

14 June 2023

Section 9(2)(a)

Section 9(2)(a)

Our ref: OIA 105083

Tēnā koe Section 9(2)(a)

### Official Information Act request: OIA process documents

Thank you for your email of 5 June 2023, requesting, under the Official Information Act 1982 (the Act), information regarding documents the Ministry of Justice's (the Ministry) uses to process Official Information Act (OIA) requests. Specifically, you requested:

1. *Any materials used by the Ministry of Justice (MOJ) to process OIA requests, including internal documents that contain relevant policies, principles, rules, guidelines or templates.*
  - a. *I note that section 22 of the OIA specifically makes such documents accessible.*
  - b. *Please exclude any Ombudsman guidelines that are already publicly available.*
2. *Any additional information on how MOJ makes decisions under the OIA when the information requested has a Māori or Te Tiriti o Waitangi aspect.*
3. *If and when any of the materials that fall within the scope of (1) or (2) are due to be reviewed*

In response to the first part of your request, please see the attached document table which details the documents in scope of your request. The Ministry's OIA policy is available on our website via: [justice.govt.nz/assets/Documents/Publications/MoJ-OIA-Policy-Update-2023.pdf](https://justice.govt.nz/assets/Documents/Publications/MoJ-OIA-Policy-Update-2023.pdf)

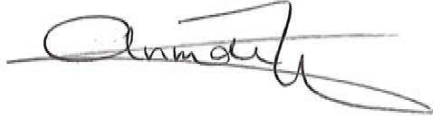
In response to part two, the Ministry does not hold any specific guidance on how a request is handled when the information has a Māori or Te Tiriti aspect. However, there is expertise available in the Ministry that provides advice where necessary.

In response to part 3, the Ministry's OIA policy is next due for review in May 2024.

Please note that this response, with your personal details removed, may be published on the Ministry website at: [justice.govt.nz/about/official-information-act-requests/oia-responses/](https://justice.govt.nz/about/official-information-act-requests/oia-responses/).

If you are not satisfied with this response, you have the right to make a complaint to the Office of the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phone on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Anouk Alexander', with a long horizontal stroke extending to the right.

Anouk Alexander

**Deputy Secretary, Strategy, Governance and Finance**

## Documents for release

Document number	Document title	Comments on release
1	MRS Process Guide - Drafting OIAs	Released in full
2	Scoping plan and Checklist	Released in full
3	MRS Process Guide – OIAs requesting a list of docs and/or copies of docs	Released in full
4	Information sheet	Released in full

# Drafting OIAs

## Types of correspondence

### Official Information Act request – OIA or MOI

People can request information that the Minister or the Ministry holds.

Requests may be made verbally but it is good practice to write back to the requester to confirm the Ministry has correctly captured their request.

When the information is requested from a Minister (MOI) we draft the response on behalf of the Minister. The request may be sent directly to the Minister, or it may be forwarded / transferred from another Minister or the Prime Minister.

Unless there is good reason, we are required to provide this information within 20 working days. This is a statutory deadline.

Requests from the media need to be acknowledged, clarified and responded to by the Media Team. This includes requests from the FYI.org website and bloggers.

Minister's OIA requests will need to be completed within 15 working days, to allow 5 working days for the office to review.

If the requester is unhappy with our response, they have the right to raise their concerns with the Ombudsman.

### Privacy Act request – PAR

Privacy Act requests are where the requester is requesting information about themselves (if it is about another person, it is an OIA).

Requests may be made verbally and can be received over the phone, but it is good practice to write back to the requester to confirm the Ministry has correctly captured their request.

The correspondent could be requesting e.g. information held by their legal aid lawyer. It could be a current or former employee requesting information that is held on file about them or their work.

Requests for information held by the court are *not* PARs. Requests for criminal record checks are *not* PARs.

Unless there is good reason, we are required to provide this information within 20 working days. This is a statutory deadline.

If the requester is unhappy with our response, they have the right to raise their concerns with the Privacy Commissioner.





### OUR PROMISE

*Your complaint will be treated honestly, confidentially and respectfully through a fair and transparent process.*

The team logs and allocates generic complaints to the Ministry and forwards complaints that have a specific procedure to the responsible team (e.g. privacy complaints, court complaints, etc.).

This email address ([complaints@justice.govt.nz](mailto:complaints@justice.govt.nz)) is noted on the Ministry's external website. This email address is only for complaint matters.

Complaints are handled similarly to OIAs.

We endeavour to respond to complaints within 20 working days.

There are some complaints the Ministry doesn't deal with. The following complaints have separate processes:

- A judge or judicial officer - to make a complaint about the conduct of a judge or judicial officer
- A member of a Tribunal
- A lawyer
- A legal aid lawyer
- A Deputy Registrar when exercising their powers
- The outcome of a court case or legislated process.

If the complainant is unhappy with our decision, they have the right to raise their concerns with the Ombudsman.

## What is the OIA?

The Official Information Act (or OIA) gives New Zealanders the right to access "official information"

Public access to information is important in order to:

- Enable people to participate in the making and administration of laws and policies
- Promote accountability of Ministers and officials.

Any New Zealander may request a department or Minister or public organisation make available any specified official information. The request may be made in writing or orally. This is known as an OIA request. The request does not need to specifically mention the OIA to be an OIA request.

It's useful to keep in mind that the OIA is based on the **Principle of Availability**. The information shall be made available unless there is "good reason" for withholding it.

All information held by a department, or Minister of the Crown in his or her official capacity, or organisation subject to the OIA, is official information. This includes, but is not limited to, reports, letters, emails, texts, draft documents, voicemails or other audio, video or images, financial information, handwritten information, recollections or memory.

Requests made on behalf of natural persons for personal information about themselves must be considered under the Privacy Act, not the OIA.

You must respond to a request for official information as soon as practicably but within a maximum of 20 working days. The Ombudsman website has a time limit calculator.

Providing a receipt is not a statutory requirement, but it is best practice. It provides a better service to the public and shows good faith with the requester.

The OIA applies to the Ministry, but excludes courts and tribunals in the exercise of their judicial functions (see s 236 and Schedule 1 District Court Act 2016)

## General process

1. A member of the public writes to the Ministry or the Minister
2. The letter or email makes its way to the OIA, complaints or official correspondence inbox
3. We allocate the drafting of a response to a specific Ministry team through the JAX database
4. The request is forwarded to the Team Leader for allocation, if it is drafted through our team, or the request is forwarded to the designated team inbox
5. The Team Leader forwards the request to a drafting advisor and CCs the Manager of the team to allocate an SME Advisor to work with. Note that the MRS Advisor may need to chase the SME Manager to allocate a SME Advisor
6. Our Advisor sets up electronic hard drive folders for the request, adds the correspondence into the workflow tracking spreadsheet, and updates the JAX advisor field
7. Our Advisor can start a draft of the response, particularly if it is consistent with previous requests or can be responded to using standard lines
8. The SME Advisor provides relevant information to draft a response. The SME is responsible for the content. Depending on how complex the request is, it may be useful for the MRS Advisor and the SME to have a scoping meeting when the request is first received, so the SME knows what information to collate. The MRS Advisor may need to chase the SME Advisor for information to write the response
9. Our Advisor drafts a response and gets it peer reviewed in our team
10. Our Advisor sends the response back to the SME Advisor for SME peer review. The SME is responsible for checking the content. The SME is also responsible for undertaking consultation – particularly if with external parties. If the

correspondent is from the media, also send to the Media team for peer review

11. Our Advisor sends the response back to the SME Manager and/or GM for SME approval
12. Once approved, our Advisor sends the response back to the Minister's office, the media team or to the requester
13. Our Advisor scans a copy of the final signed response, saves the response in JAX and then closes the request in JAX. The workflow tracking spreadsheet is updated and the hard drive folder is moved to the 'Completed' folder.

## Key dates

### Working days

Day 1 is the day after the request is received, regardless of when it was received on Day 0 – 6.00 am or 6.00 pm.

Day 5 – if the subject matter expert team have not confirmed SME escalate to Team Leader for assistance

Day 7 – last day to clarify (section 15). This resets the clock.

Day 10 – last day to transfer (section 14)

Day 15 – last day to send the proposed response to the Minister's office

Day 20 – last day to respond, unless extended.

Time starts again if the request is amended or clarified at any time by the requester on their own.

OIA calculator on Ombudsman's website ([www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz))



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## Transferring requests

Another agency, or multiple agencies, may be best-placed to respond to some parts of the request. If so, you will need to fully or partially transfer the request.

S14 specifies that transfers must take place within 10 working days.

It is best practice to confirm with the other agency that they can accept the transfer before going ahead and transferring.

Notify the requester and the agency to which the request is being transferred in writing.

The 20 working day timeframe starts again for the responsible agency.

There will be times when OIA requests should be transferred from the Ministry to the Minister or vice versa. This should be done early and in discussion with the Minister's Office.

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## Ministry information vs court information

There is an important difference between information held by courts and information held by the Ministry of Justice.

Court information has a special legal status. This is because the courts are a separate and independent branch of the government. The Ministry of Justice looks after court information but it does not control it.

We only share information held by courts with other agencies when the law says we can (for example Schedule 5 of the Privacy Act allows us to share information about court proceedings with Police); a relevant judge has authorised it; or an Approved Information Sharing Agreement (AISA) is in place. The types of court information we can share via AISAs is the list of "permitted information."

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## Extending requests

You can extend the time limit at any time before the original 20 day time limit expires.

However, it is best-practice not to extend until you have already attempted, in good faith, to process the request.

You must inform the requester when extending the time-limit. Your letter must:

- Specify the period of extension
- Give the reasons for the extension
- Inform the requester of their right to complain to the Ombudsman.

Extensions can only be sought within the first 20 working days. It is best practice to extend only once, so be sure to allocate yourself a reasonable amount of time.

If you think an extension is required, it must be approved by the MRS Team Leader or Manager, before it is confirmed with the SME or a request is sent to the Minister's office.

Requests for extensions, when seeking approval from the MRS Team Leader or Manager, or the Minister's office, should be formatted as follows.

Requester name (our ref: 79838)

- Received by Mins office on x date
- Response due x date
- Subject: xyz
- Status: e.g. currently awaiting advice from Policy and MBIE on the response
- Seeking an extension to x date.

## Clarifying requests

Interpret the request carefully.

If the request is too broad, consider whether to ask the requester to narrow the scope of the request.

If the request is unclear, contact the requester to clarify. If this is done within the first 7 days, the clock resets and the OIA is restarted from the date the requester clarifies.

If they refuse to refine, or to refine enough, ask them again, noting that we will consider charging or declining if they don't

You can refuse if it involves substantial collation and research s18(f), or consider charging the requester (refer to the charging guidelines but note the Ministry does not usually charge).

Your duty under section 13 of the Act is to provide "reasonable assistance" to the requester. To fulfil this duty:

- Help the requester to refine or clarify the request if necessary.
- If the requester's intention is clear, don't be obstructive.
- Interpret the scope of the request fairly.

## Scoping requests

A scoping plan should be completed for every OIA and MOI. The MRS Advisor completes the scoping plan in consultation with the SME team. Depending on the complexity of the request, this could be done over email or in a scoping meeting.

Scoping the request includes assessing any grounds for withholding or refusing information, as well as developing a timeline for responding to the request.

## Grounds for withholding information

### Privacy: s9(2)(a) / s29(1)(a)

"Necessary to protect the privacy of" individuals. Not all personal information "needs" to be withheld to "protect" their privacy. Identify a privacy interest, and weigh it against other considerations.

Always release names and contact details (no cellphones) of management unless there is a good reason not to.

Private Secretaries' names and contact details generally withheld.

Individuals – you should consult with them to see what their concerns are with releasing the information - we can take their comments into consideration but it's not the deciding factor.

### Confidentiality: s9(2)(ba) / s29(1)(b)

The information was explicitly or implicitly supplied on a confidential basis, or was information the person was required to disclose by law; and release would damage the public interest, including by making it less likely that people would supply such information in the future.

### Confidentiality of advice: s9(2)(f)(iv)

Can withhold to "maintain the constitutional conventions... which protect... the confidentiality of advice tendered by Ministers of the Crown and officials." Protects advice of Ministers and departments while decisions are being made.

Can't generally rely on this ground after decisions have been made. Budget advice can often be withheld even after decisions have been made.

Can sometimes be used if announcements are shortly to be made.

No equivalent under the Privacy Act.



### **Free and frank: s9(2)(g)(i)**

Can withhold to "maintain the effective conduct of public affairs through ... the free and frank expression of opinions by or between or to Ministers of the Crown... or officers or employees of any Department... in the course of their duty."

Usually used to withhold sensitive opinions, or opinions expressed in a sensitive way e.g. "there is little to be gained by continuing to try to consult with X as they have refused to engage."

Can't use if the information is critical or embarrassing to the government.

No equivalent under the Privacy Act.

### **Legal privilege: s9(2)(h) / s29(1)(f)**

Can withhold to "maintain legal professional privilege." Protects legal advice and discussions around legal advice and litigation.

Privilege can be waived: expressly – eg by giving an external person a legal opinion; or impliedly – eg by saying that your view is based on legal advice. Attorney-General controls legal privilege for the Crown.

Just because something comes from a lawyer, doesn't necessarily mean it is privileged.

Need to look at the content, substance and purpose of the information.

Legal privilege can apply to conversations between non-lawyers about legal advice and litigation.

If in doubt, talk to OLC. If you think you want or need to release legal advice, you must consult with OLC.

### **Commercial position: s(9)(2)(b) / s28**

Can withhold if release would disclose a trade secret; or be likely to unreasonably prejudice the commercial position of the person who supplied the information or to which it relates.

To have a "commercial position", a person must be seeking to make a profit.

MOJ does not typically seek to make a profit from its activities but often contracts with profit making entities e.g. Price information for alcohol work

Overlaps with confidentiality, commercial activities, and negotiations.

s10 OIA / s32 Privacy Act – neither confirm nor deny existence of information.

### **Commercial activities: s(9)(2)(i)**

Can withhold to enable a Minister of the Crown or any department or organisation holding the information to carry out commercial activities without prejudice or disadvantage.

Again, MOJ does not typically seek to make a profit from its activities.

No equivalent under the Privacy Act.

### **Negotiation sensitive: s9(2)(j)**

Can withhold to enable a Minister or department to carry on negotiations (including commercial and industrial negotiations) without prejudice or disadvantage. Used to preserve position.

Often used in regard to Treaty negotiations.

No equivalent under the Privacy Act.

### **Maintenance of the law: s6(c)**

Can withhold if release “would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.” Unlike other withholding grounds, you do not need to consider any countervailing public interest.

An example may be emails from Police to Legal Services regarding the investigation of a provider for fraud. Not releasing the name of a Police informant.

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## ***Grounds for refusing a request***

### **Illegal or contempt: s18(c)**

Can refuse if release would be contrary to the provisions of a specified enactment or constitute contempt of court or of the House of Representatives.

No equivalent under the Privacy Act.

### **Publicly available information: s18(d)**

Can refuse to provide information that is, or will soon be, publicly available. If refusing under this ground, tell the requester where they can find the information and provide them with a link if it's online.

As a general rule, if the information isn't going to be publicly available within 2 months, you can't rely on this ground.

Have to take into account accessibility (eg a prisoner lacking internet access can be entitled to printed copies of information available online).

No equivalent under the Privacy Act.

### **Doesn't exist or can't be found: s18(e) / s29(2)**

A request can be refused if the information does not exist or can't be found.

Must make a reasonable effort to locate information.

No obligation to create documents or put information into another form; however, we will generally do it if it's not too much work and there is no other reason to withhold the information.

### **Substantial collation and research: s18(f)**

Can refuse to provide information if it will involve substantial collation or research – last resort.

Things to consider: How many documents are involved? Will you have to go through a lot of documentation to find the information? How much resource (hours) will it take? Have to consider whether refining/narrowing scope, charging, or extending the timeframe for response would allow the request to be granted before refusing on this basis.

No equivalent under the Privacy Act.

### **Information not held by department or others: s18(g)**

A request can be refused if: The information is not held by the Ministry and there are no grounds for believing it is held by someone else to which the relevant Act applies.

Must make a reasonable effort to determine if a transfer to another department would provide access to the information.

### **Frivolous, vexatious or trivial: s18(h) /**


**s29(1)(j)** Can refuse to provide information if the request is frivolous or vexatious, or the information requested is trivial. Request (as opposed to requester) has to be frivolous or vexatious.

Basically, is the requester abusing the OIA / Privacy Act?

Consult OLC if considering refusing on this basis. Trivial ground more likely to be used for requests with a wide scope if the information is of no real relevance e.g. excluding emails setting up meetings etc.



## IT requirements

To manage OIA requests for documents or emails, you will need to make sure you have Adobe Pro assigned to your Ministry account. The symbol for Adobe Pro looks like this .

If you do not have Adobe Pro, you will need to submit an ITSC request, which you can access through the JET homepage.

## Requests for lists of briefings

1. Consult with the Minister's Office from the onset, to see if they would prefer the Ministry transfer the OIA to them to respond to. It may be the Minister's Office prefers a consultation process rather than a direct transfer.
2. Determine what types of documents fall into scope. For example, if they do not ask for papers then we don't provide the titles of Cabinet Papers.
3. Double check the inboxes to make sure that all of the briefings have been entered in JAX.
4. Pull the information for the list of titles logged from JAX with the following columns:
  - a) ID number
  - b) Type
  - c) Subject
  - d) Business Unit
  - e) Team
  - f) Author of the document
  - g) Minister
  - h) Portfolio
  - i) Date sent

5. Add the following columns into the spreadsheet:
  - a) Okay to release?
  - b) If not, what grounds?
  - c) Which GM signed off
6. Save additional spreadsheets broken down further into each of the business units (OSD, Policy, Sector, OLC, C&D, SGF). This means you will be sending an email with roughly 6-7 spreadsheets.
7. Change the standard email, below, to suit the request. Give the business units 1 week to come back to you with their business unit's information.

"Hi everyone,

We have received a media Minister's OIA request for the following information:

*list of all briefings/reports/memos Minister Little has received in his capacity as Justice Minister between Sep 1 and 30, 2019.*

Attached are spreadsheets we pulled from JAX of all the briefings, aide memories, reports and Cabinet papers (split into business units for ease of access) that was sent to Minister Little in his 'Justice' capacity. We've deemed any briefings for the Minister in his capacity for Treaty Negotiations, and Courts, as being out of scope.

There are x titles broken down as follows:

- x for Policy
- x for Sector
- x for OSD
- x for OLC
- x for Cooperate and Digital Services
- x for SGF

I've included the reference number, the author of the document, and the team they were from to assist you in your consultation.

Can you advise by 25 October if your business unit is ok with the release of the titles, or whether you have any concerns with the release of the titles. If you do, please outline the reasons and the grounds on the OIA on which the title might be withheld. If there are any omissions, please let me know.

Lastly, please don't delete or change any of the information we have provided (i.e. ID numbers)."

8. Once all the business units come back with their updates or changes, merge all that information into one spreadsheet.
9. Where there may have been items added, check all information required has been included and that the new item's are within the scope of the request (specifically the type, date received, provided to correct Minister).

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## How to lock a spreadsheet

For each different page (sheet) in the workbook, do the following:

1. Go to the "Review" tab.
2. Click "Protect Sheet"
3. Enter a password for unprotecting the sheet (OIAXXXXX or MOIAXXXXX)
4. Re-enter the password to confirm.

For the workbook, do the following:

1. In the "Review" tab, after protecting each page as above, click "Protect Workbook"
2. Click "Protect Workbook"
3. Enter a password for unprotecting the workbook (NSD always uses the same password as each sheet)
4. Re-enter the password to confirm.

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## Managing requests for multiple documents

10. Regularly, there will be an OIA/MOI request which requires the release of lots of documents (including emails). When putting together these types of responses, depending on the complexity of the request, it can take a while to put everything together.
11. When these requests are received, we send them to the business unit as soon as possible to ensure they have ample time to pull together all the information for release. When sending the email, it could be useful to remind them of what it is that we need from them.

### Business units will:

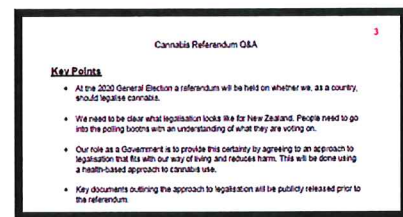
- Interpret the request and work out what falls within scope (docs, emails, data etc)
- If consultation with another business unit/agency is required for one of their documents, they will need to do this
- Advise whether another Ministry business unit hold information which might fall within scope
- Advise whether clarification/extension/transfer is needed
- Identify the documents and advise whether any information is to be withheld or falls out of scope
- Mark up redactions (whether in hardcopy, in pdf or word)
- Provide titles and dates of proposed documents for release
- Send us information, whether in pdf, email, or word form



## You will:

- Follow up with team if they are taking a while to get information back to you
- Draft response and create table which lists all docs for release – the table will be appended to the response listing the docs which are being released. The table will be in date order from oldest to most recent document (If the team sends you documents, and the date isn't clear, you will need to ask). Information in the table will include:
  - Document title
  - Date
  - Document type
  - Comments (i.e. whether information has been withheld from the document etc).
- In the OIAs folder, create a new folder called 'Original Documents' and save the docs into it
- To ensure your docs are ordered to reflect the table, you will need to rename the doc and put #1, #2, #3, #4, #5... at the beginning of the title, always keeping the title they provided. E.g. Original title: Cannabis document; Changed to: #1 Cannabis document
- Once all of the docs are numbers you can start converting them to pdf format, and then save these documents into a new folder called 'Clean Documents'
- You can right click each doc and 'convert to pdf'
- You can drag docs into adobe pro, which will convert them to pdf
- Compile all of the docs for release into one PDF document, in date order – use the 'Organise pages' tool.

- Files may show a warning but still be capable of being merged. The Combine Files button (in the bottom right hand corner in the diagram above) will be greyed out if Adobe Pro is unable to proceed. You may need to scan the document to create a new PDF that will merge.
- Also check the length of the individual file names – Adobe Pro will fail to convert some files if the file name is too long.
- Insert document numbers at the top right corner for each new document:
  - In Tools function, select Edit
  - Select 'Add text' on the banner
  - Draw text box in top right corner
  - Type document number
  - Change to red font, Arial, bold and size 12



- Create a new folder called 'Mark for Redactions' and copy and paste all the clean pdf docs into this folder
- You can now start marking up the individual documents for redactions as advised by the business unit who is the Subject Matter Experts
- Apply watermark
- Ensure the response is consistent with previous responses
- Supply the following docs for review:
  - Information sheet (which lists all things that need to be known about the request and response)
  - Response (which includes table)

- Copy of proposed docs for released: redacted, in date order, grounds for withholding, numbered
- Coversheet for signing
- A copy of docs to be released marked up (so the reviewers can see what is proposed)
- Original request

## How to save emails

It's easier and tidier to get any emails that come within the scope of an OIA or Privacy request in an electronic format that captures **only** the email (and any attachments) that come within the scope of the request. Using the basic 'forward' function creates extra message information that might need to be redacted out.

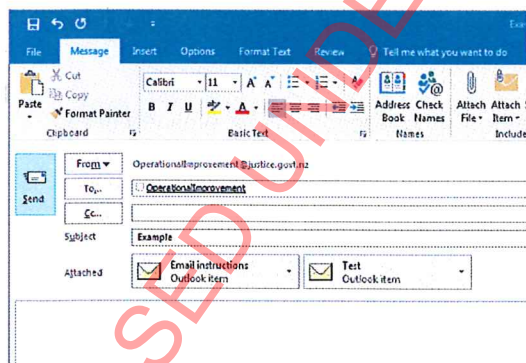
### Emails that haven't been 'archived' yet

There are two options:

1. forwarding the emails as attachments to another email, and
2. saving each message into a network directory folder.

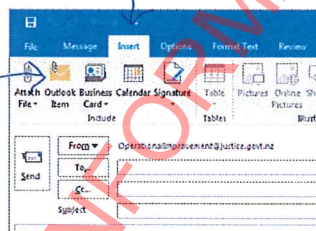
### Forwarding an email as an attachment

If you are sending emails as 'attachments', your draft (i.e. un-sent) email will look like this – the attached emails will show in the attachments line field below the address information:

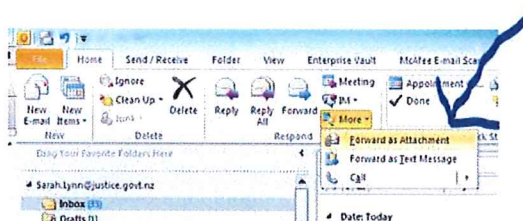


There are several ways you can do this:

1. You can select one or more emails in a folder and 'drag and drop' them into a new email.
2. You can select one or more emails in a folder, right-click and select 'copy', then 'paste' them into a new email. You can open a new email and chose "Insert" and "Outlook item" from the top tool bar – from there you will be able to navigate to the relevant folder and select emails to add as attachments:



3. And, if you have the email that you want to forward open, you can chose "forward as attachment" from the top menu and drop-down list. You can only forward one email at a time this way.



### Save the emails to a network directory folder

Alternatively, you can save all the emails into a network director folder by:

1. selecting one or more emails in a folder and 'dragging and dropping' them into network directory folder,
2. selecting one or more emails in a folder, right-clicking and selecting 'copy', then 'pasting' them into the relevant directory folder, or
3. opening an individual email and choosing 'save as' an "Outlook Message Format – Unicode" file in a network directory folder.



File name: **TEST**

Save as type: **Outlook Message Format - Unicode**

You may save time down the track if you save the email with in the following format, which includes the date and time received (in reverse order – year-month-day-time) and a brief description of the email. If all the files are saved using that naming convention, you can 'sort' them by name in the directory folder and they will immediately go into chronological order, which makes them easier to review.

### Emails that have been automatically 'archived' because of their age

It's particularly important to follow these steps for **archived** emails are, because a person who does not have access to the account the email was originally sent from or received into may not be able to open the email.

1. Go into each email and open the full message up – you may need to click on "view the original message" at the top of the email



2. Go up to the menu on the top left and select "save as" an "Outlook Message Format – Unicode" file in a network directory folder.

File name: **TEST**

Save as type: **Outlook Message Format - Unicode**

You may save time down the track if you save the email with in the following format, which includes the date and time received (in reverse order – year-month-day-time) and a brief description of the email. If all the files are saved using that naming convention, you can 'sort' them by name in the directory folder and they will immediately go into chronological order, which makes them easier to review.



3. You should then be able to copy the emails onto a USB stick or drag and drop them into an email and forward them to the person who is preparing the response.

## How to mark up and apply redactions

Each document must show that material has been deleted and why. Use the 'Redact' tool in Adobe Pro to mark up any redactions. Under 'Redact', go to 'Mark for redaction' > 'Text & Images'. Then drag and highlight with the mouse where redactions are needed.

Write the ground relied on (e.g. s(9)(2)(f)(iv)) or "out of scope" (if applicable) over the redacted area, by entering the reason in the 'Custom text' field, under 'Properties'. If there is more than one reason for withholding information, make sure the reason code is changed in the properties before marking up each redaction.

Redactions should be made using a white background, with black text. Do not do a black background. The font size for the custom text should be 10 or 11pt, however you may need to make it resizable if there is a very small space being redacted.

Once the above action is completed, if you hold the mouse over the redacted section, you will see how the section appears when redactions are applied.

To delete a marked up area you wish to change or remove simply click on the marked area for redaction and press delete on the keyboard.

Areas marked for redaction will be outlined in red when you save and print out the document.

If entire pages are redacted, do not release blank pages – at the bottom of the last page with text write "pages x to y are withheld under [ground]"

Information that is irrelevant to the request, or information out of scope can be deleted without providing reasons but this must be explained in the

response "Part of this document was not provided because it does not form part of your request."

If the remainder of the document does not fall within the request but is not sensitive, there is a judgment call to be made.

Once the redactions are marked up, in one combined file, save it as a new version (put "marked up" at the end of the file name).

DO NOT APPLY THE REDACTIONS YET.

If you want to create a "clean" copy of what the final pack will look like, with the redactions applied, make sure to save it as a new version so that you are able to go back and change the redactions in the marked up version easily.

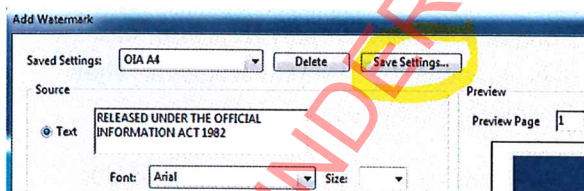
Check that the proposed redactions make sense and are consistent.

Email the marked up pack to the responsible business unit for their approval, and for them to pass on to anyone else who may need to review the pack.

The business unit will also consult the Minister's office on the proposed pack.

Now the redactions can be applied, by clicking 'Apply'. Once the redactions have been applied, use the same tool to search for and delete any hidden metadata or content.

Once the redactions are finalised, use the 'Edit PDF' tool to add in the watermark. Save the settings so you can easily add the watermark in future.



Note that a requester may specifically ask that the document(s) are not watermarked, i.e. they may have access needs. In this case, adding a header and footer to the pdf that uses the same wording as the watermark.

## Adobe troubleshooting

The length of our file names and folder structure can cause issues when using Adobe Pro (or even Word).

Sometimes you won't be able to open a file if the name is too long. Either rename the file to something shorter, or save the file onto your desktop to work with.

This issue can also mean that you can't combine a file using Adobe Pro. Again, either rename the file or save it onto your desktop and insert the file from there.

## Media OIA requests

Ministerial Relations and Services need to talk with Media before any media OIAs or media enquiries that are sent to us direct are logged. This is because Media may be able to deal with the contact as a media enquiry.

The Media team is the only team that talks with media contacts/journalists.

Acknowledgements, clarifications, extensions and responses are sent through the Media team ([oiamedia@justice.govt.nz](mailto:oiamedia@justice.govt.nz)).

If the request came from a reporter or other media source (e.g. blogger or FYI website), it should be checked over by the Media Team before sign out. Always provide them with an early draft. The Media team needs to be consulted at the review stage, after the Subject Matter Expert has reviewed but before the GM, Deputy Secretary or Minister's Office review prior to approval and sign.

The Media Team are responsible for giving OIA responses to the media, so email the signed version to them for send out ([oiamedia@justice.govt.nz](mailto:oiamedia@justice.govt.nz)).



## Privacy Act requests

When a request for private information is received, the first thing to do is to assess whether it's a Privacy Act request or an Official Information Act request. The Privacy Act applies if the requester is seeking data or information about themselves. If the requester is a solicitor or advocate seeking information on behalf of the subject, who has provided their signed consent, the Privacy Act also applies. The Official Information Act applies to the request if the requester doesn't have an automatic entitlement to receive the information.

If the requester does not indicate which part of the Ministry they believe holds private information about them, you will need to go back to the requester and ask. There may be court records, legal aid files and/or applications, Public Defence Service files, or they may be seeking their criminal record check / history. You can use our standard lines to direct the requester to the appropriate inbox or form to request this information.

The requester may be a former employee and may be seeking information held by the Human Resources function or their previous Manager/s. This will need to be logged and directed to People and Performance or their previous business unit, as appropriate.

Many requesters do not provide their date of birth or residential address, so you may need to ask for this information before the request can be logged. If you have requested this information several times and had no response, you can inform the requester that their request will be closed, but that it can be reopened if they come back to you with the information required.

The Office of the Privacy Commissioner's website has guidelines on codes and resources for handling Privacy Act requests.

## Complaints

A key principle is that complaints should be dealt with at the lowest point of resolution. However, if the complaint cannot be resolved or the complainant is unhappy with the response they receive, then the matter can be escalated.

It is also important that we're clear with people making complaints about those matters the Ministry can deal with.

Types of complaints – in scope:

- Complaint about Ministry staff member
- Complaint about a court security officer
- Complaint about facilities e.g. graffiti, cleanliness, squeaky chairs, condition of court buildings
- Complaint made by judiciary
- Complaint about an administrative function e.g. Notices of hearing in the Disputes Tribunal are only sent by post, and not email.
- Complaint about website, online application functions, available resources.

Types of complaints – out of scope:

- Complaint about a judge or judicial officer
- Complaint about external providers contracted by the Ministry e.g. legal aid lawyers, lawyer for child
- Complaint about a Deputy Registrar, or a decision made by a Deputy Registrar when exercising their powers
- Complaint about the outcome of a case or legislated process.

Complaints are logged as an External Complaint (COM).

Complaints should be responded to within 20 working days, unless extended.

If a complaint is found to be out of scope because it relates to the court, it can be updated to be 'Transferred'. This is considered to be completed and follow up on resolution actions and dates are not required.

### Stage 1: Early resolution

For complaints that are straightforward and easily resolved, requiring little or no investigation:

- 'On-the-spot' apology, explanation, or other action to resolve the complaint
- Complaints addressed by any member of staff, or alternatively referred to the appropriate person
- Recurring themes can be raised through the Improvement Hub
- If the above steps are unable to resolve the matter the complaint will be escalated to stage 2.

### Stage 2: Investigation

For complaints not resolved at stage 1, or that are complex or of a serious nature:

- A final response provided in 20 working days following an investigation of points raised
- Responses signed off by management at the appropriate level
- Information gathered from this process will be used to improve services
- External complaints that required a formal response will be reported to the Strategic Leadership Team.

## Complaints to the Ombudsman

OLC deal with complaints to Ombudsman – if you get one, make sure you let OLC know.

Create a timeline of your interactions with the request. What information you received, when. Note if via email, phone call etc.

## Writing style

- All correspondence should be in Arial, with font size 11.
- Paragraph spacing should be 0pt before and 0pt after.
- Line spacing should be multiple 1.15pt.
- Ministry correspondence is centre justified, while Ministers' correspondence is left justified.
- Make sure you have the correct letterhead – for the Ministry or the correct Minister.

## Writing tips

- Start with looking at previous responses to the same requestor and/or correspondence on the same topic.
- Check whether there are any agreed 'standard' lines on the topic, to use as a starting point.
- Ensure that the response addresses the question (if there is one). Don't just stick to standard text – use the language used by the correspondent to ensure it covers their point.
- When drafting responses, look at what the relevant Minister has already publicly stated to get an indication of what the Minister might want to be said.
- Make sure the response is written as if the Minister is writing – not just facts drafted for the Minister to sign e.g. say "I have asked..." "I am able to..." before leading into a paragraph about a certain policy, or process.
- Use "thank you for taking the time to write," and/or "I hope this answers your question" or something similar.
- If giving limited advice, use "sorry I cannot be of further assistance."
- Use "I appreciate..." not "I understand..."