



133 Molesworth Street  
PO Box 5013  
Wellington 6140  
New Zealand  
T+64 4 496 2000

1 June 2023

s 9(2)(a)

Ref: H2023024725

Tēnā koe s 9(2)(a)

### Response to your request for official information

Thank you for your follow-up request under the Official Information Act 1982 (the Act) to Manatū Hauora (the Ministry of Health) on 3 May 2023 for information regarding the Ministry's proactive release policy. You requested:

*“Can I have copies of previous iterations of the proactive release policy and guidance that have applied since January 2020?”*

By way of context, in 2015 the office of the Ombudsman conducted an investigation ([Not a game of hide and seek](#)) into the OIA practices adopted by central government agencies. This considered several aspects including internal policies, procedures, and resources in place (such as proactive release policies).

As part of the investigation process, Manatū Hauora provided the Ombudsman several guidance documents that reflected its proactive release processes at the time. Copies of these documents are appended to this letter and are released to you in full pursuant to section 13 of the Act.

Following this investigation and a subsequent review in early 2022 ([Ready or not?](#)), the Ombudsman identified an opportunity for the Ministry to develop a comprehensive proactive release policy that would be regularly reviewed and updated. This resulted in the adaptation of the Ministry's current proactive release policy and guidance document. There is no previous iteration of the current [proactive release policy and guidance document](#) and I am unable to provide this information to you under section 18(e) of the Act.

I trust this information fulfils your request. If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: [oiagr@health.govt.nz](mailto:oiagr@health.govt.nz).

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: [www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

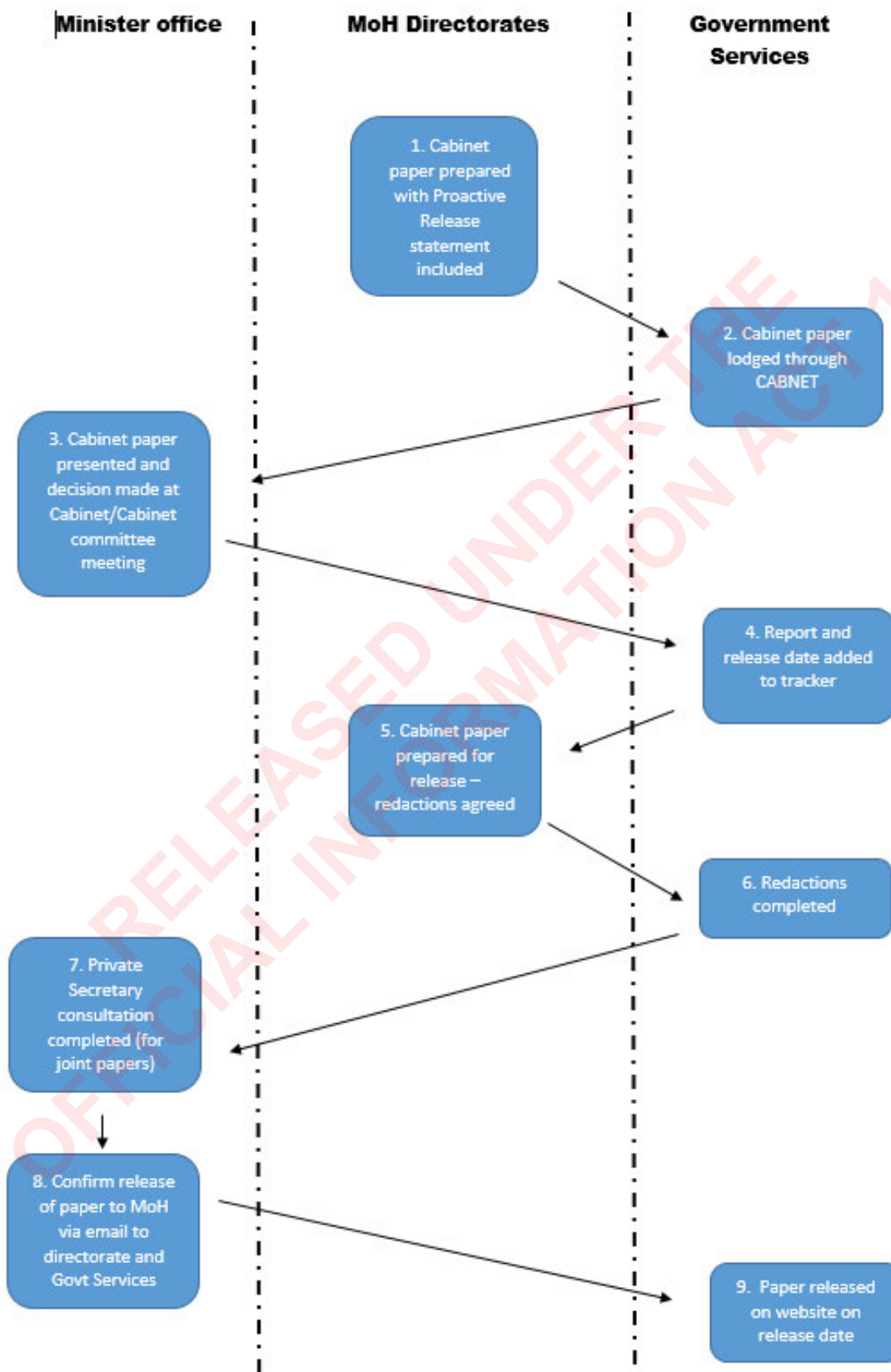
Nāku noa, nā

A handwritten signature in black ink, appearing to be 'EBT', written in a cursive style.

Elisabeth Brunt  
**Group Manager, Government Services**  
**Government and Executive Services | Te Pou Whakatere Kāwanatanga**

## Appendix 1

### Document 1: Flow diagram of Manatū Hauora Cabinet material proactive release process (May 2019)



# A proactive approach to the release of OIAs

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Updated on 3 December, 2018 - 08:59

From today, the Ministry's adopting a new approach to the Official Information Act (OIA) process, with the regular and proactive publication of OIAs on our website.

We've now loaded the first 11 of those proactively released OIAs at [Responses to OIA requests](#).

Proactively releasing information is becoming increasingly common across government agencies and is actively encouraged by the State Services Commission (SSC) and the Office of the Ombudsman as a tool for promoting open and transparent government. SSC is also publicly reporting which agencies are proactively releasing information as part of its OIA statistics reporting and we're proud to now be part of this process.

From the experiences of other agencies, we know there are significant benefits associated with implementing a proactive release policy. These include

- increased trust and confidence in the Ministry as an open, transparent and outward-focused organisation
- strengthened public accountability for our actions taken as public servants
- creating a single source of accepted information about a topic, which supports clearer messaging to stakeholders about key decisions
- a reduction in overall OIA compliance costs as requestors become more accustomed to information being provided proactively.

While there can be some risks around proactive publication, these will be carefully managed by the team responsible and each OIA will be put up to a fortnightly publication panel for consideration.

**Document 3: Proactive release guidance (September 2018)**

## Proactive release

[26 Sep 2018 - 11:22](#)

Releasing information proactively is a key way we can demonstrate our commitment to accountability and transparency, building the public’s confidence in the Ministry and the wider health sector we lead. It also helps us meet [State Services Commission \(SSC\) expectations](#) about proactive information release: “proactive release of information promotes good government, openness and transparency and fosters public trust and confidence in agencies.”

What’s more, proactively releasing information will mean we get fewer OIA requests in the long run as people will be able to search our website for previously released documents and might find what they’re looking for without formally requesting it.

### Cabinet Papers

DPMC and SSC expectations:	What needs to happen...
<ul style="list-style-type: none"> <li>• Cabinet Office Circular requires us to publish Cabinet Papers within 30 business days of Cabinet's decision unless there's a good reason to redact, withhold or delay release, requiring a considered decision. Final decision sits with Minister.</li> <li>• Proposed approach regarding whether item will be released needs to be indicated in the Cabinet Paper itself, although the final decision still rests with Minister (it is not recorded as a Cabinet recommendation/decision).</li> <li>• Cabinet Office Circular specifies a cover sheet is to be used for released material.</li> </ul>	<ul style="list-style-type: none"> <li>• CabNet Cabinet Paper template needs to be followed which referenced the proactive release decision.</li> <li>• Monthly Proactive Release Health Report to be developed for Minister to make final decision (prepared by ODG and approved by Health Legal). This will contain redacted versions (or summary only) where necessary.</li> </ul>

### 'Key Advice Papers' (papers related to Cabinet decisions)

DPMC and SSC expectations:	What needs to happen...
<ul style="list-style-type: none"> <li>• Papers addressed to the Minister with recommendations related to Cabinet's decisions may be released at the Minister's discretion.</li> </ul>	<ul style="list-style-type: none"> <li>• Health Report template will contain a prompt about whether the Health Report should be released once Cabinet decisions are made. The Ministry's default expectation is that the document will be released. If release is not recommended, the reasons for this need to be given in the Health Report.</li> <li>• Included in Monthly Proactive Release Health Report for Minister's decision (see above).</li> </ul>

### Other Health Reports (not 'Key Advice Papers')

<b>DPMC and SSC expectations:</b>	<b>What needs to happen...</b>
<ul style="list-style-type: none"> <li>• Not required by Cabinet Office Circular as this relates to Cabinet material only.</li> <li>• SSC Proactive Release guidance encourages release of “agency prepared documents, without any request from the public (e.g. annual reports, statements of intent, research reports, briefings, etc)”.</li> <li>• The Ministry’s Proactive Release of Information Policy states “the Ministry will consider publishing...policy documents, strategic advice... any other official information”. The Policy also says that there will be Ministerial consultation in the spirit of ‘no surprises’.</li> </ul>	<ul style="list-style-type: none"> <li>• Health Report template to contain a prompt about whether the Ministry intends to release the Health Report once Cabinet decisions are made. The Ministry default will be that the HR should be released if it’s likely to be of public interest. If release is not recommended, reasons for this are to be given.</li> <li>• Included in Monthly Proactive Release Health Report for Minister’s noting.</li> </ul>

#### Ministerial OIAs

<b>DPMC and SSC expectations:</b>	<b>What needs to happen...</b>
<ul style="list-style-type: none"> <li>• Not specified in Cabinet Office Circular.</li> <li>• Not specifically listed under SSC guidance or Ministry’s Proactive Release of Official Information Policy. The same principles apply as for OIAs but the decision to release rests with the Minister.</li> </ul>	<ul style="list-style-type: none"> <li>• Included in Monthly Proactive Release Health Report for Minister to make decision - prepared by ODG based on public interest test, approved by Health Legal.</li> </ul>

#### Other information to Minister (not Cabinet Papers, Health Reports or Ministerial OIAs)

<b>DPMC and SSC expectations:</b>	<b>What needs to happen...</b>
<ul style="list-style-type: none"> <li>• Not required by Cabinet Office Circular as this relates to Cabinet material only.</li> <li>• Depending on the item it may meet the intention of SSC guidance and/or the Ministry’s Proactive Release of Official Information Policy.</li> </ul>	<ul style="list-style-type: none"> <li>• ODG to identify items for release based on a public interest test, approved by Health Legal. Included in Monthly Proactive Release Health Report for Minister’s noting.</li> </ul>

## OIA (Ministry)

<b>DPMC and SSC expectations:</b>	<b>What needs to happen...</b>
<ul style="list-style-type: none"><li>• Not required by Cabinet Office Circular as this relates to Cabinet material only.</li><li>• Key part of SSC guidance but a public interest test is implied.</li><li>• Ministry's Proactive Release of Official Information Policy states "the Ministry will publish OIA request responses deemed in the public interest within 30 days in alignment with SSC policy".</li></ul>	<ul style="list-style-type: none"><li>• ODG to identify items for release based on a public interest test, approved by Health Legal. Included in Monthly Proactive Release Health Report for Minister's noting.</li></ul>

## Internal documents

<b>DPMC and SSC expectations:</b>	<b>What needs to happen ..</b>
<ul style="list-style-type: none"><li>• Not required by Cabinet Office Circular as this relates to Cabinet material only.</li><li>• Depending on the item, it may meet the intention of SSC guidance and/or the Ministry's Proactive Release of Official Information Policy.</li></ul>	<ul style="list-style-type: none"><li>• If published, this is to be on the relevant part of the Ministry website, not under information releases. Author is responsible for arranging publication with Comms (as per status quo).</li></ul>