

12 December 2024

Tier 2 Policy Leaders Network

Tēnā koutou katoa

Protecting the integrity of the Official Information Act 1982

The Ministry of Justice administers the Official Information Act 1982 (OIA). Protecting the integrity of the legislation is an important part of our regulatory stewardship role. Over the past few years there have been an increasing number of proposals for legislative change that relate to the OIA. We would like to be involved at an early stage in these kinds of proposals.

OIA exemptions can take several different forms and range from legislation explicitly modifying the effect of the OIA to full confidentiality clauses in legislation. These arise in new legislation or old legislation which is being adopted wholesale.

Suggested considerations to guide agencies

There are a few occasions where an exemption may be appropriate, such as to protect whistleblowers. Any exemption should be well-justified, and information about that justification should be publicly available. It's helpful, during the early stages of policy development, to consider whether any policy proposals may relate to or have an impact on the OIA.

If an exemption is considered necessary, we encourage you to record the rationale for it in the relevant policy documents, such as Cabinet papers, Regulatory Impact Assessments, or disclosure statements. This supports transparency and allows interested parties, including civil society, to find the information when they need to. We acknowledge that these issues may be seen as being of a minor and technical nature when drafting legislation. However, it continues to be important to appropriately consider the application of the OIA during these policy and legislative processes.

We encourage you to discuss these kinds of proposals with us at an early stage by emailing: DemocracyandOpenGovernment@justice.govt.nz

I would appreciate it if you would share this letter with your teams.

Ngā mihi nui,



Caroline Greaney

Deputy Secretary, Policy