

21 November 2023

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OIA 28859

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release

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I refer to your email of 26 October 2023 in which you request the following under the Official Information Act 1982 (OIA):

I would like to formally request getting a copy of your briefing to your incoming Minister as and when you send it, please.

On 3 November 2023, we contacted you explaining that we could not accommodate your request for a document that would be finalised on some future date. We explained that you could either, withdraw your request and resubmit it after the new government had been formed, or, we could treat your request as being for draft briefings for incoming Ministers.

We did not receive a response from you. Therefore we have interpreted your request to be for draft copies of briefings to incoming Ministers as at 26 October 2023.

We refuse 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:

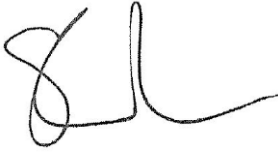
- make officials reluctant to be so free and frank in expressing their initial and untested views, particularly where those views had an element of sensitivity or controversy; and
- cause officials to prefer less efficient and transparent verbal exchanges (at least in the initial stages), and to thereby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

Where the information has been withheld under section 9 of the OIA, 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