

Appendix B: Summary of Key Feedback received on NAP4¹

Name of commitment	Feedback ²	Te Kawa Maataho (TKM) Response
Implementation Plan	<ol style="list-style-type: none"> 1. Transparency International New Zealand (TINZ) suggest the implementation plan should explicitly describe the value of co-creation and the role of civil society. 2. Grey Power New Zealand request the implementation of the plan receives adequate, targeted funding and resources, so the Plan does not end up a “wish list”. They note that CSOs have commented that National Action Plans are weak and commitments as seen as things to be “ticked off” rather than tools to transform how government works. Ministerial leadership is needed to change this behaviour. <p>Open Government Partnership International (OGP) made a number of suggestions about the implementation of the plan:</p> <ol style="list-style-type: none"> 3. Proactively identify civil society leads and the roles of civil society and the public in commitment milestones. 4. To fully embed considerations related to Te Tiriti o Waitangi in the implementation of each commitment it would help to incorporate these into the content of commitment milestones. 5. For further IRM advice on commitments carried forward from the previous cycle, please see the IRM Transitional Results Report and Design Report. <ol style="list-style-type: none"> 6. Amazon Web Services New Zealand Limited (Amazon) look forward to future engagement on the commitments with relevant agencies over 2023-24. Outreach to relevant industries bodies and leaders can leverage the broader knowledge and resources available in New Zealand to support action plan implementation. Amazon recommend agencies proactively seek support from relevant industry forums such as Digital Identity New Zealand, AI Forum, NZ Tech so as to leverage wider perspectives from industry on these important topics. 	<ol style="list-style-type: none"> 1. TKM will review and consider this feedback when developing the implementation plan. 2. No changes required to NAP4. Commitments are funded and resourced within existing baselines. A number of commitments are transformational. 3. The more substantive changes suggested by OGP have not been incorporated. The development of the NAP4 involved considerable engagement and co-design with CSOs and the general public. The Plan was subsequently approved by Cabinet with only minor changes to the Plan permitted. Proposed changes to implementing parties is not possible at this final stage of Plan approval and would require the development process to start again. 4. As above. 5. As above. 6. TKM will review and consider this feedback when developing the implementation plan.
The Multi-stakeholder Forum (MSF)	<p>TINZ advise that:</p> <ol style="list-style-type: none"> 1. The current EAP requires people to apply and be selected by government to be a member. This arrangement should be explicitly ruled out for the future, and there should be a commitment for CSOs, Māori and other groups to choose representatives to serve on the newly established MSF. 2. The MSF should be co-led by government and CSOs. 	<ol style="list-style-type: none"> 1. TKM will review and consider this feedback when developing the Multi Stakeholder Forum (MSF) and process for the next National Action Plan (NAP5). 2. As above.
Disability Convention and its relevance to the plan and commitments	<p>The Ombudsman considers that the Plan and the relevant commitments could be further strengthened through explicit reference to New Zealand’s obligations under the Disability Convention. This requires public sector agencies to have in place mechanisms that allow disabled people to use services independently, and to provide a variety of reasonable accommodations to disabled people and their supporters. And ensure that disabled people are able to live independently and participate fully in all aspects of life (Articles 2 – reasonable accommodation and 9- accessibility of the Convention refer). He suggests that the relevance of the Convention be recognised through express reference to it within the Plan and its Commitments.</p>	<p>Our expectation is that Agency Leads will take into consideration all relevant legislation, policies and obligations when developing the commitments. This specific feedback will be provided to all Agency Leads.</p>

¹ This feedback list isn’t exhaustive and should be read in conjunction with submissions received.

² Note – all feedback comes from individuals unless an organisation is specified.

Independent Reporting Mechanism	Amend the paragraph describing the IRM and its NZ researchers as it does not cover the full IRM process.	Changes incorporated into NAP4.
NAP4 Process	<p>TINZ and NZ Council of Civil Liberties (NZCCL) and Trust Democracy advise that:</p> <ol style="list-style-type: none"> 1. <i>Plan does not have bold ambitious transformative initiatives</i> - The plan is primarily a collection of current work already underway. It hasn't improved public transparency and accountability in the three years that the NAP4 has been in development. Nor does the plan uphold the principle "to foster a culture of open government". 2. <i>Process used doesn't align with OGP documented standards, nor IAP2</i>- the guide to public engagement created by the government in NAP3. 3. <i>Lack of effective engagement and meaningful participation</i> – more "Inform" with some aspects of "Consult" under IAP2. A meaningful shift would have been towards "Involve". 4. <i>Commitments in the plan have not been co-created/co-produced.</i> 5. <i>OGP work in NZ will continue to feed cynicism about "co-creation".</i> 6. <i>Lead agencies were not willing to engage or make meaningful commitments.</i> 7. <i>Lack of funding and incentives to engage in OGP disincentivizes CSOs to be involved, with significant opportunity costs</i> 8. <i>Lack of allocated funding for OGP work means agencies see OGP work as additional work</i> 9. <i>The Commission and government do not understand the ethos of the OGP, the Minister's role in OGP or how to leverage authority to ensure other government departments meet responsibilities</i> 10. <i>TKM must invest in its officials and upskill them in co-creation and better resource engagement</i> 11. <i>EAP members are not representative of any CSO organization or sector of society as per TOR</i> <p>Full submission from TINZ can be found here TINZ submission on NAP4 draft Dec 2022.docx (webflow.com)</p> <p>Full submission from NZCCL can be found here Comments on Aotearoa's 4th Open Government Partnership National Action Plan – NZ Council for Civil Liberties (nzcl.org.nz)</p>	TKM will review and consider this feedback (1-11) when developing the Multi Stakeholder Forum (MSF) and process for the next National Action Plan (NAP5).
Commitment 1 – Adopt a community engagement tool	<ol style="list-style-type: none"> 1. A number of submissions in support of this commitment were received. One suggests that the Health Quality and Safety Commission (HQSC) be contracted for research and learning as they have engaged with customers through multiple channel as well as developed a customer engagement tool which itself was created with consumers and whanau. 2. Another from the International Association for Public Participation (IAP) Australasia supports this commitment and shares further tools, resources, thoughts and other items of interest that could be considered useful. They advise that they are working on a draft Māori strategy around best practice Māori engagement in NZ. They plan to commence work with the NZ engagement community and specialised iwi engagement advisors as to how to progress this initiative. They are working within Te Arawhiti's framework. 3. The submission from Grey Power notes that policy decisions that result from an inclusive and collaborative process achieve more credibility. The community engagement tool will improve how agencies design engagement from the outset. 4. The Ombudsman advises that he is pleased to see that the Plan and a number of its commitments recognise the needs for government information to be accessible and useable by all members of New Zealand society, and for 	<ol style="list-style-type: none"> 1. Feedback will be considered by Agency Lead (Te Kawa Mataaho Public Service Commission) as part of the detailed planning of this commitment. The Agency Lead will also leverage the experience from the use of the tool by Royal Commission of Inquiry (RCOI) agencies during the pilot. They will consider the feedback from agencies and impacted community groups. 2. No change to NAP4 required. Provide information to DPMC. 3. No change to NAP4 required. 4. No change to NAP4 required.

	<p>engagement and consultation to be meaningful and effective. He commends commitments 1, 2 and 3 as they look likely to strengthen the ability of disabled people, including tāngata whaikaha Māori, to engage with and participate in democracy in NZ.</p> <p>A submission from TINZ suggested the following changes:</p> <ol style="list-style-type: none"> 5. Publishing the report from the review of the use of the policy community engagement tool. 6. Mandatory expectations that government entities will adopt the tool. 7. Information on how the public will be involved in delivery of the commitment. 8. Provisions on co-designing enforceable minimum standards for public consultations (information gathering, co-design, publication). 9. Specification that the community of practice will be open to private sector public engagement consultants, CSOs, academics and interested members of the public. <p>OGP International also suggested changes:</p> <ol style="list-style-type: none"> 10. The commitment could define what constitutes a “significant initiative”. 11. To embed agencies use of the community engagement tool, TKM could link implementation of the tool to its assessment of agency Chief Executives meetings their duty under s. 12 of the Public Service Act 2020. 12. Beyond reporting requirements, it would be valuable to incorporate milestones that, with civil society, measure agencies’ uptake of the tool, and evaluate whether this form of public engagement has made implementation of policies smoother. 13. Spain has a related commitment in their 2020 action plan that we may wish to consider for inspiration and learning. 14. Any community engagement tool must not be digital only. A digital only tool would be inaccessible to more than 20% of the population. 15. The International Association for Public Participation (IAP) Australasia supports this commitment and has suggested that this could be an area of shared interest. One of their members recently received an IAP2 Core Values Award for their six-year longitudinal research project on “The Value of Deliberative Democracy”. 16. NZ Civil Council for Civil Liberties and Trust Democracy suggest: <ul style="list-style-type: none"> • TKM should apply PCET to OGP work • NAP should make explicit that PCET will be a standard under s 17 of the PSA and it should be linked to “fostering a culture of open government” under s 12(1)(d) of the PSA • Milestone 1 review of PCET - should include input from people outside the public service • Lack of defining “significant commitments” is problematic; ought to be clear to people outside the public service, who should have input into what definition is • Community of practice is a good thing but should be open to people outside the public service • Community of practice is not sufficient to lift quality of community engagement • Request extend commitment to include “co-creation of mandatory minimum standards for govt consultation exercises”. 	<ol style="list-style-type: none"> 5. Report will be published. No change to NAP4 required. 6. Development of a standard will ensure mandatory use. No change to NAP4 required. 7. Feedback will be considered by Agency Lead (Te Kawa Mataaho Public Service Commission) as part of the detailed planning of this commitment. 8. As above. 9. As above. <ol style="list-style-type: none"> 10. No change to NAP4 required. This will be looked at as part of the detailed planning of this commitment. Includes defining ‘significant’ with key stakeholders. 11. No change to NAP4 required. This will be looked at as part of the detailed planning of this commitment. 12. The development of reporting requirements could cover these matters, we do not consider it needs a separate milestone. 13. Feedback will be considered by Agency Lead (Te Kawa Mataaho Public Service Commission) as part of the detailed planning of this commitment. 14. As above. <ol style="list-style-type: none"> 15. Feedback will be considered by Agency Lead (Te Kawa Mataaho Public Service Commission) as part of the detailed planning of this commitment. <ol style="list-style-type: none"> 16. Feedback will be considered by Agency Lead (Te Kawa Mataaho Public Service Commission) as part of the detailed planning of this commitment.
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Commitment 2: Research deliberative processes for community engagement

TINZ suggest two specific changes:

1. Include publication of the evaluation of the deliberative processes pilot.
2. Include a requirement to establish a multi-stakeholder oversight group with a description of how group will work with the organisers of the deliberative processes to adapt to the NZ context.
3. One submission provided the example of modernising the Charities Act 2005 to show how complex messaging from government agencies can be, and suggested more care be taken with future messaging (also relates to commitment 3).
4. One submission did not support this proposal and suggested instead that there is already a wealth of information and examples in community circles and the public sector, and we do not need to reinvent the wheel or look to overseas for what is already done here. Examples include the use of citizens assemblies (Talanoa/Wananga). The submitter noted specific individuals with knowledge in this area.
5. Grey Power New Zealand supports strengthening the range of options available for public participation and notes there is currently little use of deliberative processes in New Zealand, so this is an area with opportunity for improvement. This submission supportive processes that promote “true public engagement” instead of requesting comments once policies have been developed.

OGP International made two comments:

6. Suggested referring to the OECD resource on ways to ways to institutionalise deliberative democracy, including giving citizens a right to demand a deliberative process, requiring deliberation before certain kinds of policy decisions, sequencing deliberative processes throughout the policy cycle, or connecting deliberation to parliamentary committees.
7. OGP can direct New Zealand to resources on deliberative processes (e.g. The OECD’s Deliberative Wave report) and connect us to peers in other countries for support and guidance.
8. The Ombudsman advises that he is pleased to see that the Plan and a number of its commitments recognise the needs for government information to be accessible and useable by all members of New Zealand society, and for engagement and consultation to be meaningful and effective. He commends commitments 1, 2 and 3 as they look likely to strengthen the ability of disabled people, including tāngata whaikaha Māori, to engage with and participate in democracy in NZ.

NZ Civil Council for Civil Liberties and Trust Democracy suggest:

9. Milestone 3 should be amended to design a fund open to all to support use of deliberative processes
10. Milestone 3 should be published
11. A multistakeholder oversight group should be formed to guide delivery for milestones 2, 3 and 5.
12. Mining” deliberative processes for govt alone would be extractive and unethical.

1. No change to NAP4 required. Feedback will be considered by Agency Lead (Te Kawa Mataaho Public Service Commission) as part of the detailed planning of this commitment.
2. Publication of pilot will occur. No change to NAP4 required.
3. Feedback will be considered by Agency Lead (Te Kawa Mataaho Public Service Commission) as part of the detailed planning of this commitment.
4. As above.
5. Provide feedback to agency Lead.
6. As above. We note all commitments will need to be progressed within New Zealand’s existing democratic and constitutional settings.
7. As above.
8. No changes required.
9. Agency Lead to determine.
10. Incorporated.
11. Incorporated.
12. No change required.

<p>Commitment 3: Establish an inclusive multi-channel approach to the delivery of government information and services</p>	<p>23 submissions have been received in support of this commitment.</p> <ol style="list-style-type: none"> 1. DIA advise that the GCDO does not have the mandate to compel agencies to use the approach they develop (they can only ask them to). They feel that use of the word ‘establish’ suggests otherwise. They advise that they won’t be starting from scratch but will be building on work the GCDO has already done. They will also need to continue to develop the approach over time in response to technological and societal changes. ‘Establish’ feels a bit ‘one and done’ and suggests that there is currently no work in existence. Hence their preference for use of the word Develop instead of Establish. 2. DIA have suggested some amendments to some of the terminology and Commitment 3 milestones. <p>TINZ stated that it was pleasing:</p> <ol style="list-style-type: none"> 3. to see that there is a firm commitment for greater accessibility to government services and support (TINZ) 4. to see that an agency sector has been secured and that it includes provision for a cross-agency / civil society / NGO / iwi working group (TINZ) 5. that their continued insistence on the importance of Te Tiriti o Waitangi as central to the commitments has been realised. <ol style="list-style-type: none"> 6. Citizens Advice Bureau (CAB) is delighted to see the inclusion of this commitment. CAB has been advocating for this approach to public service design and delivery for the past 3 years. The submission notes this approach will support all people to get the help they need in ways they need it, including for Māori who have expressed the value of interacting kanohi ki te kanohi. 7. CAB look forward to working with DIA, the Agency Lead, on this commitment. Given DIA has been leading the digital transformation process for government, CAB asks that the Minister provide DIA with clear direction about the requirement to broaden their scope. CAB’s experience has been that DIA struggled to accommodate a multi-channel approach alongside its deliberate emphasis on digital transformation, digital public services, and digital inclusion as a solution to meeting the needs of those who are not online. It is also essential this work is supported through adequate budget allocation, including resourcing civil society partners. 8. The Ombudsman advises that he is pleased to see that the Plan and a number of its Commitments recognise the needs for government information to be accessible and useable by all members of New Zealand society, and for engagement and consultation to be meaningful and effective. He commends commitments 1, 2 and 3 as they look likely to strengthen the ability of disabled people, including tāngata whaikaha Māori, to engage with and participate in democracy in NZ. 9. NZ Civil Council for Civil Liberties and Trust Democracy suggest: <ul style="list-style-type: none"> • CSOs and iwi on working group should be paid for their time and commitment should use an “open” approach • Implementation depends on funding. 	<ol style="list-style-type: none"> 1. Not incorporated. ‘Promote’ could be perceived as watering down the commitment. Also we note the Cab Minute uses the term ‘Establish’ in the agreed commitment description. 2. DIA changes incorporated. 3. No changes required. 4. No changes required. 5. No changes required. 6. Feedback to Agency Lead. 7. The commitment will be achieved through civil society organisations and government agencies working in partnership with, and leveraging, the Government Chief Digital Officer’s (GCDO) System Lead role for digital government transformation. Any decisions around funding and resourcing will be determined by the Agency Lead as the commitment will be funded and resourced within their existing baseline. 8. No changes required. 9. Feedback to Agency Lead to consider.
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<p>Commitment 3: Establish an inclusive multi-channel approach to the delivery of government information and services (continued)</p>	<p>10. Amazon advise that in addition to exploring multi-channel options it is important for the technology industry to evolve digital user interfaces that use human centred design practices to support access for all community members to improve inclusion significantly, as well as investment in skills development. In addition to improving digital channels, we believe there are significant opportunities to use technology to enhance other channels too.</p> <p>Key themes from submissions include:</p> <p>Inclusiveness</p> <ol style="list-style-type: none"> 1. <i>Have a more inclusive approach to public services.</i> 2. <i>Aim to always have person to person options available for the public.</i> 3. <i>Ensure that those using non digital services are not disadvantaged (e.g. long wait times or feeling that they are being a nuisance).</i> 4. <i>Uphold Te Tiriti o Waitangi.</i> 5. <i>Provide in person services to include dis-advantaged citizens.</i> 6. <i>Ensure being up to date with technology isn't a requirement for participation in a democracy.</i> <p>Accessibility</p> <ol style="list-style-type: none"> 7. <i>Ensure delivery of public services meet the guidelines set out by the trans-Tasman Round Table on Information Access for People with Print Disabilities- production of accessible formats, including audio, braille, large print, e-text and tactile graphics for people with print disability. (Blind Low Vision).</i> 8. <i>Include resourcing NZ Sign Language in Government videos, providing braille versions of consultation documents and requiring electronic documents and emails be accessible for blind and low vision people.</i> 9. <i>Provide deadlines for the implementation of the Plain Language Act (e.g. the appointment of Plain Language Officers).</i> 10. <i>Refer to the Plain Language Act 2022 which is relevant in relation to written printed and online material (TINZ).</i> <p>Funding and resourcing</p> <ol style="list-style-type: none"> 11. <i>Ensure funding and strategies are guaranteed and a system set to verify that public services are offering non-digital alternatives in good faith.</i> 12. <i>Allocate resources to assist and support non digital access.</i> 13. <i>Resource groups like the Citizen's Advice Bureau, the Disabled Person's Assembly and Māori community groups and marae who provide alternatives to digital channels.</i> 14. <i>Resource libraries and marae that provide a space for digital devices.</i> <p>Learning</p> <ol style="list-style-type: none"> 15. <i>Learn from other organisations both public and private that implement inclusive services in smart and helpful ways.</i> 16. <i>Include the Charities Service (Ngā Ratonga Kaupapa Atawhai) website in scope of the work programme for this commitment.</i> 17. <i>Consider links to resources provided to help identify best practice from other service models (OGP International).</i> 18. <i>Consider dedicated consultation with groups who are likely to experience digital exclusion (OGP International).</i> 	<p>10. No change to NAP 4 required. Provide detailed feedback to Agency Lead.</p> <p>No change to NAP 4 required. Provide detailed feedback to Agency Lead.</p> <p>10. In relation to the implementation of the Plain Language Act 2022, legislation requires agencies report annually on how their agency complies with the Act (including the appointment of Plain Language Officers). First reports will likely be submitted in early 2024.</p>
<p>Commitment 4: Design and implement a National Counter Fraud and Corruption Strategy</p>	<p>TINZ advises that they were pleased to see this commitment to anti-corruption, though it mostly reflects work already in progress. They believe that the commitment should include:</p> <ol style="list-style-type: none"> 1. a milestone to create a CSO, Māori and government working group to oversee the development of the strategy. 2. explicit reference to how the strategy will be co-designed 3. a milestone for co-design of 'Phase 2' work to extend the strategy to the private sector, by the end of 2024 <p>OGP International made four comments:</p> <ol style="list-style-type: none"> 4. Can this commitment offer greater specificity on what is intended to be included in the National Counter Fraud and Corruption Strategy? 	<ol style="list-style-type: none"> 1. Not incorporated. The development of the NAP4 involved considerable engagement and co-design with CSOs and the general public. The plan was subsequently approved by Cabinet with only minor changes to the Plan permitted. Proposed "milestones" that would fundamentally change the commitment have not been included. Work on the NCFCS will be ongoing beyond the term of the Plan and take this feedback into account. 2. As above. 3. As above. 4. As above.

	<p>5. What will civil society’s role be in developing and implementing this strategy?</p> <p>6. It would be valuable to incorporate milestones that, with civil society, measure uptake of the strategy and evaluate its impact and lessons learned.</p> <p>7. As a useful resource, the commitment can incorporate the recommendations of the National Integrity System Assessment conducted by TINZ.</p> <p>The Taxpayers’ Union provided the following feedback:</p> <p>8. The commitment is far too weak and does not go far enough. The Taxpayers’ Union note that the amount of money lost to fraud is staggering.</p> <p>9. The Action Plan does not explain how the fraud and error estimates included in the Plan were derived and welcome the Expert Advisory Panel’s more detailed explanation. The Taxpayers’ Union will follow up on this issue with the respective organisation (SFO) to gain a complete understanding of how the estimates were prepared.</p> <p>10. One submission suggested a way to enhance fraud and corruption monitoring is to enable the public to have greater access to information. For this reason, the Government should ratify the Aarhus Convention on sharing Environmental Information and consider implementing recommendations of the Chief Ombudsman with respect to OIA.</p> <p>11. Amazon believe technology should be leveraged across sectors in assisting fraud detection. Any national strategy that considers fraud analysis should consider how this involves observing, tracking, inspecting, and analysing behaviours across multiple channels (customers, employees, vendors) to identify the right and wrong trends and understand where intervention should be applied.</p> <p>12. NZ Civil Council for Civil Liberties and Trust Democracy suggest:</p> <ul style="list-style-type: none"> • Confusing wording – “Ambition” refers to Phase One, then “future development may include business and the private sector”. Should have a milestone for Phase two. • TKM should undertake and publish a post-implementation review of the PD Act 2022 and link it to strategy. 	<p>5. As above.</p> <p>6. See answer to point 1.</p> <p>7. Feedback to be provided to Agency Lead (SFO).</p> <p>8. Feedback to be provided to Agency Lead (SFO).</p> <p>9. Feedback to be provided to Agency Lead (SFO).</p> <p>10. Not incorporated - this suggestion is outside the scope of the commitment.</p> <p>11. No change to NAP 4 required. Provide detailed feedback to Agency Lead.</p> <p>12. Not incorporated. The Plan was approved by Cabinet with only minor changes to the Plan permitted.</p>
<p>Commitment 5: Increase transparency of beneficial ownership of companies and limited partnerships</p>	<p>TINZ suggest that the commitment should:</p> <ol style="list-style-type: none"> 1. be explicit that the register will be public and sufficient detail provided to enable public identification of beneficial owners 2. include the requirement for a risk assessment of the use of trusts and how to improve the transparency of their use and ownership 3. include milestones for public consultation on the development of the legislation in addition to the standard select committee process <p>OGP International made four comments:</p> <ol style="list-style-type: none"> 4. It may be useful to see further details about the content of the proposed legislation (for instance, clarify whether a central register of beneficial ownership information will be created, the format intended for the disclosure of information, whether public availability will be guaranteed, etc.) 5. This commitment could align the intended beneficial ownership database with Open Ownership’s Beneficial Ownership Data Standard. 6. The commitment should include consultation with experts and civil society to ensure that the public has sufficient free access to beneficial ownership information. 7. This commitment could add milestones to encourage utilisation of the beneficial ownership database information. 	<ol style="list-style-type: none"> 1. No change to NAP4 required. The Plan states that the general public will have access to high-level information (name, date of becoming a beneficial owner, and grounds for qualifying as a beneficial owner). 2. Not incorporated as not supported by the potential Agency sponsor (MoJ). The possibility of research on trusts, with a view to creating a trusts register, was investigated with the potential agency sponsor for such work however, was not supported at this time. 3. Feedback will be considered by Agency Lead (MBIE) as part of the detailed planning of this commitment. Open Government Partnership (OGP) Plan commitments are required by OGP to report back to the public every six months on the progress of implementation. 4. The Cabinet paper and Regulatory Impact Assessment for the proposal to establish a register of beneficial owners of companies and limited partnerships are publicly available on the MBIE website, and answer many of the questions posed here. The legislation is yet to be drafted. We note releasing an exposure draft requires agreement from the responsible Minister and Attorney-General. 5. Feedback will be considered by Agency Lead (MBIE) as part of the detailed planning of this commitment. 6. Feedback will be considered by Agency Lead (MBIE) as part of the detailed planning of this commitment. 7. Not incorporated into the NAP4 but feedback will be passed to Agency Lead.

	<p>NZ Civil Council for Civil Liberties and Trust Democracy suggest:</p> <ol style="list-style-type: none"> 8. Commitment should be strengthened to include CSO and other stakeholder oversight of delivery 9. Some specific comments/views about beneficial ownership and European Court of Justice decision 10. Strengthen commitment to require a legislative design change to explore how a mechanism for access to data can happen in ways that enable connections with other data sets 11. Add a milestone and deliverable re trusts. 	<ol style="list-style-type: none"> 8. Not incorporated. The Plan was approved by Cabinet with only minor changes to the Plan permitted. 9. As above. 10. As above. 11. As above.
<p>Commitment 6: Improve Government Procurement Transparency</p>	<p>TINZ advise:</p> <ol style="list-style-type: none"> 1. The description of this current state as “Room for improvement” is not accurate. The commitment should include: <ol style="list-style-type: none"> 2. a milestone to involve CSOs in the co-design of the GETS application 3. a milestone for a policy to adopt the Open Contracting Principles, which covers the full spectrum of procurement documentation 4. an explicit statement that all procurement data gathered will be published as open data, rather than simply providing access to ‘dashboards’. <p>OGP International make four comments:</p> <ol style="list-style-type: none"> 5. Will this commitment release new government procurement information? 6. This commitment could plan to update the Government Procurement Rules to support release of all awarded government contracts as open data and adoption of OCDS, as well as giving MBIE power to enforce compliance. 7. As GETS contract notice releases represent a small portion of the total annual government expenditure, this commitment will be most impactful if it addresses all government procurement data, including actual contracts. This could span contracts awarded via tendering on the GETS platform, as well as those awarded via panels of pre-approved suppliers and those directly awarded without public tendering. <ol style="list-style-type: none"> 8. One submission notes the need to improve GETS and other Procurement channels but even more so, require agencies to follow them. Recommend working with the tech industry group NZRise on better rules for procurement. <p>The Taxpayers’ Union note:</p> <ol style="list-style-type: none"> 9. They support the commitment to improve government transparency. Increasing the transparency of government procurement process will reduce compliance costs for businesses tendering for government contracts and facilitate great competition. 10. Designing a new procurement system is not without cost and difficulty. The Taxpayer’s Union supports the initial focus on further developing GETS to improve the information it can publicly provide. Care needs to be taken when designing new systems, as costs can rapidly escalate, especially if scope begins to broaden. <ol style="list-style-type: none"> 11. NZ Civil Council for Civil Liberties and Trust Democracy suggest: <ul style="list-style-type: none"> • Milestone one should involve CSOs, iwi and public, media etc • Milestone two should specify data will be published as open data; not simply via a suite of dashboard • Milestone three should specify a pilot by both the NZGP team and another agency and publicly report on this. • Strengthen to require proactive publication of contracts and related documents, • Add a commitment for CSOs, iwi and public, media etc to explore adopting OC principles. 	<ol style="list-style-type: none"> 1. No change to NAP4 required. 2. Not incorporated. The development of the NAP4 involved considerable engagement and co-design and takes into account agency resources. The Plan was subsequently approved by Cabinet with only minor changes to the Plan permitted. The proposed “milestones” that would fundamentally change the commitment have not been included. Work on Open Contracting will be ongoing beyond the term of the Plan and take this feedback into account.” 3. As above. 4. As above. 5. Yes, work under this commitment will enable more procurement information to be released. 6. As above. 7. As above. 8. Feedback to be provided to Agency Lead (MBIE). 9. As above. 10. Taxpayers Union. 11. Not incorporated. The development of the NAP4 involved considerable engagement and co-design and takes into account agency resources. The Plan was subsequently approved by Cabinet with only minor changes to the Plan permitted.

Commitment 7: Strengthen scrutiny of Official Information Act exemption clauses in legislation

The Ombudsman advises that:

1. it is in this context of the Danks Committee that it is helpful to recognise NZ’s achievements, including recent innovations such as the proactive release of Cabinet material.
2. he is particularly heartened to see Commitment 7 within the draft National Action Plan and that he expects to be consulted further to the review process referred to in the commitment which is to take place in 2023.
3. He agrees that there needs to be careful scrutiny of future legislative clauses which seek to oust or modify the application of the OIA and the LGOIMA. His concerns centre on the risk that such secrecy clauses will detrimentally impact the ability of New Zealanders to exercise their constitutional and fundamental human rights to seek and receive information. He says that whilst the Cabinet Manual (section 7.42) requires the Ombudsman to be consulted in their areas of interest, regrettably, however, the Ombudsmen have not always been consulted on policies or draft legislation which affect the application of the OIA and the LGOIMA. Where consultation has occurred, it often has been late in the process, and well after the proposed policy or legislation has already taken shape and provisions relating to information access and/or limits on disclosure have been crafted. He therefore suggests that steps be taken to ensure the Ombudsmen are consulted as early as possible in any policy-shaping or legislation drafting process including secrecy clauses, to ensure that any relevant concerns can be identified and addressed at the earliest possible stage. Taking this step would afford an appropriate significance to rights which are both fundamental and constitutional in nature.
4. He supports a careful review of any and all **existing** secrecy clauses which impact on the application of the OIA or the LGOIMA, to ensure that the fundamental and constitutional rights of New Zealanders are not being curtailed unnecessarily and that any limitation on these rights is justified and proportionate. This is particularly necessary in circumstances where drafters of current and future legislation appear to be increasingly reliant on legislative precedent not just as a model for secrecy clauses but as a justification for their very existence.

TINZ suggest:

5. Include a milestone to review the 85 clauses in legislation that override the presumption of availability of official information to identify which should be removed and publish the results of the review.

OGP suggest:

6. Consider civil society requests to carry out the review independently, not by the Ministry of Justice.
7. The planned review could include proactive publication policy and secrecy clauses.
8. It would be valuable to plan for strong civil society and public engagement in the review process, and in the commitment’s efforts to strengthen access to government information.
9. This commitment could concretize plans to strengthen processes and guidance to better reflect the presumption of disclosure of government information and the application of the public interest test under the OIA.

The Taxpayer’s Union suggest:

10. This commitment is too weak and does not go far enough. There should be no such clauses in any legislation, as the OIA’s existing protections (e.g. for privacy, commercial sensitivity, free and frank advice) are sufficient. Clauses that override the disclosure requirements of the OIA are unnecessary and therefore redundant.
11. The Taxpayer’s Union is concerned there are now more than 85 OIA exemption clauses in legislation and that 20 of these have been added in the last three years. These clauses make it harder to obtain relevant information where there is a public interest and insufficient justification for withholding information. The commitment needs to be restated to remove all legislative clauses that override disclosure requirements of the OIA.
12. One submission strongly supported this commitment and linked to recent media articles about OIA exemption clauses. The submission recommended Government work with the NZ Council for Civil Liberties or a similar organisation on this.

1. No action required.
2. Feedback to Agency Lead.
3. As above.
4. Not agreed by Cabinet. Additional milestone has been added that we will continue to explore this with MoJ for potential inclusion in the future.
5. Not agreed by Cabinet. Additional milestone added that we will continue to explore this with MoJ for potential inclusion in the future.
6. Not incorporated. The development of the NAP4 involved considerable engagement and co-design with CSOs and the general public. The plan was subsequently approved by Cabinet with only minor changes to the Plan permitted. This suggestion would be a fundamental change to the commitment.
7. As above.
8. Feedback to be provided to Agency Lead (MoJ).
9. Feedback to be provided to Agency Lead (MoJ).
10. As per point 4.
11. As per point 4.
12. Feedback to be provided to Agency Lead (MoJ).

	<p>13. Environment and Conservation Organisations of NZ /Aotearoa Inc (ECO) is concerned about the high degree of obstructionism from some government agencies in the implementation of the OIA. Laws that create exemptions from the OIA are deeply corrosive of open government and ECO wish to see these reconsidered and reversed.</p> <p>14. ECO also ask that a commitment be included for a review and reversal of policies to limit or shut down the right of experts and contributors to government stakeholder panels, advisory groups and peer review teams who have to pledge secrecy in order to engage in discussions.</p> <p>NZ Civil Council for Civil Liberties and Trust Democracy suggest:</p> <p>15. No CSO role in delivery</p> <p>16. Strengthen commitment to state that: the govt will assess new legislation that overrides the OIA against s 14 of the bill of rights; If not, add a milestone in conjunction with law commission and a university and panellists</p> <p>17. Include a review of existing secrecy clauses.</p>	<p>13. This feedback will be provided to the Agency Lead.</p> <p>14. Not incorporated - this is outside the scope of the commitment.</p> <p>15. Not incorporated - this is outside the scope of the commitment.</p> <p>16. Not agreed by Cabinet. Additional milestone has been added that we will continue to explore this with MoJ for potential inclusion in the future.</p> <p>17. Not agreed by Cabinet. Additional milestone has been added that we will continue to explore this with MoJ for potential inclusion in the future.</p>
<p>Commitment 8: Improved transparency and accountability of algorithm use across government</p>	<p>TINZ suggest:</p> <ol style="list-style-type: none"> 1. Include a specification that the community of practice will be open to private sector algorithm experts, CSOs, academics and interested members of the public 2. Include a milestone to require government agencies to adopt the Charter in their management of data. 3. Include a milestone to require government agencies to report on their use of algorithms in their Annual Report and be subject to regular audit. <p>OGP suggest:</p> <ol style="list-style-type: none"> 4. To improve the Charter’s implementation the commitment could offer greater clarity about cross-government leadership, oversight, monitoring, and appropriate data management. 5. Commitment could take measures to ensure the Chief Data Steward has enforcement power across government, that the Charter is being applied consistently across agencies, that agencies publish a catalogue of the algorithms they are using, and that the Charter’s implementation support document provided to the Minister in 2020 is published. 6. OGP look forward to creating opportunities to share learnings from this process with peer countries and tackle key implementation questions including as part of New Zealand’s engagement in the Open Algorithms Network. 7. One submission supported this commitment and recommended government work with Māori data sovereignty experts on this, to meet their needs too. 8. Amazon are happy to share what AWS and their affiliates are doing in this space. The AWS AI research community has been focusing on rendering AI decisions more transparent by providing explanations of an AI’s decision. AWS is committed to developing fair and accurate AI and machine learning services and providing customers with the tools and guidance needed to build AI and machine learning applications responsibly. 9. NZ Civil Council for Civil Liberties and Trust Democracy suggest: <ul style="list-style-type: none"> • Strengthen to establish a joint agency, CSO and Māori working group to oversee commitment work to avoid a breach of s 14 and 15 of the Data and Statistics Act • Amend milestone one to specify of COP being created • Make adoption of Charter mandatory • Add in annual independent reviews of every agency’s implementation of the Charter • Add in, every agency make their algorithm risk management policies publicly avail • Add in, every agency to establish an ethics committee • Add in, every agency to report on use in annual report • Add in external audits of every agency’s algorithms • Add in, Stats NZ to conduct pre-implementation consultations for new algorithms. 	<ol style="list-style-type: none"> 1. Not incorporated. The development of the NAP4 involved considerable engagement and co-design with CSOs and the general public. The plan was subsequently approved by Cabinet with only minor changes to the Plan permitted. 2. Not incorporated - this is outside the scope of the commitment. 3. As above. 4. As above. 5. As above. 6. Feedback to be provided to Agency Lead (Stats NZ). 7. Feedback to be provided to Agency Lead (MoJ). 8. As above. 9. Not incorporated – these suggestions are outside the scope of the commitment.