

This guidance sets out expectations for agencies on the distribution of Cabinet-related material, and is to be read alongside guidance in the Cabinet Manual and CabGuide.



The Cabinet Manual sets out requirements for information held by government in sections 8.2 to 8.6.

This includes the appropriate response to the unauthorised release of information in section 8.8.

## CabGuide

The CabGuide sets out high-level guidance on the Cabinet paper consultation process, who needs to be consulted and why, and the requirements for the classification and handling of Cabinet papers, both in draft and once submitted to Cabinet.

## CabNet

CabNet is used to manage and store Cabinet material including minutes. CabNet users must have a legitimate need to access Cabinet material and must only access information and documents on a 'need to know' basis.



The Standards of Integrity and Conduct set out the responsibilities of public servants which include ensuring we treat information with care and use it only for proper purposes.

## What systems should be in place?

### Principles governing the distribution of Cabinet material

The Cabinet Manual provides high-level guidance on appropriate management of Cabinet material.

- All information held by the government should be treated with care and protected from unauthorised or unlawful release.
- Cabinet material must be shared on a 'need to know' basis only.
- Deliberate unauthorised disclosure by a public servant is a breach of the Public Service Code of Conduct.
- Ministers are responsible for the release of their own Cabinet material – papers and minutes.
- Release of government information may be authorised by Cabinet, a minister or someone with delegated authority.
- Following Cabinet consideration, papers can be released proactively, following OIA requests, or under other legal requirements.

### Existing guidance on agency and Ministerial consultation on draft Cabinet papers

The CabGuide provides high-level guidance on appropriate consultation processes on Cabinet papers.

Consultation on Cabinet papers is an important part of the policy process.

- Agencies responsible for the preparation of a Cabinet paper must ensure appropriate agency and stakeholder consultation is undertaken.
- The CabGuide sets out requirements for consultation with certain agencies depending on the subject of the paper.
- Agencies must be given time to comment, and their view accurately represented.
- In some instances, there are legal and procedural requirements to consult with groups and individuals.
- Ministers' offices are responsible for ensuring appropriate ministerial and political consultation is undertaken.

### Process for safeguarding the unauthorised disclosure of Cabinet papers during consultation

Unauthorised disclosure impacts on all public servants. It undermines the trust that ministers and the public have in the Public Service.

- Chief executives are responsible for maintaining appropriate Cabinet paper management systems and processes to safeguard the unauthorised disclosure of papers.
- Agencies should ensure training is in place so that staff understand those systems and processes and their obligations as public servants.
- The lead agency consulting on a Cabinet paper should ensure the degree of sensitivity and relevant classification of the paper is appropriate and made clear to those receiving the paper.
- An investigation will take place when an unauthorised disclosure of information has occurred.

Processes and systems for the secure transfer and tracking of papers should be in place. Agency systems must meet the mandatory requirements for information security. See the CabGuide for more advice on the secure handling of Cabinet material.

These recommended processes for safeguarding Cabinet material can be used by agencies sending or receiving Cabinet papers and Cabinet material for consultation. It is particularly relevant during inter-agency consultation on Cabinet papers, but should be applied whenever Cabinet material is being exchanged.

## Establish accountability mechanisms

### 1 Assign responsibility

Assign a senior level staff member to be responsible for the appropriate high-level management of Cabinet material.

**For example:** This role could include leading the development of document management plans, overseeing good practice and protocols, acting as a champion of good practice and process, ensuring training is in place and obligations and accountabilities are understood.

## Set up secure systems

### 2 Ensure secure transfer

Ensure the secure transfer of Cabinet material within and outside your agency throughout all stages of the Cabinet paper process.

**For example:** This could involve the use of a single contact point or mailbox, or circulating papers from a shared link with appropriate access permissions.

## Establish effective distribution processes

### 3 Traceable distribution

Adopt practices to ensure traceable distribution at all stages of the Cabinet paper process, while maintaining the effective flow of information.

Lead agencies should assign an owner within the team responsible for the Cabinet paper or material.

#### Policy and Cabinet paper stages

##### Papers in development

- Inter-agency and external engagement on policy.
- Minister makes decisions based on policy advice and instructs officials to draft Cabinet paper.

##### Agency consultation

- Lead agency collaborates on content development within and across agencies.
- Draft Cabinet paper prepared.
- Paper distributed by lead consulting agency to those outside the agency.

##### Ministerial consultation

- Cabinet paper finalised and submitted to the minister's office.

#### Agencies leading Cabinet paper consultation

- Identify a responsible owner for each Cabinet paper under development.
- File draft Cabinet material with appropriate controls and ensure it is accessed internally on a need-to-know basis.
- Identify the relevant agencies who will need to receive the Cabinet paper for consultation.
- Communicate the sensitivity, sharing protocol and classification of the paper to those receiving the paper for comment.
- Upload the finalised paper in CabNet. The minister's office will then lodge the paper.

#### Agencies receiving draft Cabinet papers

- Acknowledge receipt of any Cabinet material and confirm who will provide feedback.
- Ensure the Cabinet material is securely handled with appropriate controls.
- Check back in with the lead agency if you consider wider circulation is required.
- Where possible provide consolidated feedback to the responsible owner.
- Access finalised papers you have been consulted on from within CabNet.