for release of official information (as opposed to proactively doing so under this policy).

The privacy policy also applies to the extent that any information being considered for proactive release includes personal information.

Principles

Open government is one of five principles in the Public Service Act 2020 (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.

The Ministry has the goal of promoting initiatives to increase the availability of official information to the New Zealand public, so in proactively releasing official information that is of public interest, the Ministry will:

- enable more effective public participation in the making and administration of laws and policies;
- promote the accountability of Ministers and officials;
- protect official information to the extent consistent with public interest and the preservation of personal privacy.

Implementing this policy

Ministerial and Strategic Services Team will undertake proactive release in accordance with this policy.

The Ministry may choose to make redactions when proactively releasing information. The Ministry may decide to provide additional information and/or an explanation for redacting some information, so as to provide proper context for the proactively released information.

The information that will be considered for proactive release under this policy includes:

- formal advice to the Minister for Regulation such as reports or briefings (but excludes administration information such as meeting arrangements and agendas, speaking points and event run sheets);
- titles of the advice provided to the Minister for Regulation;
- responses, and information that has been released by the Ministry, to a requester in respect of a request under the official information policy;
- Ministry information which the Ministry believes may be of interest to the public, such as strategic intentions and OIA statistics;
- other information, such as research reports or publications and information that is regularly requested from the Ministry under the OIA.

The information that is not capable of being considered for proactive release under this policy includes:

- Cabinet material as only Ministers may approve the proactive release of Cabinet material;
- Briefings to Incoming Ministers.

Factors for assessing OIA responses for proactive release

The Ministry proactively publishes selected Official Information Act (OIA) responses to support transparency, reduce duplication in responding to similar requests, and meet reporting obligations to Te Kawa Mataaho Public Service Commission (PSC), including six-monthly reporting on proactively released OIAs.

OIA responses may be considered suitable for proactive release where they meet any of the following factors:

- **Noteworthiness and public interest**
The request has been identified as noteworthy, including where it relates to areas of media or public interest, significant expenditure, key work programmes, or policy and regulatory priorities.
- **Subject matter relevance**
The request relates to substantive Ministry business (for example, our core work or other organisational procedures and practices) and is likely to be of wider interest or assist the public to better understand the Ministry's role and responsibilities.
- **Outcome of the request**
The response has resulted in information being released or partially released, consistent with the Ministry's reporting to the PSC. OIA responses where information is fully withheld, or where the request has been transferred to another agency are generally not considered for publication.

- **Published elsewhere**

Responses may be considered for proactive release regardless of whether they have already been published elsewhere (e.g. via the FYI website). Where a requester has used an FYI email address, the Ministry will still consider publication on its own website to ensure consistency, accessibility, and appropriate redaction standards.

- **Privacy and redaction requirements**

All documents must be reviewed and prepared for publication, including removal of personal information (such as requester names and contact details) and any other required redactions in accordance with the Official Information Act and privacy obligations. Staff signatures and other identifying details are also redacted where appropriate.

- **External consultation where needed**

Where an OIA response includes information that references organisations outside the Ministry, we may contact those organisations to ensure they are aware of the Ministry's proactive release intentions.

- **Not under active Ombudsman review**

The response must not be the subject of an active complaint, investigation, or review by the Office of the Ombudsman. The Ministry may consider proactive release once an Ombudsman investigation has concluded, or where a new decision has been made.

- **Finalisation and prior release to requester**

The response must be final, approved, and already provided to the requester prior to proactive release.

Copies of all OIA responses selected for proactive release must be retained in the Ministry's designated records management system and marked as having been published.

Consultation

Ministerial and Strategic Services will carry out any consultation with parties involved in the creation of a document being considered for release, where necessary.

Working with Ministers' offices

Ministerial and Strategic Services will carry out any Minister(s) office consultations or notifications.

If proactive release of the information is likely to attract public comment, the relevant Minister(s)' office is to be notified before the information is scheduled to be released. Ministerial and Strategic Services will also consult with the Engagement team.

The Minister is to have the opportunity to agree or disagree with the Ministry's formal advice to the Minister being proactively released.

Due diligence

Proactive release is different from a release of information under the OIA. Proactively releasing information does not give the Ministry the same protections from sanctions as would apply if the Ministry released the same information via a request under the OIA. This is because section 48 of the OIA protects agencies such as the Ministry, from liability (for example, defamation, copyright, privacy or breach of contract) that may otherwise result from releasing information in good faith "pursuant to the OIA".

Accordingly, Ministerial services will carry out the following due diligence process on each document being considered for proactive release:

- applying an assessment of withholding grounds under the OIA, privacy considerations under the Privacy Act 2022, confidentiality requirements under the protective security policy and the terms of any other applicable legislation;
- a risk assessment in respect of any potential liability (civil or criminal) that might result (for example, defamation, copyright or breach of contract);
- considering if any other contextual information is required to make sense of the information.

The Ministry also generally:

- releases its officials' names and work emails unless there is good reason not to;
- withholds mobile phone numbers as they are often used for both work and personal purposes.

Publication timeframes

Ministerial and Strategic Services will publish the information being proactively released on the Ministry's proactive release webpage.

Formal advice to Ministers being considered for proactive release should be published at the earliest possibility and generally not later than 60 working days from the decision being made by the Ministers in respect of the advice.

This timeframe depends on timing sensitivities, such as:

- advice that is still under active consideration;
- advice that relates to other decisions that are to be publicly announced, but where the announcement is scheduled to take place outside the above timeframe.

If the Head of Ministerial and Strategic Services decides to delay the timing of the proactive release, the decision should be recorded together with the scheduled date for proactive release.

The timing for publication of Ministry or other information being proactively released, will be determined by the Head of Ministerial and Strategic Services.

The Ministry may update the proactively released information published on the Ministry's proactive release webpage to withdraw redactions where the Ministry determines at a later date that more information can be released.

Related policies and more information

- Official information policy
- Privacy policy
- Protective security policy
- Relevant legislation
 - Public Service Act 2020
 - Official Information Act 1982
 - Privacy Act 2020