



Te Kawa Mataaho
Public Service Commission

29 November 2024



Dear 

Ombudsman Complaint – OIA response to you dated 14 June 2022

We have recently been in discussion with the office of the Ombudsman in respect of your Official Information Act (OIA) complaint related to the information we released to you in our response of 14 June 2022. Your OIA request related to a cabinet paper titled – Next steps in proactive release of official information.

In our response to you we withheld some information under section 6(a) of the OIA. We have this week received a provisional opinion which has identified that information that we withheld in documents under these grounds, was released to you in other documents, namely a report to our Minister.

As the information has been released in other documents on 14 June 2022, this letter is to advise you that we have removed the redactions that were applied to this information contained in Documents for Release - Table 2 – page 160.

Please find enclosed a copy of this email with the redactions removed.

Yours sincerely

Nicky Dirks
Manager – Ministerial and Executive Services
Te Kawa Mataaho Public Service Commission

Neha Pawar

From: OIA Privacy <oia.privacy@nzsis.govt.nz>
Sent: Friday, 4 March 2022 3:08 pm
To: Monique Rijnberg; Hannah Dewes
Cc: Information (GCSB); Callum Butler
Subject: FW: Cabinet paper for consultation - Next steps in proactive release of official information
Attachments: Draft Proactive Release Cabinet Paper (agency consultation 21 Feb 2022).docx

This email was sent from someone outside of Te Kawa Mataaho. Please take extra care.

Kia ora

Thanks for the opportunity for the NZSIS and the GCSB to comment on the proposal.

Feedback from OIA team

The OIA team have reviewed the Cabinet Paper and are supportive of the proposed approach. Your proposals largely align with improvements our team would like to implement anyway, although as we do not currently have any processes in place for proactive release we would require some time to develop and embed internal procedures to support implementation. Our only feedback is that we believe collecting both the median and the average response time would be a useful statistic, as for agencies such as our own, one long request can skew the average response time considerably, given we respond to a comparatively small number of OIAs.

I also passed the paper to our Policy team for comment, who provided the following feedback.

Feedback from Policy team

We acknowledge the rationale behind this initiative and the benefits it could have in terms of transparency. We also note that it's important that security considerations are acknowledged in the paper. While security is able to be taken into account at an agency level when considering the release of specific material, it would be helpful to explicitly acknowledge the mosaic effect. The mosaic effect can occur when multiple agencies release single pieces of information which, on their own, are innocuous, but when viewed together could amount to information that is harmful to New Zealand's security or interests. The mosaic effect can also apply to material released over time by a single agency. Consideration of the mosaic effect for information released across a range of agencies is more difficult and falls outside the mandate of any particular department or team. This risk is likely to be exacerbated if all material is made available in one place and in a way that allows bulk capture or processing.

In order to help mitigate this risk, we would be happy to brief other agencies regarding some of the national security risks that could manifest through the mosaic effect and our approach to managing these risks. We would also be happy to help develop guidance regarding this.

Additionally, under the proposal it's worth noting that while material would still be assessed according to the criteria for withholding under the OIA, release of information under the OIA ensures that (even if it is released widely) released information is of interest to at least one person who satisfies the criteria for a requestor under the OIA (NZ permanent resident etc.), thereby having a positive effect in terms of transparency. Under the proposed process, given the absence of a request from a requestor who meets the criteria under the OIA, it is possible that material released by agencies would be of no interest to someone who meets the requestor criteria, but may be of interest to a foreign state. Release of such material would have no benefit to New Zealand in terms of transparency but could potentially be used contrary

to New Zealand's interests. It could be that guidance is able to help mitigate this potential situation. We would be happy to contribute to guidance in this respect.

Feel free to give me a call if you would like to discuss this further.

Kind regards

9(2)(a)

Acting Manager, Strategy & Accountability
Joint Directors-General Office

9(2)(a) privacy



New Zealand
Security Intelligence
Service
Te Pā Whakamarumarū



GOVERNMENT
COMMUNICATIONS
SECURITY BUREAU
TE TIRA TIAKI

Duplication of email dated 21 Feb 2022, 12.11pm from Callum Butler