

16 October 2023

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I refer to your letter of 11 October 2023 in which you request the following under the Official Information Act 1982 (OIA):

Any draft briefings prepared for the incoming Ministers.

We have refused your request in full under the following sections of the OIA:

- 9(2)(f)(iv), to protect the confidentiality of advice tendered by Ministers of the Crown and officials; and
- 9(2)(g)(i), to protect the free and frank expression of opinions by departments.

As noted by the Ombudsman (Case number 173358), in relation to the disclosure of draft briefings to incoming governments, there is a real and substantial risk that the release of draft copies of briefings to the incoming government would;

- make officials reluctant to be so free and frank in expressing their initial and untested views, particularly where those views had an element of sensitivity or controversy; and
- cause officials to prefer less efficient and transparent verbal exchanges (at least in the initial stages), and to thereby delay the formal drafting process until consensus had been reached on the overall direction and content of the briefing.


We thank you for your offer *to enter into a confidentiality agreement to protect truly confidential information*. We applied a public interest test to both your offer of a confidentiality agreement and our use of a section 9 withholding grounds. We have identified no public interest in releasing the information that would override the reasons for withholding it.

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website:

www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

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

Sarah Corbett
for Secretary of Foreign Affairs and Trade