



13 May 2026

Ref: OIA-2025/26-0710

Tēnā koe

Official Information Act request relating to New Zealand–India Free Trade Agreement

Thank you for your request made under urgency under the Official Information Act 1982 (the Act), which was received by the Department of the Prime Minister and Cabinet (DPMC) on 8 May 2026 and then **clarified** on 11 May 2026. Your combined and **clarified** request is for:

“Under the Official Information Act 1982, I request the following information held by the Department of the Prime Minister and Cabinet, including the Cabinet Office and the Prime Minister’s Office.

Information requested

1. Any Cabinet paper, Cabinet committee paper, or accompanying minute that addresses whether the New Zealand–India Free Trade Agreement can be renegotiated, varied, or amended after signing. **I am content for DPMC to interpret this as being limited to copies held by the Cabinet Office in DPMC’s own records. I am not asking DPMC to source originating material from MFAT.**
2. Any briefing, memorandum, or advice to the Prime Minister addressing whether the agreement can be renegotiated, varied, or amended.
3. Any communications between the Prime Minister’s Office and the Minister of Trade regarding the basis for the Minister’s public position that the agreement “cannot be renegotiated.” **I am similarly content for DPMC to limit this to records DPMC holds. Communications also held at MFAT will be picked up through my parallel MFAT request.**
4. A schedule of any Cabinet papers or Cabinet committee papers relating to the New Zealand–India Free Trade Agreement, identifying date and subject matter, even where the documents themselves are withheld.

Request for urgent processing under section 12(2)

Public submissions to the Foreign Affairs, Defence and Trade Committee close at 11.59pm on Sunday 17 May 2026. The basis for the Minister of Trade’s public position that the agreement “cannot be renegotiated” is directly relevant to how Parliament, submitters, and the public should evaluate the agreement. The standard 20-working-day timeframe would result in a response after the submission window has closed.

Pre-emptive responses to anticipated grounds for withholding

Cabinet confidentiality / section 9(2)(f)(iv) — confidentiality of advice tendered by Ministers and officials. This ground is subject to the public interest balancing test in section 9(1). Where the substance of the relevant Cabinet decision has already been made public (i.e. the Minister's "cannot be renegotiated" position), the residual confidentiality interest is reduced. I request that the schedule of papers (request 4) be provided in full as a minimum, even where individual documents are withheld.

Section 6(a) — likely to prejudice international relations. As with my parallel request to MFAT, I note the information concerns legal and procedural mechanisms rather than negotiating substance. Documents may be released with appropriate redactions rather than withheld in full.

Section 18(g) — information not held. If DPMC holds no relevant material please confirm this in writing. Confirmation that no such material exists is itself relevant to the public interest given the Minister's public claim.

Format and partial release

Same as the parallel MFAT request: partial release with redactions where possible, schedule of withheld documents, reasons sufficient for Ombudsman review.

Please contact me before refusing or transferring, under the section 13 duty to provide reasonable assistance."

On May 11 2026 you were advised that parts [1], [3] and [4] of your request were transferred to the Minister for Trade and Investment Hon Todd McClay. You will receive a response from Minister McClay directly.

You also highlighted that you sent a request directly to the Ministry of Foreign Affairs and Trade (MFAT) therefore a partial transfer for anything MFAT holds is not necessary.

This response covers information held by DPMC for part [2] of your request which is for copies of *any briefing, memorandum, or advice to the Prime Minister addressing whether the New Zealand–India Free Trade Agreement can be renegotiated, varied, or amended.*

Searches have been completed of our Information Management Systems for anything relevant to part [2] of your request and nothing has been identified. Accordingly, part [2] of your request is refused under section 18(e) of the Act, as the information requested does not exist.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

This response will be published on the DPMC website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā



Alan Cassidy
Deputy Chief Executive, Corporate