CABINET OFFICE

25 June 2026

[redacted]

Ref: OIA-2025/26-0692

Tēnā koe [redacted]

Official Information Act request: Documents and information about the policy to proactively release Ministerial diary summaries

Thank you for your Official Information Act (the Act) request received on 29 April 2026. You requested:

> *I am requesting information on the attached Cabinet Paper. It relates to the policy decision to release Ministerial diary summaries proactively.*
> *Including:*
> *• when the policy was first proposed,*
> *• when the Department of Internal affairs first began policy work,*
> *• any briefings to any Minister relating to the policy change,*
> *• the Regulatory Impact Statement for the policy change or any other document that summarises the reasoning, impact, costs, benefits, and risks related to the policy,*
> *• internal emails relating to the policy change, and*
> *• any other related documents.*
>
> *I am undertaking an analysis to explore how the diary entries have changed over time. My primary focus is whether the retroactive entries differ from the entries post-policy change. I want to understand how long other Ministers knew about the upcoming change, as well as the rationale for introducing the policy and the stated impacts.*
>
> *Given that the Minister's office led the process, it is important to understand the external and internal advice from DIA, DMPC, and PSC.*

The time frame for responding to your request was extended under section 15A of the Act by 20 working days because it necessitated a search through a large quantity of information, and consultations to be undertaken before a decision could be made on the request. Following this extension, I am now in a position to respond.

Response to your request

Prior to the 2017 election, the Green Party indicated that it wished to develop a disclosure regime modelled on that operating in the United Kingdom. On 3 March 2018, Hon James

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Shaw announced that Green Party Ministers would proactively release their ministerial diaries on a quarterly basis, to show with whom they have met and why.

In August 2018 the Prime Minister's Office informed the Cabinet Office that the Minister for State Services intended to raise an oral item at Cabinet proposing the regular proactive release of ministerial diary information. The policy was proposed via an oral item at a Cabinet meeting on 10 September 2018. Following this meeting, the Cabinet Office worked with the Minister of State Services and his office on this policy.

Information being released

I have decided to release the relevant parts of the documents listed below, subject to information being withheld as noted. The relevant grounds under which information has been withheld are:

1. section 9(2)(a), to protect the privacy of individuals
2. section 9(2)(f)(ii), to maintain collective and individual ministerial responsibility
3. section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by or to Ministers and officials
4. section 9(2)(g)(i), to maintain the effective conduct of public affairs through the free and frank expression of opinion

Item	Date	Document Description/Subject
1.	12/02/2019	Email correspondence about the proactive diary release process, attaching draft procedures/guidance
2.	23/01/2019	Email advice about meetings with the Cabinet Office
3.	9/01/2019	Internal discussion on whether Cabinet Office meetings should be disclosed
4.	20/12/2018	Draft guidance on how Ministers' offices should respond to OIA and WPQ requests for diary information before the proactive release regime
5.	19/12/2018	Draft guidance on assessing diary material for proactive release
6.	19/12/2018	Email and guidance explaining how to use the calendar app and structured diary fields to make export and release of diary information easier
7.	17/12/2018	Email seeking comment on revised draft guidance
8.	13/12/2018	Speaker's ruling related to ministers' diary information
9.	13/12/2018	Compilation of media commentary on proactive release policy
10.	10/12/2018	Feedback on draft guidance
11.	6/12/2018	Discussion about where the Cabinet paper and minute on ministerial diary release should be published
12.	28/11/2018	Email exchange seeking feedback on the draft procedure for proactive release
13.	27/11/2018	Summary of Cabinet's approval of the monthly proactive release policy
14.	23/11/2018	Email chain regarding a letter from the Chief Ombudsman
15.	23/11/2018	Email confirming Minister's approval to lodge the Cabinet paper on the proactive release of ministerial diaries.
16.	23/11/2018	Email noting changes to the Cabinet paper after discussion with the Chief Ombudsman
17.	23/11/2018	Email forwarding a draft Cabinet paper on the proactive release of ministerial diaries

18.	23/11/2018	Email forwarding the Chief Ombudsman's letter on the proposed proactive release regime.
19.	23/11/2018	Cabinet Office note to the Minister summarising discussion with the Chief Ombudsman
20.	23/11/2018	Memo to the Prime Minister summarising Ombudsman feedback, the scope of the policy, and implementation matters
21.	22/11/2018	Email update on the expected timing for lodgement of a revised Cabinet paper
22.	22/11/2018	Email regarding the expected Ombudsman letter and coordination with the Minister's office before re-lodging the Cabinet paper.
23.	19/11/2018	Email with draft briefing points or bullets for engagement with the Chief Ombudsman on diary release issues and OIA treatment.
24.	18/11/2018	Email regarding discussion of the policy with the Chief Ombudsman.
25.	16/11/2018	Email with draft bullet points for discussion with the Chief Ombudsman
26.	2/11/2018	Email outlining the relationship between the policy and New Zealand's Open Government Partnership commitments, and the proposed release timetable.
27.	2/11/2018	Cabinet Office memo providing briefing points for Cabinet discussion of the proactive release of ministerial diaries.
28.	1/11/2018	Email chain about the draft Cabinet paper
29.	31/10/2018	Consultation email chain
30.	30/10/2018	Email chain about notifying meeting attendees that summary information about meetings may be proactively released.
31.	30/10/2018	Email chain about draft cabinet paper
32.	30/10/2018	Email with draft cabinet paper sent to the Minister's office
33.	19/10/2018	Email update on progress of work on the policy
34.	18/10/2018	Email chain regarding consultation on the draft cabinet paper
35.	17/10/2018	Email chain regarding process of proactive release
36.	15/10/2018	Email chain regarding whether comments received on draft cabinet paper
37.	15/10/2018	Email chain regarding timing and implementation
38.	10/10/2018	Email forwarding draft cabinet paper for review
39.	27/09/2018	Email forwarding draft cabinet paper
40.	27/09/2018	Cabinet Office note to the Prime Minister's office regarding proactive release of ministerial diary information
41.	26/09/2018	Email regarding draft cabinet paper
42.	19/09/2018	Email circulating draft Cabinet paper for feedback
43.	19/09/2018	Email forwarding information from the Prime Minister's office
44.	11/09/2018	Email regarding meeting and advice to the Minister's office
45.	11/09/2018	Email with draft advice to the Prime Minister's office
46.	11/09/2018	Email chain about diary-related OIA complaints and possible communications with the Ombudsman
47.	10/09/2018	Cabinet debrief recording that proactive release of ministerial diaries was discussed and that guidance would be developed
48.	7/09/2018	Oral item request form seeking Cabinet discussion of the proactive release of ministerial diaries
49.	6/09/2018	Email about coordination of work on the policy
50.	5/09/2018	Email chain about items to discuss at meeting
51.	31/08/2018	Email and attachment from the Prime Minister's Office regarding release of diary information
52.	29/08/2018	Email update on progress of the policy

53.	5/03/2018	Cabinet Office memo to the Prime Minister summarising the Green Party's disclosure policy and broader comparative material on transparency, gifts, travel, and hospitality.

Please note copies of individual OIA requests regarding diary information and complaints have not been included in item 51, but they are summarised in the attachment to the email.

In making my decision, in accordance with section 9(1) of the Act I have considered whether the public interest in disclosure outweighs the need to withhold the information, and I have concluded that it does not.

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 Department of the Prime Minister and Cabinet's 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



Rachel Hayward
Secretary of the Cabinet

Item 1

From:	Catherine Parkin [DPMC]
To:	Rachel Hayward [DPMC]; Anna Fleming [DPMC]
Subject:	FW: re: proactive diary release update
Date:	Tuesday, 12 February 2019 3:04:09 pm
Attachments:	DRAFT Procedure for proactive release of ministerial diaries - 07.02.19.pdf Assessing ministerial diaries for proactive release - draft guidance (005).docx

[IN-CONFIDENCE]

Current guidance – Rob says it has not yet been finalised

From: Rob Carr
Sent: Tuesday, 12 February 2019 2:43 PM
To: Catherine Parkin [DPMC]
Subject: FW: re: proactive diary release update

Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a)

Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

From: Alexandra Marett
Sent: Monday, 11 February 2019 2:13 PM
To: Joy Gribben <Joy.Gribben@parliament.govt.nz>
Cc: Rob Carr <Robert.Carr@parliament.govt.nz>
Subject: FW: re: proactive diary release update

Hi Joy,

Can you please send out my email below to the press secs which includes information on the timeline going forward? It is up to each office to decide their process for how they are doing the diary release (who generates it and who reviews it before the press sec uploads it).

Cheers

Attached:

1) Latest draft of guidance from ministerial services on how to export the diary into a table
2) Latest version on guidance as to what is released as part of the summary of the diary (for the political office **only**)

A few edits have been made to the content guidance around the inclusion of staff meetings and when to include them. Please consult with Cabinet Office and PAG if you are going to release meetings between them and your Minister.

Key timelines:

- Please send a draft diary release for the month of January to **Rob Carr and I** before the **Friday 15th February** as we are reviewing the first two waves.
- We will be messaging offices on the 16th if we have not received your diary release for the month
- Then we will give the go ahead for all the offices to upload their diaries on the 22nd February. You will receive an email from us that will give the green light

We will repeat this exercise again for the month of February (in March). Then after that, it is your office's responsibility to upload the diary within 15 business days of the end of each calendar month.

After the month of February release, then offices will be able to upload the previous months dating back to October 2017 straight onto the Beehive website. The deadline to have this done by is the **30th April 2019**. The Ombudsman's office has indicated that such a release would like address some of the complaints it is currently considering as we are providing a date for release that would not be perceived as undue delay.

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A statement that is going to go on the end of email signatures that notifies invitees that their meeting details will be released as part of a proactive release is currently being checked by the Office of the Privacy Commissioner and we are currently chasing this up with them. I will email this through as soon as we get the all clear.

With regards to the release of meetings from last year, just use your discretion regarding individuals who for stakeholder relationship reasons, your office may wish to send a quick notification email. Don't feel the need to go back and notify everyone as offices don't have time.

Please also remember that the disclaimer below needs go underneath the table of each month that you publish:

Disclaimer: This table shows scheduled meetings held by the Minister relating to ministerial business, which have been recorded in the Minister's diary. It does not include meetings that relate to the Minister's personal, party political, or parliamentary/constituency roles (such as time spent in the House of Representatives or at one of its select committees, as these are already matters of public record). Travel logistics are not included. It may include meetings which were in the diary but did not eventuate or were placeholders, and may not include unscheduled meetings. Where the portfolio to which a meeting relates is indicated, please note that it is possible material in another portfolio area could also have been covered during the meeting. Please also note attendees to a meeting change frequently so this table may not contain an accurate record of all attendees. Matters that may not be included in this proactive release include information that might breach the privacy of a person, relate to decisions still under active consideration by the Minister, or matters of national security, consistent with the grounds under which matters might be withheld from release under the Official Information Act 1982.

With regards to some of your questions during workshops about possible shortcuts and workarounds with the calendar app:

- **Automatically removing information from the title -** Ministerial Services is following up with IST regarding creating a macro rule.
- **Automatically populating diary entries -** David Hawkins has kindly circulated guidance around how to set up and use 'short keys'. Ministerial services will update the operational policy to include this guidance as an appendix.
- **Mass deleting rows -** Will include guidance in the next version of the operational policy around how to do this in Excel (partially covered currently, but only using a table in Word).

We will send an updated version of the guidance from ministerial services on how to upload the diary next week.

Good luck everyone,

Alex.

Ministerial Advisor
Office of Hon Chris Hipkins
s9(2)(a) | Email: alexandra.marett@parliament.govt.nz

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Procedure for Proactive Release of Ministerial Diaries [DRAFT]

Approved by	TBC
Date approved	TBC
Review date	December 2019
Procedure owner	Ministerial Entitlements & Assurance, Ministerial & Secretariat Services
Consulted	Department of Prime Minister and Cabinet, Parliamentary Service, Ministerial office staff, DIA Information & Safety team
Cohesion link	TBC

1. Introduction and background

1.1 The Department of Internal Affairs, through Ministerial and Secretariat Services (MaSS), provides support to Ministers by ensuring they have the right staff and resources to efficiently and effectively perform their roles.

1.2 On 26 November 2018 Cabinet approved [CAB-18-MIN-0587] a policy to proactively release a monthly summary of information from ministerial diaries, to be published on the Beehive website. The summary is to be produced and published within 15 business days following the end of each calendar month.

1.3 The following procedures are intended as a guide to support Ministers' offices to:

a) notify external meeting attendees that summary information about the meeting will be proactively released; and

b) extract and format the relevant information for publication.

2. Scope of policy

2.1 The policy applies to the information recorded in the diaries of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

2.2 The policy applies to information contained in Ministers' diaries for the month of January 2019 onward. Corresponding information for the period 26 October 2017 to 31 December 2018 is to be proactively released by 30 April 2019.

2.3 Material to be included in the diary summary

- all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary;
- internal meetings with a Minister's department(s), internal staff or other Ministers if these scheduled meetings in the diary relate to ministerial business;
- Cabinet and Cabinet committee meetings (information about agenda items should not be included);

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- other information as determined by the Minister; but consistent with the policy for the proactive release of ministerial diary information

2.3.1 For each meeting, the summary should include the following information:

- date
- time (start and finish)
- brief description
- location
- a description of who the meeting was with (names of organisations/companies—the inclusion of names of senior staff is optional)
- portfolio/s.

2.3.2 The proactive release is intended to be a record of scheduled meetings, rather than capturing all engagements Ministers have during the course of a day – unplanned meetings may not feature. The following disclaimer should be put on the release to that effect;

"This table shows scheduled meetings held by the Minister relating to ministerial business, which have been recorded in the Minister's diary. It does not include meetings that relate to the Minister's personal, party political, or parliamentary/constituency roles (such as time spent in the House of Representatives or at one of its select committees, as these are already matters of public record). Travel logistics are not included. It may include meetings which were in the diary but did not eventuate or were placeholders, and may not include unscheduled meetings. Where the portfolio to which a meeting relates is indicated, please note that it is possible material in another portfolio area could also have been covered during the meeting. Please also note attendees to a meeting change frequently so this table may not contain an accurate record of all attendees. Matters that may not be included in this proactive release include information that might breach the privacy of a person, relate to decisions still under active consideration by the Minister, or matters of national security, consistent with the grounds under which matters might be withheld from release under the Official Information Act 1982."

2.4 Material to be excluded from the summary

- Meetings or other material related to a Ministers' personal, party political, parliamentary/constituency roles;
- attendance in the House or at a select committee;
- incidental activities (such as reading or meeting preparation time);
- general staff meetings;
- unscheduled conversations;
- meetings related to consultation between government parties (if this would otherwise be withheld under s9(2)(f)(iv) of the Official Information Act);
- meetings with other MPs relating to a constituency matter or other matter that might breach personal privacy;
- travel and logistic information;
- details of meeting locations that are a private home address (use "private residence" or similar as the location information in the release).

3. Timeline for proactive release

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3.1 The policy applies to information contained in Ministers' diaries from the month of January 2019 onward. Publication of January 2019 diary summaries is to occur by 21 February 2019.

3.2 The summary for December of a calendar year is to be published by the 31st of the following January.

3.3 Thereafter the summary of information from ministerial diaries is to be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month.

3.4 The proactive release of information contained in Ministers' diaries for the period 26 October 2017 to 31 December 2018 is to be made by 30 April 2019.

4. Process

4.1 A monthly summary of information from ministerial diaries intended for proactive release should be formatted using the agreed template. A suggested process to support the extraction of the data is detailed below. The summary of information from ministerial diaries will be published on the Beehive website within 15 working days following the end of each calendar month. It is the responsibility of the Minister to ensure the quality and accuracy of the information contained in the summary.

This procedure describes the process to;

a. notify meeting attendees of the proactive release policy
b. enter the data
c. extract and format the data
d. review and approve
e. publish the data

4.2 Notify meeting attendees of the proactive release policy

Task	Description	Template	Responsible	Timeframe
Notification to meeting attendees – proactive release policy	Ministerial staff are expected to notify meeting attendees that summary information about the meeting will be proactively released. The policy and disclosure process should be communicated to external parties. This may be communicated through standard templates, such as the Event Information Sheet and a notice clearly displayed in the Minister's office. If necessary, meeting attendees could be notified of the policy by email at the time of confirming the meeting i.e. for meetings held outside of the Minister's office which have not required an event information sheet to be completed.	**TBC: Notice for Ministerial Office templates;** **Email disclaimer** **Event sheets**	**Minister's office**	As meetings and events are confirmed

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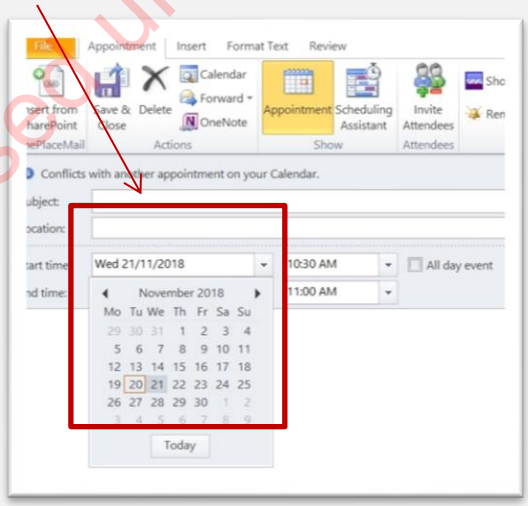
4.3 Data input

4.3.1 The following process is optional and intended as guide only to support ministerial staff to adjust the way information is entered into their Minister's calendar, which enables a more automated way to extract the information. The procedure has been designed as a tool to support OIA responses and the proactive diary release process by automating the data extraction and minimising the amount of editing required.

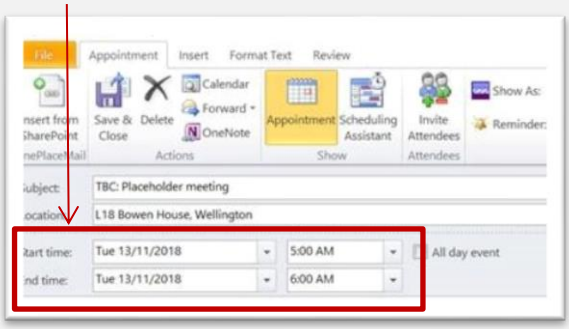
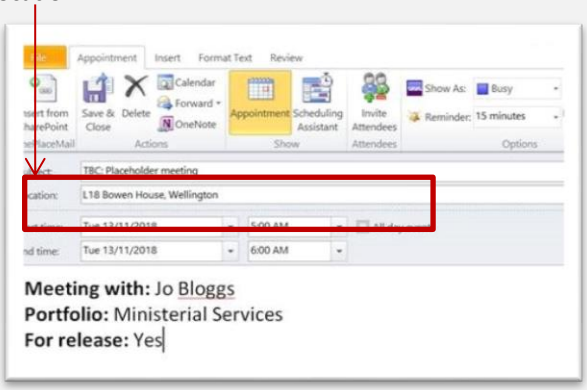
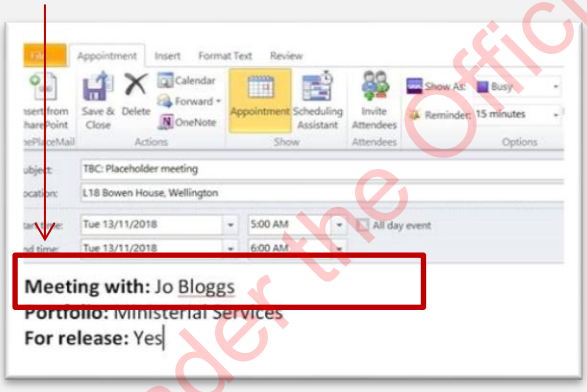
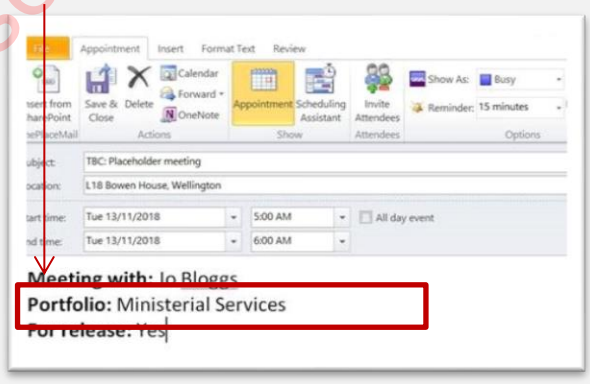
4.3.2

Task	Description	Template	Responsible	Timeframe
Record the meeting	As the meeting is confirmed, record the meeting in the Minister's Outlook calendar. The Calendar Printing Application is the tool that extracts data from a number of fields from within the Outlook calendar appointment in the Minister's diary. To ensure the relevant information is in a suitable format for extraction, the meeting information must be entered into the diary using a specific format. The following table provides an overview of which fields the information is extracted from. The ShortKeys application may be used to automatically populate the text into the diary entry for the "Attending", "Portfolio" and "For Release" fields. Refer to **Appendix A** for the ShortKeys Quick Guide.		**Minister's office**	At the time of scheduling

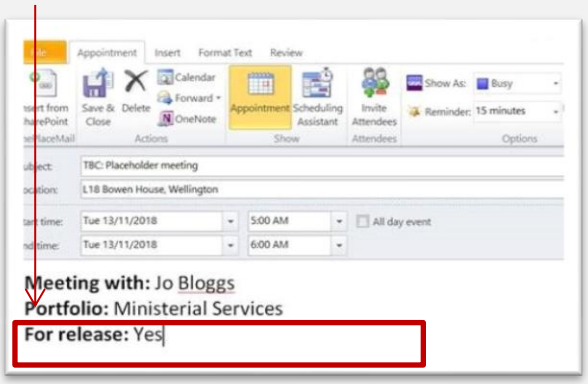
4.3.3 Fields the diary summary information is extracted from:

Field	Detail	Where information extracted from
Date 	Date meeting scheduled	**Date** meeting set in calendar appointment

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Scheduled time 	Time (start and finish)	**Start time / End time** set in calendar appointment
Location 	Location of meeting	**Location field** in calendar appointment
Attendees 	Who the meeting was with (names of organisations/ companies—the names of senior staff are optional)	**Main body** of calendar appointment Information must be typed as free text using the following format: "**Meeting with:** Joe Bloggs" More than one person or organisation can be listed but must be separated by a comma i.e. "**Meeting with:** Joe Bloggs, Paul Smith, Mrs XYZ"
Portfolio 	The capacity in which the Minister is attending the meeting	**Main body** of calendar appointment Information must be typed as free text using the following format: "**Portfolio:** Finance" More than one portfolio can be listed but must be separated by a comma i.e. "**Portfolio:** Ministerial Services, Education"

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For Release 		**Main body** of calendar appointment Information must be typed as free text using the following format: "**For Release:** Y / N" (as applicable)

4.4 Data Extraction and Formatting

4.4.1 Following the last calendar day of each month, the Minister's office should prepare a diary summary for the previous month's meetings for the Minister to consider. The following procedure outlines the steps that could be followed to prepare the summary;

Task	Description	Template	Responsible	Timeframe
Review the Minister's diary	Review the Minister's Outlook diary to ensure all appointments that are within the scope of the policy have been captured accurately	**n/a**	**Minister's office**	Throughout the month Final review 1-5 working days following the end of the calendar month
Extract diary summary	Launch the **Calendar Printing Application** from your desktop. Ensure the following fields are selected; • Select 'Table View' template • Unselect 'my calendar only' and enter the Minister's email address (either @parliament.govt.nz or @ministers.govt.nz) • Select appropriate dates • Select 'Show own private' (if appointments categorised as 'Private' are required to be extracted) Press 'ok', the application will extract the diary appointments for the selected period into a table in Microsoft Word.	**Sample table view template**	**Minister's office**	1-5 working days following the end of the calendar month
Filter results	All meetings or appointments that are contained in the Minister's diary will have been	**n/a**	**Minister's office**	1-5 working days following the end of the calendar

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	extracted for the specified period. Some of these results may not be within the scope of the policy for proactive release. Results can be filtered by the 'For Release' field, and any data not within the scope of the policy easily identified (i.e. 'For Release', 'No') Highlight the table, select the 'layout' tab, then 'sort'.			month
Remove data not required for release	To remove data not required for release, highlight the rows, right click, select 'delete cells' then 'delete entire row'. Highlight the table, then 'sort'. For guidance on how to delete mass data, for example everything that contains a specific word (i.e. VIPT), refer to **Appendix B**.	**n/a**	**Minister's office**	1-5 working days following the end of the calendar month
Data review	All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process. At this stage where material proposed for release relates to more than one Minister, consultation between offices may be required. Refer to 'Requirements for Proactive Release' which details the full review process.	**n/a**	**Minister's office**	1-5 working days following the end of the calendar month
Transfer data to template for release	Copy the table (right click, 'copy) and transfer to the template for publication document. Save as PDF.	**DRAFT Template for publication**	**Minister's office**	1-5 working days following the end of the calendar month
Approval	Provide the final diary summary to the Minister for review and approval for publication. The Minister will make the final decision about what information is proactively released.		**Minister to approve**	5-10 working days following the end of the calendar month

4.5 Requirements for proactive release

4.5.1 All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process.

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4.5.2 The principles and processes that are to be used to assess information for proactive release are, in the first instance, those that are used for OIA releases and are already well understood.

4.5.3 The following matters should be considered;

- Whether the summary contains any information that would have been withheld, if the information had been requested under the OIA.
- The application of the principles in the Privacy Act 1993.
- Consideration of national security and the application of the New Zealand Government Security Classification system.
- Whether the summary contains information that must be withheld under the terms of any other legislation.

4.5.4 Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply. Ministers' offices must therefore undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

- defamation;
- privacy of natural persons;
- disclosure of commercially sensitive information;
- breach of contract;
- whether a breach of any law or statute will occur if the information were released;
- whether a breach would constitute a contempt of court.

The Minister will make the final decision about what information is proactively released.

4.6 Publication

4.6.1 The following procedure outlines the process to upload and publish the Ministerial diary summary on the Beehive website;

Task	Description	Template	Responsible	Timeframe
Login to the Beehive website	Visit https://prelive.beehive.govt.nz/user/login Enter your username and password and click "login"	**Guide: Posting Content to the Beehive website**	**Minister's media staff**	**TBC** On the 15th working day following the end of the calendar month
Navigate to add content	Using the menu bar at the very top, click "shortcuts" if it's not already selected. This opens the shortcut menu To add a Ministerial diary, click "Add other content" from the shortcuts menu. Then select "Ministerial Diary".	n/a	**Minister's media staff**	

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Add content	In the "Title" field, write the date of the diary being published (e.g. Ministerial diary December 2018) In the "Diary date" field, select the date of the diary. This should be the last date of the month for the month that is being published (e.g. 'Ministerial diary December 2018' would have 31 December 2018 entered in the diary date field) Select the appropriate Minister from the "Ministers" field. The text in the "Body" field does not need to be altered.	n/a	**Minister's media staff**	
Upload diary	To upload the diary, ensure you have saved it as a PDF document. Then click "Choose file" button to browse for the file on your computer.	**TBC Template for publication**	**Minister's media staff**	
Publish	Make sure the "Published" box at the bottom of the page is ticked. Click the blue "Save" button at the bottom of the page to publish your content.	n/a	**Minister's media staff**	On the 15th working day following the end of the calendar month

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APPENDIX A

ShortKeys Quick Guide

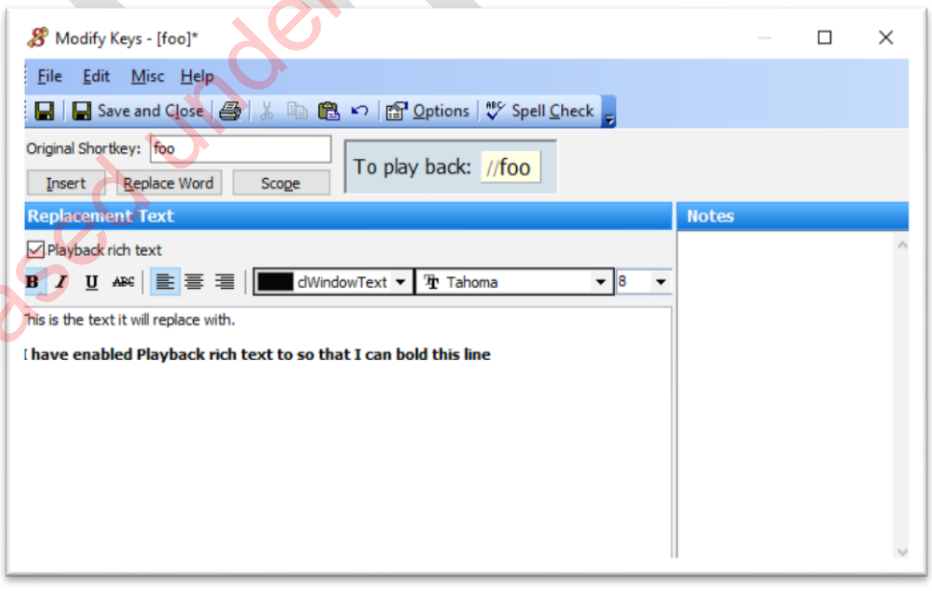
Open the ShortKeys program

1. The easiest way is pressing **Ctrl-UP ARROW**
2. Otherwise search for "ShortKeys" in your Start Menu
3. Or click the interlocked key icon in your Taskbar



Create a ShortKey

1. You can create categories (like folders) to keep track of your ShortKeys, but this isn't necessary.
2. Either select **CTRL-A**, or **Add Shortkey** from the menu, or simply double-click in the ShortKeys sub window
3. The important things to add are:
   a. **Original ShortKey** – this is your text that comes after // (in the example below its "foo")
   b. **Replacement text** – this is what the ShortKey does. If you want formatting ensure you enable **Playback rich text**



4. Click **Save and Close**, or **ALT-l**

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ShortKeys: Frequently Asked Questions

Can I print out the ShortKeys I've created?

Yes. There's various formats under File > Export.

Can ShortKeys do more complex things?

Yes. ShortKeys can insert text instead of replacing it, do different things with the same code in different programmes, export your own ShortKeys and import them on someone else's machine so you can have consistent ShortKeys across the office, and lots more. If your preference is to use keys other than // as the standard trigger, this can also be changed.

Utilise the **Help** menu to learn more.

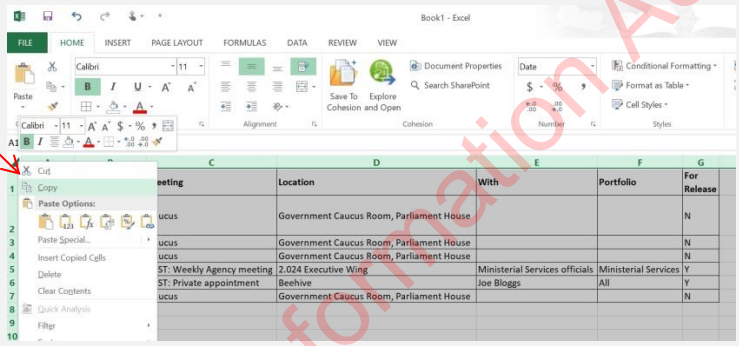
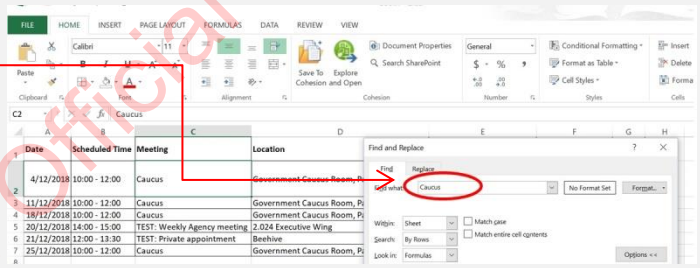
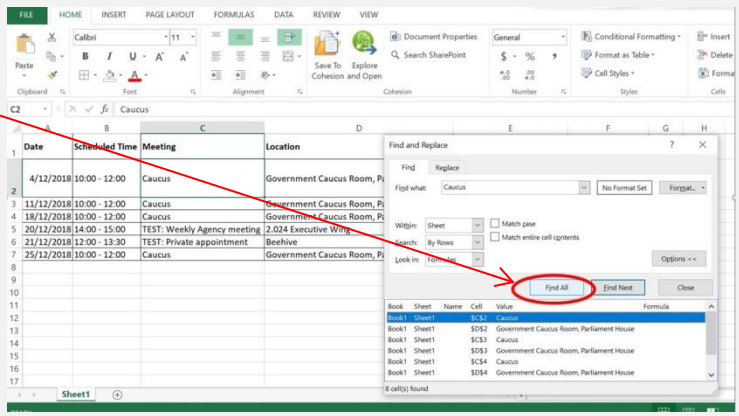
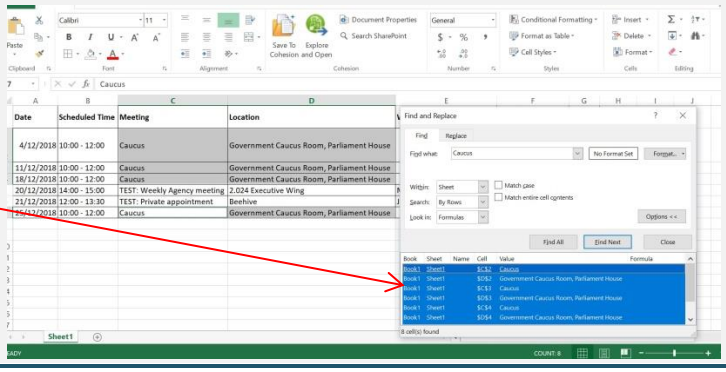
What if ShortKeys isn't installed on my device?

The application minimises in a non-standard way. Try pressing Ctrl-UP ARROW to see if it re-appears. If it doesn't, then log a ticket with the Parliamentary Service IST service desk.

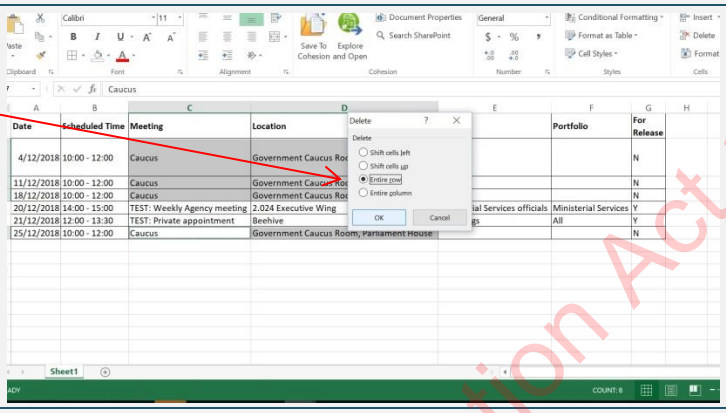
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APPENDIX B

Guide to Removing All Rows Containing Certain Data

	Task	Guide
1.	Extract the diary summary into table in Microsoft Word.	
2.	Copy (right click, '**copy**') and paste the table into Excel.	
3.	Select all data, including the data you wish to remove.	
4.	Press **CTRL F** to open the Find and Replace window.	
5.	Type the text that is contained in the row you wish to delete. i.e. if you wish to delete rows of diary entries that that relate to VIP transport, type in VIPT.	
6.	Click the **Find All** button. This will show a list of all cells containing the data you searched for in the search box.	
7.	Click one of the results that appear below the search box, then press **CRTL A.** All results should be highlighted. On the Excel spreadsheet each cell containing your search field will be selected.	

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8.	Click the **Close** button on the **Find and Replace** window.	
9.	Press **CTRL –** to open the **Delete** window	
10.	Select the **Entire Row** open, then select **OK**. You can also remove an entire column of data that contains certain information in a similar manner. To remove the entire column, simply select the **Entire Column** option in the last step above.	
11.	Copy the data (right click, '**copy**') and transfer to the template for publication document. Save as PDF.	

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Assessing diary information for proactive release

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Background

1. Cabinet has agreed that a summary of information from ministerial diaries will be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month.[1] This is consistent with the objective set out in the Official Information Act 1982 (OIA) of progressively increasing the availability of official information.

2. The purpose of this guidance is to assist with assessing what material should be released. The guidance identifies ways to ensure that the release of diary information supports transparency of government decision-making while ensuring that sensitive matters are protected. It also provides guidance about responding to OIAs and PQs about information that is the subject of this policy.

[1] The policy also applies to relevant information in the diaries of Parliamentary Under-Secretaries.

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3. When making decisions about what to include and what to withhold from the proactive release of diary information, offices should be guided by the principle in the OIA that official information should be made available unless there is good reason to withhold it. The final decision about material to be included is made by the Minister.

4. The policy agreed by Cabinet provides for some categories of information that might not be appropriate for inclusion in the proactive release. Further guidance about these categories is found below.

5. Guidance from Ministerial Services [reference] sets out how to produce the information for release in the required format, and the required timing for release.

Approach to release

6. The Minister's office should prepare a draft summary for the Minister to approve for proactive release. As a general rule, in preparing the summary, the Minister's office should make sure it does not include any information that would have been withheld if the information had been requested under the OIA. Consideration should also be given to issues of national security and the application of the New Zealand Government Security Classification system.

7. The intent of the proactive release policy is not to account for every minute of a Minister's day. The release should cover scheduled meetings, rather than trying to cover everything a Minister does. A disclaimer on the published diaries explains this. Nevertheless, it is good practice for Ministers to try to ensure all meetings in their ministerial capacity are captured in their diary. This will help with accurately answering WPQs or OIA requests. If material is routinely not included in the proactive release that would be included in response to an OIA request, the Minister may find he or she receives an increased number of OIA requests seeking to identify other gaps.

8. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply.

9. Ministers' offices must undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

    a. the application of the principles in the Privacy Act 1993;
    b. disclosure of commercially sensitive information;
    c. whether a breach of any law or statute will occur if the information were released;
    d. whether a breach would constitute a contempt of court.

10. Where a meeting involves multiple Ministers the Office of the lead Minister for the meeting (either the Minister with the closest portfolio association or the highest ranked) should determine how the content should be described. In order to reduce consultation time it is

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recommended, where possible, to have the lead Minister's Office invite the other Ministers to their diary entry so that all of the entries are the same.

Scope of the policy

11. The proactive release policy applies to the information recorded in the diary of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

12. For each meeting or diary appointment covered by this policy, the release should list: the date; time (start and finish); brief description of the topic of the appointment; location; a description of who the meeting was with; and the relevant portfolio. Further explanations of what to include follow below.

13. Ministers can choose to include additional information in the summary, to help clarify the purpose of the meeting, but in each case they should assess whether the material is suitable for release.

What is a meeting that relates to ministerial business?

14. Ministerial meetings are meetings that relate to the Minister's portfolio/s or role as a member of Cabinet and/or Cabinet committees. For example, a meeting with officials from the Minister's department is a ministerial meeting. A meeting with a sector group about issues in the portfolio is a ministerial meeting. As a general rule of thumb, if the meeting is about something the Minister's officials could be asked to provide advice on, it is a ministerial meeting.

15. Meetings that are not ministerial meetings, and can be omitted from the release include:
    - Personal meetings and appointments (such as family matters, medical appointments, personal well-being)
    - Party political meetings (including caucus and caucus committee meetings, party electorate committees, party conferences)
    - Parliamentary meetings (attendance in the House or at select committees need not be included (including questions and House roster), as that is covered by the parliamentary record)
    - Constituency meetings (meetings with constituents or attendance at events in the electorate (unless these are directly linked to the Minister's portfolio/s))

What diary information should be included?

16. Meetings with officials, staff and/or other Ministers that relate to ministerial business should be included. If the subject matter of the meeting is sensitive, a Minister may choose to describe it in generic terms (eg "policy meeting"), or to exclude it from the information for release (see below). Examples of sensitive meetings include:

Released under the Official Information Act 1982

a. A meeting with officials and other Ministers on sensitive policy issues still under development. The description could be made in generic terms, or the meeting excluded completely, if that would be consistent with sections 9(2)(f)(ii), 9(2)(f)(iv) or 9(2)(g)(i) of the OIA;

b. A meeting that relates to consultation or negotiation between government parties on policy matters can be excluded if the Minister considers there is a good reason to exclude it (such as protecting the convention of confidentiality surrounding the Government's political consultation processes).[2]

17. Meetings with external parties that relate to ministerial business should be included. For information about how to describe attendees, see para 31 below.

18. Cabinet and Cabinet Committee meetings should be included in the summary, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers. The description would therefore be either "Cabinet" or "[x] Cabinet Committee".

What diary information should generally be excluded?

19. As noted above, this policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles.

20. Incidental activities such as time spent reading papers or preparing for meetings should not be included.

21. Meetings with a foreign representative, either in New Zealand or overseas, may need to be excluded to protect the security, defence or international relations of New Zealand (consistent with s6(a) of the OIA). The Ministry of Foreign Affairs and Trade should be consulted before releasing such information.

22. Meetings on national security matters should generally be excluded (consistent with s6(a) of the OIA), please consult the National Security Group/MFAT on any meetings relating to this.

23. If the release of information about a meeting could affect an ongoing negotiation or commercial tender, the meeting should be excluded from the summary.

24. General staff meetings or unscheduled conversations are not expected to be included. If the staff meeting scheduled was regarding a specific topic and contributes to the Minister's decision-making process then it should be included in the release. However, bear in mind that there may be times where unscheduled meetings should be captured in the diary later (see paragraph 7 above), which would mean they would be considered for release.

[2] This would be consistent with s9(2)(f)(iv) of the OIA.

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Released under the Official Information Act 1982

25. Travel and logistical information such as flight details, car movements, or accommodation should be excluded. Routine release of this information may create security issues.[3]

26. A meeting with the Cabinet Office to discuss conflicts of interest would generally be excluded, consistent with sections 9(2)(f)(iv) and 9(2)(g)(i) of the OIA. There is a separate proactive release process covering summary information about the management of conflicts. Other meetings with Cabinet Office may be able to be released, please consult the Cabinet Office in these situations.

27. Release of information about meetings with members of the Policy Advisory Group within DPMC may need to be withheld consistent with s9(2)(f)(iv) and s9(2)(g)(i) of the OIA, please consult the Policy Advisory Group before releasing information relating to them.

How should meetings be described?

28. The descriptions of meetings contained in Ministers' diaries are generally brief and normally do no more than identify a general topic for a meeting. Such descriptions will normally be suitable to use when the information is released. However, because the proactive release is a summary of the information contained in the diary, it is acceptable to change the description if that is necessary to make it suitable for release (see paragraph 15).

29. Where meetings relate to development of policy where Cabinet has not yet reached a final decision, care should be taken not to pre-empt the Cabinet decision or breach Cabinet confidentiality in the description of the meeting (consistent with s9(2)(f)(iv) of the OIA). In these circumstances, a description such as "Policy discussion" would be acceptable.

What location information should be included?

30. As a general rule, include the building or equivalent location. For example, "Executive Wing, Parliament", "Offices of Company X, Auckland", "Y Memorial Hall, Invercargill", "Tongariro National Park", "Z School, Gisborne". A specific room does not normally need to be identified (unless there is a particular reason to identify the venue more specifically).

31. Where the meeting is at the Minister's home or the home of another person, put "Private residence". If appropriate, a town or city could also be included.

32. For a teleconference or phone meeting, put "Phone call" as the location (do not include the phone number).

What information should be included about meeting attendees?

33. Since the introduction of this policy, meeting attendees have been notified that summary information about the Minister's meetings will be released proactively. People meeting with the Minister should discuss any concerns about the proactive release with the Minister's office before the meeting.

[3] For information about responding to OIA requests relating to individual travel movements, see the section on responding to OIAs and WPQs.

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34. The summary should include at least the name of each organisation represented at a meeting (or hosting a meeting). For example, “Department X”, “Company Y”, “Association of Z”, “Forum of J industry, hosted by Company K”.

35. Where appropriate, the names and/or positions of senior staff in an organisation could also be included. For example, “Jane Bloggs, Department X”, “CE and Government Relations Manager, Company Y”.

36. If the Minister meets with a person who is not representing an organisation, the person’s name should be included unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA).

OIAs and WPQs following proactive release

Specific queries

37. It is expected there may be some follow up requests following the proactive release of diary information. The mere fact that a meeting has been included in a proactive release does not mean further information about it has to be provided if that information would otherwise have been withheld under the Official Information Act.

38. The common grounds in the OIA that may apply to sensitive content surrounding diary entries are:
    a. s6(a) information relating to New Zealand’s security, defence or international relations
    b. s9(2)(a) email addresses, direct phone numbers, and the names of private individuals may need to be withheld
    c. s9(2)(g)(i) the content of the discussion at the meeting may need to be withheld to protect the ability to have free and frank discussion
    d. s9(2)(f)(ii) the content of the discussion at a meeting may need to be withheld to protect collective ministerial responsibility in meetings between Ministers
    e. s9(2)(f)(iv) the information may need to be withheld to protect the details of party consultation or a policy or budgetary matter where a final decision is yet to be made.

39. As noted above, the proactive release is not intended to include travel and accommodation information. Broad data sets of specific transport and accommodation information may be withheld under s6(c) on the grounds that releasing the information is likely “to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial” and s6(d) that releasing the information is likely “to endanger the safety of any person” of the Act. This is because systematic release of this information could be used to identify the travel movements of Ministers which could be a potential a threat to their safety. For OIAs received for an individual travel movement these grounds are unlikely to apply, unless the request is for a future travel movement.

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Blanket queries

40. Blanket queries following the proactive release of information may be able to be declined where they are designed to waste a Minister's office's time. Ways these requests may be structured and how they could be responded to are below.

41. Please note that these same responses may not be appropriate for small or specific requests.

42. It is possible requests may be broken into a number of individual requests in order to cover shorter time periods. Where this occurs these requests can be amalgamated under the Act and treated as below.

Diary information prior to the proactive release taking place

43. A request may be received for the first week or two of a Minister's diary during the month concerned. There are three options:
    a. Proactively release diary information earlier than the 15 working days allowed (if it can be compiled in time)
    b. Extend the deadline to respond and then provide the information when the proactive release information is compiled, or for a WPQ use an interim reply
    c. Decline the request on the basis the information is soon to be publicly available, using s18(f) for an OIA.

A full copy of the Minister's diary
OIAs

44. It is recommended to respond to the request stating it is being answered by providing a summary of the information and including the information that would be published in the proactive release. The suggested response text is:

    Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

    [Request text]

    Electronic diary entries are used by this Office to store a substantial number of associated emails, notes and documents that are relevant to a particular diary entry in an electronic format. In order to meet the request in the form requested it would be necessary to assess all the associated notes and emails to consider whether good reason existed under section 6 or section 9 of the Act to withhold any of the attached information, and where it was considered that good reason existed under section 9 of the Act, an assessment would then need to be made in relation to each instance whether the public interest outweighed the reasons for withholding. This assessment could only be made by a few senior staff, in conjunction with the Minister. Accordingly, making the information available in the form requested would impair efficient administration (section 16(2) of the Act refers). In the circumstances, it is necessary to provide the information by providing a summary of the contents of the diary in accordance with section 16(1)(e) of the Act.

Released under the Official Information Act 1982

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

WPQs

45. Suggested response:

    This information is publicly available here: [link to proactive release for your Minister].

All information recorded in the Minister's diary which does not form part of the proactive release
OIAs

46. First ask the requester to refine the request to one particular meeting. If they will not do so, the suggested response is:

    Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

    [Request text]

    The Official Information Act only applies to information relating to my official capacity. My diary includes information relating to my role as an MP and personal information which is not subject to the Act. Separating this information would involve substantial collation and research which I do not believe is in the public interest as the majority of the information is already publicly available.

    Accordingly your request is refused under sections 18(f) of the Act on the ground that the information requested cannot be made available without substantial collation or research.

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

WPQs

47. Suggested response:

    All information which I believed was in the public interest to release generally has been provided in the proactive release. If the member has a specific query I will address that.

Travel and accommodation movement information withheld from the proactive release
OIAs

48. Suggested response:

    Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

    [Request text]

    Your request is refused under sections 6(c) and 6(d) of the Act that the making available of that information would be likely to prejudice the maintenance of the law or endanger the safety of any person.

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DRAFT

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

WPQs

49. Suggested response:

    It is not in the public interest to release systematic information about travel movements as this could endanger the safety of Ministers and their staff or prejudice the maintenance of the law.

Copies of or titles of all documents relating to all meetings in the proactive release
OIAs

50. First ask the requester to refine the request to one particular meeting. If they will not do so the suggested response is:

    Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

    [Request text]

    My Office's file management system does not enable all documents relating to meetings to be identified without substantial manual collation.

    Accordingly, your request is refused under sections 18(f) of the Act that the information requested cannot be made available without substantial collation or research

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

WPQs

51. Suggested response:

    My Office's file management system does not enable all documents relating to meetings to be identified without substantial manual collation which I do not believe is in the public interest. If the member has a query relating to a specific meeting or issue I may be able to assist.

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Item 2

From: Rachel Hayward [DPMC]
To: Michael Webster [DPMC]
Subject: FW: Meetings with Cabinet Office
Date: Wednesday, 23 January 2019 1:32:00 pm
Attachments: image001.png

From: Rachel Hayward [DPMC]
Sent: Wednesday, 16 January 2019 5:24 PM
To: 'Rob Carr'
Cc: Anna Fleming [DPMC] ; Catherine Parkin [DPMC]
Subject: Re: Meetings with Cabinet Office
[IN-CONFIDENCE]

Hi Rob,

We'd suggest it would be appropriate to leave meetings with the CO about conflicts matters out of the proactive release. As you know, successive Ombudsmen have formed the opinion that there are good reasons to withhold correspondence between Ministers and the Cabinet Office about actual or possible conflicts of interest, as well as Ministers' declarations of interest at Cabinet and Cabinet committee meetings. It is in the public interest that the CO can obtain and assess information about conflicts of interest, and provide advice to Ministers and the PM - the timing of such discussions will often itself be sensitive, so in our view it would be consistent with the OIA to exclude those particular meetings from the proactive release.

We suggest that this could be included as an example of a meeting with sensitive subject matter, along the lines of:

> A meeting with the Cabinet Office to discuss conflicts of interest would be excluded completely, consistent with sections 9(2)(f)(iv) and 9(2)(g)(i) of the OIA. There is a separate proactive release process covering summary information about the management of conflicts.

Most other meetings with the CO which are time or subject matter sensitive will be with the PM, and can be treated on a case by case basis (eg discussions about ministerial portfolio changes, ministerial conduct). There would be no issue with including meetings between the CO and Ministers that cover things like honours briefings etc.

Happy to discuss,

Kind regards

Rachel

Rachel Hayward,
Deputy Secretary (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
s9(2)(a)
Email: Rachel.hayward@dpmc.govt.nz

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From: Rob Carr <Robert.Carr@parliament.govt.nz>
Sent: Wednesday, 9 January 2019 2:00 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>; Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Cc: Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>
Subject: RE: Meetings with Cabinet Office

Happy New Year! That is fine. Thank you.

Rob Carr | **Senior Ministerial Advisor**

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Office of the Prime Minister
s9(2)(a)
Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

From: Rachel Hayward [DPMC] [mailto:Rachel.Hayward@dpmc.govt.nz]
Sent: Wednesday, 9 January 2019 1:13 PM
To: Rob Carr <Robert.Carr@parliament.govt.nz>; Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Cc: Anna Fleming <Anna.Fleming@dpmc.govt.nz>
Subject: RE: Meetings with Cabinet Office

Hi Rob
Happy New Year! We've been having an internal email discussion about this - do you need an answer this week? If not, Anna and I will get together when we're back on Monday and come back to you - there are a few nuances about other meetings with CO staff that we'd like to think through. However if you need an answer this week, just let me know.
Cheers
Rachel

Sent with BlackBerry Work
(www.blackberry.com)

From: Rob Carr <Robert.Carr@parliament.govt.nz>
Date: Tuesday, 08 Jan 2019, 7:53 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>, Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: Meetings with Cabinet Office

Kia Ora Rachel and Catherine,
I just wanted to check if the Cabinet Office had a view on how Ministers should treat meetings with the Cabinet Office about conflicts of interest etc for the purposes of the proactive release of ministerial diaries?
My instinct is disclosing the fact the meeting occurred without disclosing the topic?

Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a)
Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

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Item 3

From: Rachel Hayward [DPMC]
To: Michael Webster [DPMC]; Anna Fleming [DPMC]
Cc: Catherine Parkin [DPMC]
Subject: RE: Meetings with Cabinet Office
Date: Wednesday, 9 January 2019 1:10:11 pm

I think that's what Rob is wanting to add in. I might ask if it can wait till next week. Basically there is flexibility re disclosing the subject matter - I think he's looking for an easy formula to put in the guidance eg meetings with CO, don't disclose the subject matter. I'll check in with him.

Sent with BlackBerry Work
(www.blackberry.com)

From: Michael Webster [DPMC] <Michael.Webster@dpmc.govt.nz>
Date: Wednesday, 09 Jan 2019, 1:06 PM
To: Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>, Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Cc: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: RE: Meetings with Cabinet Office

Happy New Year!

What's the exact wording in the policy/Cabinet paper re what flexibility as to what has to be disclosed? And the subsequent guidance to Ministers offices?

Thanks

Sent with BlackBerry Work
(www.blackberry.com)

From: Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>
Date: Wednesday, 09 Jan 2019, 12:39 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>, Michael Webster [DPMC] <Michael.Webster@dpmc.govt.nz>
Cc: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: RE: Meetings with Cabinet Office

Happy new year everyone!

Does Rob mean all CO meetings? I can think of a couple of occasions where we would not want to disclose meetings - e.g during post election period (if the policy continues to apply) and possibly meetings re conduct if the timing is sensitive in terms of PMs decision making or could dissuade a minister from seeking our advice (if at the last minute, for example). But presumably these could be removed on a case by case basis and the office would check with us first.

A

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Sent with BlackBerry Work
(www.blackberry.com)

From: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Date: Wednesday, 09 Jan 2019, 12:06 PM
To: Michael Webster [DPMC] <Michael.Webster@dpmc.govt.nz>, Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>
Cc: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: FW: Meetings with Cabinet Office

Michael - I agree with Rob's suggestion - disclosing the fact of the meeting but not the topic - ok with you?

Sent with BlackBerry Work
(www.blackberry.com)

From: Rob Carr <Robert.Carr@parliament.govt.nz>
Date: Tuesday, 08 Jan 2019, 7:53 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>, Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: Meetings with Cabinet Office

Kia Ora Rachel and Catherine,
I just wanted to check if the Cabinet Office had a view on how Ministers should treat meetings with the Cabinet Office about conflicts of interest etc for the purposes of the proactive release of ministerial diaries?
My instinct is disclosing the fact the meeting occurred without disclosing the topic?

Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a)
Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

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Item 4

From: Anna Fleming [DPMC]
To: Rachel Hayward [DPMC]; Catherine Parkin [DPMC]
Subject: OIA and WPQs guidance ahead of policy coming into effect (002).docx
Date: Thursday, 20 December 2018 11:26:11 am
Attachments: OIA and WPQs guidance ahead of policy coming into effect (002).docx

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[IN-CONFIDENCE]

Hi both – I've just tracked some suggestions and comments. Hope they make sense!

A

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As you know, Cabinet has agreed that a summary of information from ministerial diaries will be released proactively and published on the Beehive website. The first release of information under the new policy will be for the January 2019 month, with the summary to be released by 21 February 2019 at the latest. Regular monthly releases will follow. Cabinet also agreed to release summaries for the period from 26 October 2017 to 31 December 2018, with these summaries to be released by 30 April 2019 at the latest.

Offices may have active OIA or WPQ requests for diary information, or may receive new requests for this information ~~some~~ before the first releases are made under the new policy. This email provides guidance on how to deal with those requests.

Separate guidance supporting the proactive release policy will be distributed to offices covering how to extract the relevant information from diaries, along with guidance on assessing material for release.

Written questions

The Speaker has made it clear that it is not an adequate answer to state that diary information will be released proactively, when that release will not occur for several months. If Ministers wish to point to material released proactively in their answers, this material will need to be compiled and released as quickly as possible.

If written questions are received for diary information between now and the proactive release of information, Ministers should provide that information. In doing so, they can make use of interim replies. An interim reply may be used only on questions where a substantive answer is yet to be given. When giving an interim reply it is best to provide a reason why the question could not be answered in the timeframe such as:

> I am unable to answer the member's question in the required timeframe *[no reason here?]*. I will provide a response as soon as possible.

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Once prepared, the Minister can then amend the answer to provide the material to be proactively released as the response to the question.

OIA requests

Every request will need to be considered on a case by case basis in accordance with the requirements of the Act. PMO is available for assistance with more complicated or unusual requests.

~~The Chief Ombudsman was consulted in the development of the proactive release of diary information policy. Oral discussions with the Ombudsman's Office indicated t~~*[Or option to consult with the Office of the Ombudsman on the sentences referring to their views before distribution.]*

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In general, there are three ways that could be adequate to respond to OIAs for diary information between now and the proactive release of the information, where a Minister's office is not in a position to provide the information within the 20 working day limit. Of course, there may be other options, such as consulting with the requester, which may assist in relation to particular requests.

Grant request but information to be provided at a later date

This is the primary recommended option. The Official Information Act requires only that a decision be made within 20 working days, not that the information be provided in that timeframe. The information must be provided following the decision without undue delay. A draft wording which could be used for this is:

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Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

[Request text]

I have decided to release information relevant to your request, with some information withheld consistent with the Act.

Further time is needed to compile this information. I expect to be able to release this information to you by [30 April 2019] but I will provide it to you sooner if I am able to.

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

If the information is ready to be release before the scheduled proactive release date, it should be sent without undue delay to the requester.

Extend the deadline to respond

The Office could extend the request for the amount of time required to pull together the proactive release. This may be appropriate where the extension timeframe would not appear unreasonable in the circumstances (for example, in relation to the amount of information requested, and the likely impact on the other business of the office etc). ~~(such as less than 40 working days).~~ *[If necessary/helpful "The Ombudsman has indicated that for a request for X months of diary information, an extension of 40 days would be reasonable."]*

Decline on the basis soon to be publicly available

The request could be declined on the basis the information is soon to be publicly available. This is generally only able to be used when information is a few weeks from being released so is likely to be more useful when the proactive release policy is implemented rather than beforehand.

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Item 5

From: Rachel Hayward [DPMC]
To: Catherine Parkin [DPMC]
Cc: Anna Fleming [DPMC]
Subject: Proactive release of ministerial diaries - draft guidance.docx
Date: Wednesday, 19 December 2018 10:47:00 am
Attachments: Proactive release of ministerial diaries - draft guidance.docx

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[IN-CONFIDENCE]
HI Catherine – I've had a go at this – initially I tracked the changes which mostly involve moving your paras – that looked terrible so I've deleted the tracking. Anna also had some comments, which I've included. See what you think – happy to discuss!

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Assessing diary information for proactive release

Contents

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Background

1. Cabinet has agreed that a summary of information from ministerial diaries will be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month.[1] This is consistent with the objective articulated in the Official Information Act 1982 (OIA) of progressively increasing the availability of official information. The final decision about material to be included is made by the Minister.

2. The purpose of this guidance is to assist with assessing what material should be released. The guidance identifies ways to ensure that the release of diary information supports transparency of government decision-making while ensuring that sensitive matters are protected. It also provides guidance about responding OIAs and PQs about information that is the subject of this policy.

3. When making decisions about what to include and what to withhold from the proactive release of diary information, offices should be guided by the principle in the Official

[1] This policy also applies to the diaries of Parliamentary Under-Secretaries.

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Information Act 1982 (OIA) that official information should be made available unless there is good reason to withhold it.

4. The policy agreed by Cabinet provides for some categories of information that might not be appropriate for inclusion in the proactive release. Further guidance about these categories is found below.

5. Guidance from Ministerial Services [reference] sets out how to produce the information for release in the required format, and the required timing for release.

Approach to release

6. The Minister's office should prepare a draft summary for the Minister to approve for proactive release. As a general rule, in preparing the summary, the Minister's office should make sure it does not include any information that would have been withheld if the information had been requested under the OIA. Consideration should also be given to issues of national security and the application of the New Zealand Government Security Classification system.

7. The intent of the proactive release policy is not to account for every minute of a Minister's day. The release should cover scheduled meetings, rather than trying to cover everything a Minister does. A disclaimer on the published diaries will explains this. Nevertheless, it is good practice for Ministers to try to ensure all meetings in their ministerial capacity are captured in their diary. This will help with accurately answering WPQs or OIA requests. If material is routinely not included in the proactive release that would be included in response to an OIA request, the Minister may find he or she receives an increased number of OIA requests seeking to identify other gaps.

8. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply.

9. Ministers' offices must undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

    a. the application of the principles in the Privacy Act 1993;
    b. disclosure of commercially sensitive information;
    c. whether a breach of any law or statute will occur if the information were released;
    d. whether a breach would constitute a contempt of court.

Scope of the policy

10. The proactive release policy applies to the information recorded in the diary of each Minister that relates to ministerial business, including meetings held outside New Zealand.

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11. For each meeting or diary appointment covered by this policy, the summary should list: the date; time (start and finish); brief description of the topic of the appointment; location; a description of who the meeting was with; and the relevant portfolio. Further explanations of what to include follow below.

12. Ministers can choose to include additional information in the summary,, but in each case they should assess whether the material is suitable for release.

What is a meeting that relates to ministerial business?

13. Ministerial meetings are meetings that relate to the Minister's portfolio/s or role as a member of Cabinet and/or Cabinet committees. For example, a meeting with officials from the Minister's department is a ministerial meeting. A meeting with a sector group about issues in the portfolio is a ministerial meeting. As a general rule of thumb, if the meeting is about something the Minister's officials could be asked to provide advice on, it is a ministerial meeting.

14. Meetings that are not ministerial meetings, and can be omitted from the summary include:
    - Personal meetings and appointments (such as family matters, medical appointments, personal well-being)
    - Party political meetings (including caucus and caucus committee meetings, party electorate committees, party conferences
    - Parliamentary meetings (attendance in the House or at select committees need not be included (including questions and House roster), as that is covered by the parliamentary record)
    - Constituency meetings (meetings with constituents or attendance at events in the electorate (unless these are directly linked to the Minister's portfolio/s))

What diary information should be included?

15. Meetings with officials, staff and/or other Ministers that relate to ministerial business should be included. If the subject matter of the meeting is sensitive, a Minister may choose to describe it in generic terms (eg "policy meeting"), or to exclude it from the information for release (see para x below). Examples of sensitive meetings include:

    a. Meetings with officials and other Ministers on sensitive policy issues still under development. The description might be redacted or the meeting excluded consistent with sections 9(2)(f)(ii), 9(2)(f)(iv) or 9(2)9g)(i) of the OIA;

    b. A meetings that relates to consultation or negotiation between government parties on policy matters can be excluded if the Minister considers there is a good reason to

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exclude it (such as protecting the convention of confidentiality surrounding the Government's political consultation processes).[2]

16. Meetings with external parties that relate to ministerial business should be included. For information about how to describe attendees, see para x below.

17. Cabinet and Cabinet Committee meetings should be included in the summary, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers. The description would therefore be either "Cabinet" or "[x] Cabinet Committee".

What diary information should generally be excluded?

18. This policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles. It does not include incidental activities such as time spent reading papers or preparing for meetings.

19. Meetings with a foreign representative, either in New Zealand or overseas, may need to be excluded to protect the security, defence or international relations of New Zealand (consistent with s6(a) of the OIA). The Ministry of Foreign Affairs and Trade should be consulted before releasing such information.

20. Meetings on national security matters should generally be excluded (consistent with s6(a) of the OIA).

21. If the release of information about a meeting could affect an ongoing negotiation or commercial tender, the meeting should be excluded from the summary.

22. Meetings that relate to consultation or negotiation between government parties on policy matters may be excluded if the Minister considers there is a good reason to exclude them (such as protecting the convention of confidentiality surrounding the Government's political consultation processes).

23. General staff meetings or unscheduled conversations are not expected to be included. However, bear in mind that there may be times where unscheduled meetings should be captured in the diary later (see paragraph 2 above), which would mean they would be considered for release.

24. Travel and logistical information such as flight details, car movements, or accommodation should be excluded. Routine release of this information may create security issues.3

How should meetings be described?

[2] This would be consistent with s9(2)(f)(iv) of the OIA.
[3] For information about responding to OIA requests relating to individual travel movements, see the section on responding to OIAs and WPQs.

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25. The descriptions of meetings contained in Ministers' diaries are generally brief and normally do no more than identify a general topic for a meeting. Such descriptions will normally be suitable to use when the information is released. However, because the proactive release is a summary of the information contained in the diary, it is acceptable to change the description if that is necessary to make it suitable for release.

26. Where meetings relate to development of policy where Cabinet has not yet reached a final decision, care should be taken not to pre-empt the Cabinet decision or breach Cabinet confidentiality in the description of the meeting (consistent with s9(2)(f)(iv) of the OIA). In these circumstances, a description such as "Policy discussion" would be acceptable.

What location information should be included?

27. As a general rule, include the building or equivalent location. For example, "Executive Wing, Parliament", "Offices of Company X, Auckland", "Y Memorial Hall, Invercargill", "Tongariro National Park", "Z School, Gisborne". A specific room does not normally need to be identified (unless there is a particular reason to identify the venue more specifically).

28. Where the meeting is at the Minister's home or the home of another person, put "Private residence". If appropriate, a town or city could also be included.

29. For a teleconference or phone meeting, put "Phone call" as the location (do not include the phone number).

What information should be included about meeting attendees?

30. Since the introduction of this policy, meeting attendees have been notified that summary information about the Minister's meetings will be released proactively. People meeting with the Minister should discuss any concerns about the proactive release with the Minister's office before the meeting.

31. The summary should include at least the name of each organisation represented at a meeting (or hosting a meeting). For example, "Department X", "Company Y", "Association of Z", "Forum of J industry, hosted by Company K".

32. Where appropriate, the names or positions of senior staff in an organisation could also be included. For example, "Jane Bloggs, Department X", "CE and Government Relations Manager, Company Y".

33. If the Minister meets with a person who is not representing an organisation, the person's name should be included unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA).

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OIAs and WPQs following proactive release

Specific queries

34. It is expected there may be some follow up requests following the proactive release of diary information. The mere fact that a meeting has been included in a proactive release does not mean further information about it has to be provided if that information would otherwise have been withheld under the Official Information Act.

35. The common grounds that may apply to sensitive content surrounding diary entries are:
    a. 6(a) information relating to New Zealand's
    b. 9(2)(a) email addresses, direct phone numbers, and the names of private individuals may need to be withheld
    c. 9(2)(g)(i) the content of the discussion at the meeting may need to be withheld to protect the ability to have free and frank discussion
    d. 9(2)(f)(ii) the content of the discussion at a meeting may need to be withheld to protect collective ministerial responsibility in meetings between Ministers
    e. 9(2)(f)(iv) the information may need to be withheld to protect the details of party consultation or a policy or budgetary matter where a final decision is yet to be made.

36. As noted above, the proactive release is not intended to include travel and accommodation information. Broad data sets of specific transport and accommodation information may be withheld under s6(c) on the grounds that releasing the information is likely "to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial" and s6(d) that releasing the information is likely "to endanger the safety of any person" of the Act. This is because systematic release of this information could be used to identify the travel movements of Ministers which could be a potential a threat to their safety. For OIAs received for an individual travel movement these grounds are unlikely to apply, unless the request is for a future travel movement.

Blanket queries

37. Blanket queries following the proactive release of information may be able to be declined where they are designed to waste a Minister's office's time. Ways these requests may be structured and how they could be responded to are below.

38. Please note that these same responses may not be appropriate for small or specific requests.

39. It is possible requests may be broken into a number of individual requests in order to cover shorter time periods. Where this occurs these requests can be amalgamated under the Act and treated as below.

Diary information prior to the proactive release taking place

40. A request may be received for the first week or two of a Minister's diary during the month concerned. There are three options:
    a. Proactively release diary information earlier than the 15 working days allowed (if it can be compiled in time)

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b. Extend the deadline to respond and then provide the information when the proactive release information is compiled, or for a WPQ use an interim reply
c. Decline the request on the basis the information is soon to be publicly available, using s18(f) for an OIA.

A full copy of the Minister's diary
OIAs

41. It is recommended to respond to the request stating it is being answered by providing a summary of the information and including the information that would be published in the proactive release. The suggested response text is:

> Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:
>
> [Request text]
>
> Electronic diary entries are used by this Office to store a substantial number of associated emails, notes and documents that are relevant to a particular diary entry in an electronic format. In order to meet the request in the form requested it would be necessary to assess all the associated notes and emails to consider whether good reason existed under section 6 or section 9 of the Act to withhold any of the attached information, and where it was considered that good reason existed under section 9 of the Act, an assessment would then need to be made in relation to each instance whether the public interest outweighed the reasons for withholding. This assessment could only be made by a few senior staff, in conjunction with the Minister. Accordingly, making the information available in the form requested would impair efficient administration (section 16(2) of the Act refers). In the circumstances, it is necessary to provide the information by providing a summary of the contents of the diary in accordance with section 16(1)(e) of the Act.
>
> You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

WPQs

42. Suggested response:

> This information is publicly available here: [link to proactive release for your Minister].

All information recorded in the Minister's diary which does not form part of the proactive release
OIAs

43. First ask the requester to refine the request to one particular meeting. If they will not do so, the suggested response is:

> Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:
>
> *[Request text]*

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The Official Information Act only applies to information relating to my official capacity. My diary includes information relating to my role as an MP and personal information which is not subject to the Act. Separating this information would involve substantial collation and research which I do not believe is in the public interest as the majority of the information is already publicly available.

Accordingly your request is declined under sections 18(f) of the Act on the ground that the information requested cannot be made available without substantial collation or research.

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

WPQs

44. Suggested response:

    All information which I believed was in the public interest to release generally has been provided in the proactive release. If the member has a specific query I will address that.

Travel and accommodation movement information withheld from the proactive release
OIAs

45. Suggested response:

    Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

    [Request text]

    Your request is declined under sections 6(c) and 6(d) of the Act that the making available of that information would be likely to prejudice the maintenance of the law or endanger the safety of any person.

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

WPQs

46. Suggested response:

    It is not in the public interest to release systematic information about travel movements as this could endanger the safety of Ministers and their staff or prejudice the maintenance of the law.

Copies of or titles of all documents relating to all meetings in the proactive release
OIAs

47. First ask the requester to refine the request to one particular meeting. If they will not do so the suggested response is:

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Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

[Request text]

My Office's file management system does not enable all documents relating to meetings to be identified without substantial manual collation.

Accordingly, your request is declined under sections 18(f) of the Act that the information requested cannot be made available without substantial collation or research

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

WPQs

48. Suggested response:

My Office's file management system does not enable all documents relating to meetings to be identified without substantial manual collation which I do not believe is in the public interest. If the member has a query relating to a specific meeting or issue I may be able to assist.

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Item 6

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Wednesday, 19 December 2018 9:42 am
To: Rachel Hayward [DPMC]
Subject: FW: calendar app
Attachments: DRAFT Procedure for extracting and formatting Ministerial Diaries for re....pdf; Disclaimer - proactive release ministerial diaries - FINAL.DOCX

[IN-CONFIDENCE]

FYI

From: Alexandra Marett
Sent: Tuesday, 18 December 2018 7:55 PM
Subject: calendar app

Hi all,

I know that some of you are progressing on your diary release to answer some of the wpqs and start getting things ready for the new year.

I want to bring to your attention an update to the calendar app which allows you to export your Minister's calendar into a table that you could release.

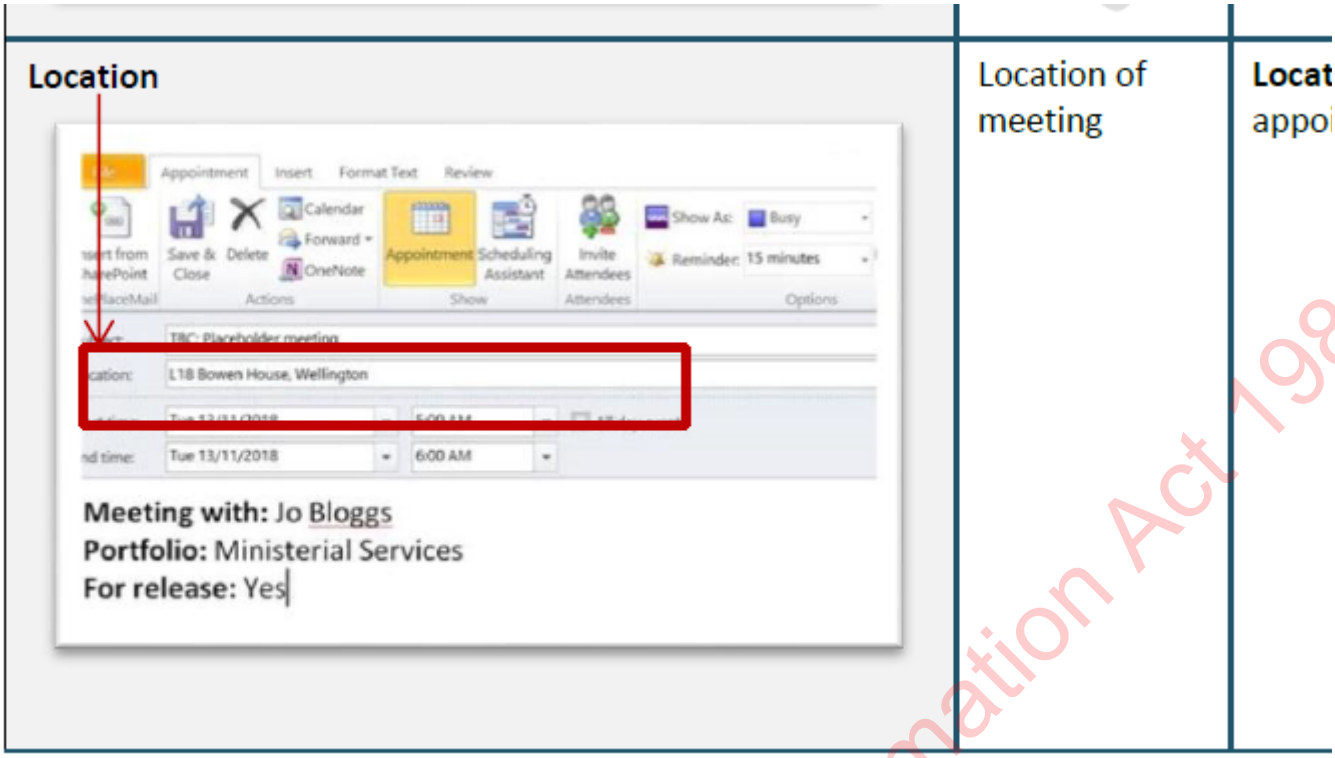
We are still testing this and have a group on Thursday and Friday who are going to troubleshoot with it. I don't want to undermine that process but I am also mindful that there are quite a few of you progressing ahead and putting together summaries now for wpqs (similar to our one on the Beehive website) and it would be negligent of me not to bring your attention to if you are doing the diary summaries anyway.

Just a reminder, offices will always do what works for them in generating this information. What I am providing here is just one way in which you may find generating the diary release easier.

1) For the process as to how to extract the calendar information from the calendar app into a table in word, just go straight to the bottom of page 3 of the first attachment. I would advise adding the disclaimer (second attachment) to the bottom of the table. I am still tweaking how it is shown on the website.

2) If you or your SPS (and this is a discussion for your office) is keen on getting started on amending diary entries from now on so that the information is generated into columns easily then do the following:

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In the main body of every calendar appointment put:

"Portfolio: XXXX" to generate the portfolio field in the summary table

"Meeting with: XXXX" to generate names in the attendee field

"For release: Yes" "For release: No" if you want the diary entry to generate into the table when you export it

There will be more robust guidance and workshops in January to familiarise people with the app and how to use it (if they want to). This is only for people who want to get moving now because they are answering wpqs.

The proactive release of diaries does not start until 21 February 2019.

I will be in touch in early January about the workshops and further info.

Warm regards,
Alex.

Ministerial Advisor
Office of Hon Chris Hipkins
s9(2)(a) Email: alexandra.marett@parliament.govt.nz

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Procedure for extracting and formatting Ministerial Diaries for release

1. Process

1.1 A monthly summary of information from ministerial diaries intended for proactive release should be formatted using the agreed template. A suggested process to support the extraction of the data is detailed below. The summary of information from ministerial diaries will be published on the Beehive website within 15 working days following the end of each calendar month. It is the responsibility of the Minister to ensure the quality and accuracy of the information contained in the summary.

This procedure describes the process to;

a. enter the data
b. extract and format the data

2. Data input

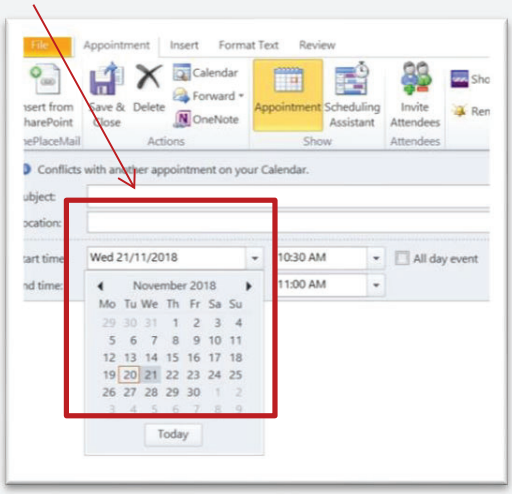
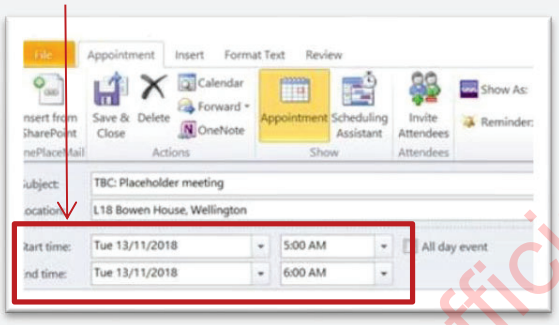
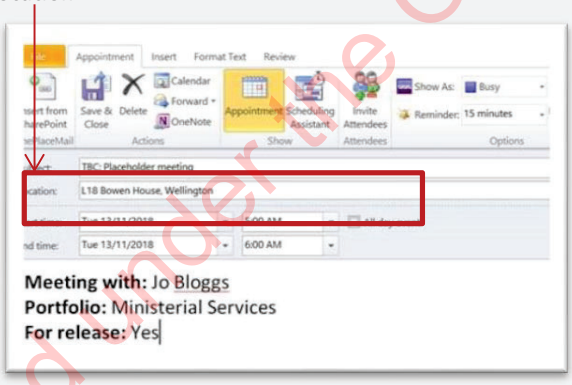
2.2 The following process is optional and intended as guide only to support ministerial staff to adjust the way information is entered into their Minister's calendar, which enables a more automated way to extract the information. The procedure has been designed as a tool to support OIA responses and the proactive diary release process by automating the data extraction and minimising the amount of editing required.

2.3

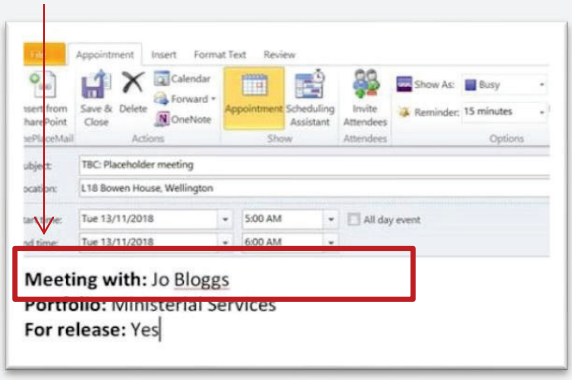
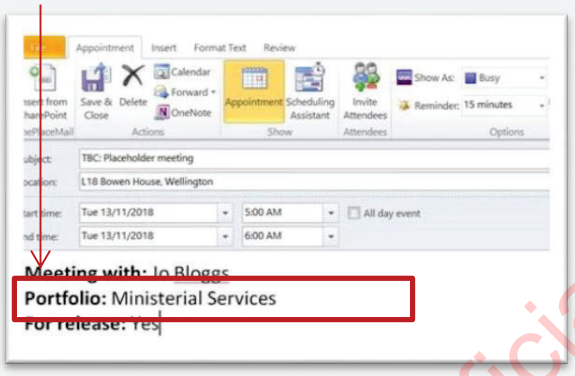
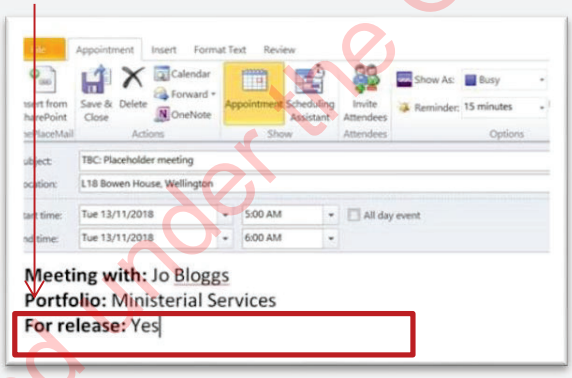
Task	Description	Template	Responsible	Timeframe
Record the meeting	As the meeting is confirmed, record the meeting in the Minister's Outlook calendar. The Calendar Printing Application is the tool that extracts data from a number of fields from within the Outlook calendar appointment in the Minister's diary. To ensure the relevant information is in a suitable format for extraction, the meeting information must be entered into the diary using a specific format. The following table provides an overview of which fields the information is extracted from.		**Minister's office**	At the time of scheduling

2.3.1 Fields the diary summary information is extracted from:

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Field	Detail	Where information extracted from
Date 	Date meeting scheduled	**Date** meeting set in calendar appointment
Scheduled time 	Time (start and finish)	**Start time / End time** set in calendar appointment
Location 	Location of meeting	**Location field** in calendar appointment

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Attendees 	Who the meeting was with (names of organisations/ companies—the names of senior staff are optional)	**Main body** of calendar appointment Information must be typed as free text using the following format: "**Meeting with:** Joe Bloggs" More than one person or organisation can be listed but must be separated by a comma i.e. "**Meeting with:** Joe Bloggs, Paul Smith, Mrs XYZ"
Portfolio 	The capacity in which the Minister is attending the meeting	**Main body** of calendar appointment Information must be typed as free text using the following format: "**Portfolio:** Finance" More than one portfolio can be listed but must be separated by a comma i.e. "**Portfolio:** Ministerial Services, Education"
For Release 		**Main body** of calendar appointment Information must be typed as free text using the following format: "**For Release:** Y / N" (as applicable)

3. Data Extraction and Formatting

3.2 Following the last calendar day of each month, the Minister's office should prepare a diary summary for the previous month's meetings for the Minister to consider. The following procedure outlines the steps that could be followed to prepare the summary;

Task	Description	Template	Responsible	Timeframe

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Review the Minister's diary	Review the Minister's Outlook diary to ensure all appointments that are within the scope of the policy have been captured accurately	**n/a**	**Minister's office**	Throughout the month Final review 1-5 working days following the end of the calendar month
Extract diary summary	Launch the **Calendar Printing Application** from your desktop. Ensure the following fields are selected; • Select 'Table View' template • Unselect 'my calendar only' and enter the Minister's email address (either @parliament.govt.nz or @ministers.govt.nz) • Select appropriate dates • Select 'Show own private' (if appointments categorised as 'Private' are required to be extracted) Press 'ok', the application will extract the diary appointments for the selected period into a table in Microsoft Word.	**Sample table view template**	**Minister's office**	1-5 working days following the end of the calendar month
Filter results	All meetings or appointments that are contained in the Minister's diary will have been extracted for the specified period. Some of these results may not be within the scope of the policy for proactive release. Results can be filtered by the 'For Release' field, and any data not within the scope of the policy easily identified (i.e. 'For Release', 'No') Highlight the table, select the 'layout' tab, then 'sort'.	**n/a**	**Minister's office**	1-5 working days following the end of the calendar month
Remove data not required for release	To remove data not required for release, highlight the rows, right click, select 'delete cells' then 'delete entire row'. Highlight the table, then 'sort'.	**n/a**	**Minister's office**	1-5 working days following the end of the calendar month
Data review	All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and	**n/a**	**Minister's office**	1-5 working days following the end of the calendar month

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	thorough review process. At this stage where material proposed for release relates to more than one Minister, consultation between offices may be required.			
Insert disclaimer	Transfer the disclaimer to the footer of the template for publication document. Save document as PDF.	**Disclaimer**	**Minister's office**	1-5 working days following the end of the calendar month
Approval	Provide the final diary summary to the Minister for review and approval for publication. The Minister will make the final decision about what information is proactively released.		**Minister to approve**	5-10 working days following the end of the calendar month

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Disclaimer:

This table shows scheduled meetings held by the Minister relating to ministerial business, which have been recorded in the Minister's diary. It does not include meetings that relate to the Minister's personal, party political, or parliamentary/constituency roles (such as time spent in the House of Representatives or at one of its select committees, as these are already matters of public record). Travel logistics are not included. It may include meetings which were in the diary but did not eventuate or were placeholders, and may not include unscheduled meetings. Where the portfolio to which a meeting relates is indicated, please note that it is possible material in another portfolio area could also have been covered during the meeting. Please also note attendees to a meeting change frequently so this table may not contain an accurate record of all attendees. Matters that may not be included in this proactive release include information that might breach the privacy of a person, relate to decisions still under active consideration by the Minister, or matters of national security, consistent with the grounds under which matters might be withheld from release under the Official Information Act 1982.

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Item 7

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Monday, 17 December 2018 4:38 pm
To: Rachel Hayward [DPMC]; Anna Fleming [DPMC]
Subject: Proactive release of ministerial diaries - draft guidance.docx
Attachments: Proactive release of ministerial diaries - draft guidance.docx

[IN-CONFIDENCE]

Hi

Here's my re-cut of the diary guidance. I've taken out the material about what to do before the policy comes into effect, as discussed. Comments/thoughts welcome!

Cheers

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Assessing diary information for proactive release

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Background

1. Cabinet has agreed that a summary of information from ministerial diaries will be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month. This is consistent with the principle in the Official Information Act 1982 (the OIA) that official information should be made available unless there is good reason for withholding it. As the information is being released proactively, the final decision about material to be included is made by the Minister.

2. The purpose of this guidance is to assist with assessing material for release. The guidance identifies ways to ensure that the release of diary information and the response to related OIAs and WPQs are consistent with the requirements of the Official Information Act and Standing Orders while ensuring that sensitive matters are protected.

3. The policy agreed by Cabinet provides for some categories of information that might not be included in the proactive release. Further guidance about these categories is found below.

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4. Guidance from Ministerial Services [reference] sets out how to produce the information for release in the required format, and the required timing for release.

Approach to release

5. The Minister's office prepares a draft summary for the Minister to approve for proactive release. In preparing the summary, the Minister's office should make sure it does not include any information that would have been withheld if the information had been requested under the OIA. Consideration should also be given to national security and the application of the New Zealand Government Security Classification system.

6. The proactive release is not intended to account for every minute of a Minister's day, and it is not necessary to indicate where information has been excluded. However, where possible descriptions should be altered to facilitate release, rather than excluding material (see below).

7. Ministers are likely to receive OIA requests and WPQs requesting further information about meetings covered by the proactive release. If material is routinely not included in the proactive release that would be included in response to an OIA request, the Minister may find they receive an increased number of OIA requests seeking to identify other gaps.

8. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply.

9. Ministers' offices must undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:
    a. defamation;
    b. the application of the principles in the Privacy Act 1993;
    c. disclosure of commercially sensitive information;
    d. breach of contract;
    e. whether a breach of any law or statute will occur if the information were released;
    f. whether a breach would constitute a contempt of court.

Scope of the policy

10. The proactive release policy applies to the information recorded in the diary of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

11. For each meeting covered by this policy, the summary lists: date, time (start and finish), brief description, location, a description of who the meeting was with, and the portfolio. Further explanations of what to include follow below.

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12. The release covers scheduled meetings, rather than trying to cover everything a Minister does during the day. There is a disclaimer on the published diaries that explains this. Nevertheless, it is good practice for Ministers to try to ensure all meetings in their ministerial capacity are captured in their diary. This will help with answering WPQs or requests under the Official Information Act accurately.

13. Ministers can choose to include extra information in their summary that is not included in the policy, but they should make sure they follow the process contained in the policy in deciding whether material is suitable for release (such as checking whether releasing the material might breach Cabinet confidentiality).

What is a meeting that relates to ministerial business?

14. Ministerial meetings are meetings that relate to the Minister's portfolio/s or role as a member of Cabinet and/or Cabinet committees. For example, a meeting with officials from the Minister's department would be a ministerial meeting. A meeting with a sector group about issues in the portfolio would be a ministerial meeting. As a general rule of thumb, if the meeting is about something the Minister's officials could be asked to provide advice on, it's a ministerial meeting.

15. Meetings with officials from the Minister's department(s), staff in the Minister's office, staff from other Ministers' offices, or with other Ministers should be included in the summary release if they are recorded in the diary and relate to ministerial business. See below for further information about how meetings are described.

16. General staff meetings or unscheduled conversations are not expected to be included (but keep in mind that there may be times where unscheduled meetings should be captured in the diary later (see paragraph 12 above), which would mean they would be considered for release).

17. Meetings that relate to consultation or negotiation between government parties on policy matters can be excluded if the Minister considers there is a good reason to exclude it (such as protecting the convention of confidentiality surrounding the Government's political consultation processes).[1]

18. Meetings with other MPs can be excluded if they relate to a constituency matter or might otherwise breach the privacy of an individual.

19. A meeting with a foreign representative, either in New Zealand or overseas, may need to be excluded to protect the security, defence or international relations of New Zealand (consistent with s6(a) of the OIA). The Ministry of Foreign Affairs and Trade should be consulted before releasing such information.

20. Meetings on national security matters can also be excluded (consistent with s6(a) of the OIA).

[1] This would be consistent with s9(2)(f)(iv) of the OIA.

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21. If the release of information about a meeting could affect an ongoing negotiation or commercial tender, the meeting can be excluded from the summary.

22. Meetings that are not ministerial meetings, and should be omitted include:
    - Personal meetings and appointments (such as family matters, medical appointments, personal well-being)
    - Party political meetings (including caucus and caucus committee meetings, party electorate committees, party conferences (attendance at another party's caucus or conference may be included))
    - Parliamentary meetings (attendance in the House or at select committees is not included (including questions and House roster), as that is covered by the parliamentary record)
    - Constituency meetings (meetings with constituents or attendance at events in the electorate (unless these are directly linked to the Minister's portfolio/s))
    - Incidental activities such as reading time, paperwork time, meeting preparation time etc
    - Travel and logistical information such as flight details, car movements, or accommodation. Routine release of this information may create security issues.[2]

How should meetings be described?

23. The descriptions of meetings contained in Ministers' diaries are generally brief and normally do no more than identify a general topic for a meeting. Such descriptions will normally be suitable to use when the information is released. However, because the proactive release is a summary of the information contained in the diary, it is acceptable to change the description if that is necessary to make it suitable for release.

24. For example, where meetings relate to development of policy where Cabinet has not yet reached a final decision, care should be taken not to pre-empt the Cabinet decision or breach Cabinet confidentiality in the description of the meeting (consistent with s9(2)(f)(iv) of the OIA). In these circumstances, a description such as "Policy discussion" would be acceptable.

25. Cabinet and Cabinet Committee meetings should be included in the summary, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers. The description would therefore be either "Cabinet" or "[x] Cabinet Committee".

What location information should be included?

26. As a general rule, include the building or equivalent location. For example, "Executive Wing, Parliament", "Offices of Company X, Auckland", "Y Memorial Hall, Invercargill", "Tongariro National Park", "Z School, Gisborne". A specific room does not normally need to be identified (unless there is a particular reason to identify the venue more specifically).

[2] For information about responding to OIA requests relating to individual travel movements, see the section on responding to OIAs and WPQs.

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27. Where the meeting is at the Minister's home or the home of another person, put "Private residence". If appropriate, a town or city could also be included.

28. For a teleconference or phone meeting, put "Phone call" as the location (do not include the phone number).

What information should be included about meeting attendees?

29. Since the introduction of this policy, meeting attendees have been notified that summary information about the Minister's meetings will be released proactively. People meeting with the Minister should discuss any concerns about the proactive release with the Minister's office before the meeting.

30. The summary should include at least the name of each organisation represented at a meeting (or hosting a meeting). For example, "Department X", "Company Y", "Association of Z", "Forum of J industry, hosted by Company K".

31. Where appropriate, the names or positions of senior staff in an organisation could also be included. For example, "Jane Bloggs, Department X", "CE and Government Relations Manager, Company Y".

32. If the Minister meets with a person who is not representing an organisation, the person's name should be included unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA).

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OIAs and WPQs following proactive release

Specific queries

33. It is expected there may be some follow up requests following the proactive release of diary information. The mere fact that a meeting has been included in a proactive release does not mean further information about it has to be provided if that information would otherwise have been withheld under the Official Information Act.

34. The common grounds that may apply to sensitive content surrounding diary entries are:
    a. 6(a) information relating to New Zealand's
    b. 9(2)(a) email addresses, direct phone numbers, and the names of private individuals may need to be withheld
    c. 9(2)(g)(i) the content of the discussion at the meeting may need to be withheld to protect the ability to have free and frank discussion
    d. 9(2)(f)(ii) the content of the discussion at a meeting may need to be withheld to protect collective ministerial responsibility in meetings between Ministers
    e. 9(2)(f)(iv) the information may need to be withheld to protect the details of party consultation or a policy or budgetary matter where a final decision is yet to be made.

35. As noted above, the proactive release is not intended to include travel and accommodation information. Broad data sets of specific transport and accommodation information may be withheld under s6(c) on the grounds that releasing the information is likely "to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial" and s6(d) that releasing the information is likely "to endanger the safety of any person" of the Act. This is because systematic release of this information could be used to identify the travel movements of Ministers which could be a potential a threat to their safety. For OIAs received for an individual travel movement these grounds are unlikely to apply, unless the request is for a future travel movement.

Blanket queries

36. Blanket queries following the proactive release of information may be able to be declined where they are designed to waste a Minister's office's time. Ways these requests may be structured and how they could be responded to are below.

37. Please note that these same responses may not be appropriate for small or specific requests.

38. It is possible requests may be broken into a number of individual requests in order to cover shorter time periods. Where this occurs these requests can be amalgamated under the Act and treated as below.

Diary information prior to the proactive release taking place

39. A request may be received for the first week or two of a Minister's diary during the month concerned. There are three options:
    a. Proactively release diary information earlier than the 15 working days allowed (if it can be compiled in time)

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b. Extend the deadline to respond and then provide the information when the proactive release information is compiled, or for a WPQ use an interim reply
c. Decline the request on the basis the information is soon to be publicly available, using s18(f) for an OIA.

A full copy of the Minister's diary
OIAs

40. It is recommended to respond to the request stating it is being answered by providing a summary of the information and including the information that would be published in the proactive release. The suggested response text is:

> Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:
>
> [Request text]
>
> Electronic diary entries are used by this Office to store a substantial number of associated emails, notes and documents that are relevant to a particular diary entry in an electronic format. In order to meet the request in the form requested it would be necessary to assess all the associated notes and emails to consider whether good reason existed under section 6 or section 9 of the Act to withhold any of the attached information, and where it was considered that good reason existed under section 9 of the Act, an assessment would then need to be made in relation to each instance whether the public interest outweighed the reasons for withholding. This assessment could only be made by a few senior staff, in conjunction with the Minister. Accordingly, making the information available in the form requested would impair efficient administration (section 16(2) of the Act refers). In the circumstances, it is necessary to provide the information by providing a summary of the contents of the diary in accordance with section 16(1)(e) of the Act.
>
> You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

WPQs

41. Suggested response:

> This information is publicly available here: [link to proactive release for your Minister].

All information recorded in the Minister's diary which does not form part of the proactive release
OIAs

42. First ask the requester to refine the request to one particular meeting. If they will not do so, the suggested response is:

> Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:
>
> *[Request text]*

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The Official Information Act only applies to information relating to my official capacity. My diary includes information relating to my role as an MP and personal information which is not subject to the Act. Separating this information would involve substantial collation and research which I do not believe is in the public interest as the majority of the information is already publicly available.

Accordingly your request is declined under sections 18(f) of the Act on the ground that the information requested cannot be made available without substantial collation or research.

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

WPQs

43. Suggested response:

    All information which I believed was in the public interest to release generally has been provided in the proactive release. If the member has a specific query I will address that.

Travel and accommodation movement information withheld from the proactive release
OIAs

44. Suggested response:

    Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

    [Request text]

    Your request is declined under sections 6(c) and 6(d) of the Act that the making available of that information would be likely to prejudice the maintenance of the law or endanger the safety of any person.

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

WPQs

45. Suggested response:

    It is not in the public interest to release systematic information about travel movements as this could endanger the safety of Ministers and their staff or prejudice the maintenance of the law.

Copies of or titles of all documents relating to all meetings in the proactive release
OIAs

46. First ask the requester to refine the request to one particular meeting. If they will not do so the suggested response is:

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Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

[Request text]

My Office's file management system does not enable all documents relating to meetings to be identified without substantial manual collation.

Accordingly, your request is declined under sections 18(f) of the Act that the information requested cannot be made available without substantial collation or research

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

WPQs

47. Suggested response:

My Office's file management system does not enable all documents relating to meetings to be identified without substantial manual collation which I do not believe is in the public interest. If the member has a query relating to a specific meeting or issue I may be able to assist.

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Item 8

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Thursday, 13 December 2018 3:04 pm
To: Michael Webster [DPMC]; Rachel Hayward [DPMC]; Anna Fleming [DPMC]
Subject: Discussion in the House today re ministerial diaries

[UNCLASSIFIED]

SPEAKER'S RULINGS

Written Questions—Responses

SPEAKER: Members have raised with me the unsatisfactory responses to written questions provided by a range of Ministers. Questions about meetings, reports or events within a specified month have received a reply saying that ministerial diaries will soon be publicly available. According to the Cabinet minute, ministerial diaries from the beginning of the Parliament until 31 December this year will be released on 30 April 2019. A four-month wait for an answer to a written question is not satisfactory when the time frame in the Standing Orders is six working days. When the proactive diary release system is operating it may be that a short wait for replies to general, often known as fishing, questions about monthly engagements and briefings is acceptable; however, that is not the case at present. I expect all of the replies that have declined to provide information on the basis that it will be available under the Government's proactive release of diaries policy to be corrected before noon next Thursday.

Hon CHRIS HIPKINS (Leader of the House): I raise a point of order, Mr Speaker. What you'll see from the Cabinet paper and Cabinet minute that was released, as I'm sure you've read it very thoroughly, is that those diaries will be progressively made available by—the date you mentioned is the latest date for them to be made available. For example, in my own case, many of those are already posted online and my office are working backwards through my diary and posting them as they are completed. Diverting people's attention away from that task to the task of answering written questions, which often deals with the same information, will actually delay the overall release of that diary information.

SPEAKER: Right, I just want to make it very clear that this House does not run according to the convenience of the Minister's staff—[*Interruption*]—who interjected then?

Chris Bishop: Me.

SPEAKER: Stand, withdraw, and apologise.

Chris Bishop: I stand, withdraw, and apologise.

SPEAKER: I would have thought that that member of all people should have been the last to interject on that matter.

The point that I am trying to make is that there could well be a compromise whereby Ministers ask the staff to turn their attention first, over the next few days, to the areas covered by those written questions, get those up on the website, and then it would be appropriate to point towards those as part of the written answers. If that can't be done, then the answers should just be done properly in the way that's been ruled by speaks in the past.

Hon CHRIS HIPKINS (Leader of the House): Further to the point of order, Mr Speaker. In the case of many Ministers, those questions cover the entire period of time in question, because they've lodged a series of questions for one week, and then the next week, and then the next week, and then the next week, and then the next week, and then the next week. So in order to be able to answer those, we do have to do the exercise of releasing all of the information. So it makes a lot more sense to do that in a

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systematic way rather than trying to answer those questions, some of which it will be impossible to answer by the deadline you have fixed, because the process of compiling them will take longer than that deadline that you've fixed, because it covers the entirety of the period in question.

SPEAKER: Well, I've had a good look at a large sample of the questions, and I'm satisfied that the vast majority of them could be answered if Ministers' officers were properly organised and turned their minds to it. I am satisfied—I mean, there were only I think about 30 of them referred to me. There could well be a lot more, but Ministers have been in office for a year now, they've had fair warning of the requirements to have systems in place to answer questions from members of Parliament according to the Speakers' rulings and Standing Orders, and I expect them to do it.

Hon SHANE JONES (Minister of Forestry): I raise a point of order, Mr Speaker. Thank you, Mr Speaker. Your reference to the word "convenience", though, is not helpful. When you're deluged with 5,400 questions, a large percentage of which are dross, it's not a matter of convenience or otherwise.

SPEAKER: No, the member will stand, withdraw, and apologise.

Hon Shane Jones: I withdraw and apologise. Speaking to the point of order.

SPEAKER: No. There is not a point of order. I just want to make it clear to Mr Jones that the comment that he made was one which in one way stated the obvious. We all know and probably no one more than myself that it is relatively easy to generate questions, some of which result in important information and most of which resulted not much. But it is the right of members of Parliament to ask those questions. The Government is doing a good thing as far as the proactive release of briefings and diaries. I know that the member himself has indicated that he wasn't that comfortable with that approach. But we are heading towards that. It will be more efficient. But until that time, the current rules apply.

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s9(2)(a)
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Item 9

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Thursday, 13 December 2018 2:02 pm
To: Michael Webster [DPMC]; Rachel Hayward [DPMC]; Anna Fleming [DPMC]
Subject: RE: Proactive release media

[UNCLASSIFIED]

Analysis: Ministerial diaries to be made public

But the release of ministerial diaries will lead to more openness. The public will know who ministers are meeting with and get a sense of why. That in turn will open up the possibility for journalists and others to put in specific Official Information Act requests for more information about what was discussed at specific meetings. Proponents of greater transparency and of the need to better monitor the activities of political lobbyists will also take heart from the release of details of ministerial meetings. There has always been a suspicion that lobbyists and the clients they represent have an undue access to and influence over ministers. The opening of the ministers' diaries will go some way to shining light on the influence lobbyists might have. The public at least will be able to see who is lobbying who over what. … Even with the government releasing ministerial diaries it will not always be apparent that a particular meeting was with a lobbyist. As well, the information released will only give a broad outline of the topic of discussion. It will not state who the lobbyist was representing in the meeting and what policy changes they might have sought. While the government's move toward greater transparency is good as far as it goes, for citizens to be fully informed more openness is needed. It also poses a question for the National Party, which made a habit of delaying and obstructing OIA requests when it was last in government. Will it follow the lead set by the coalition?

https://www.nbr.co.nz/analysis/ministerial-diaries-be-made-public

Govt ministers to proactively release diaries

https://www.newsroom.co.nz/2018/12/10/357446/govt-ministers-to-proactively-release-diaries

Ministerial diary publication strengthens transparency (Media release, Transparency International)

"Ministers taking this step are demonstrating a commitment to improving transparency and in this way, improving policy, practice and outcomes for New Zealanders," says Suzanne Snively, Chair of TINZ.

http://www.scoop.co.nz/stories/PO1812/S00120/ministerial-diary-publication-strengthens-transparency.htm

Transparency of ministerial meetings is a victory (Media release, Taxpayers' Union)

Taxpayers' Union spokesman Louis Houlbrooke says, "For once, we see a real display of transparency from this Government. Knowing who Ministers are meeting with gives real insight into who influences the expenditure of taxpayer funds."

http://www.scoop.co.nz/stories/PO1812/S00102/transparency-of-ministerial-meetings-is-a-victory.htm

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From: Catherine Parkin [DPMC]
Sent: Monday, 10 December 2018 10:54 AM
To: Michael Webster [DPMC] ; Rachel Hayward [DPMC] (Rachel.Hayward@dpmc.govt.nz) ; Anna Fleming [DPMC] (Anna.Fleming@dpmc.govt.nz)
Subject: RE: Proactive release media

A victory for transparency

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One other gap is that the subject of the meeting is not automatically disclosed. Meeting topics are a significant target of OIA requests and parliamentary written questions, and the failure to disclose them will mean that those requests will have to continue (the way to force disclosure is for people to file regular, standardised OIA requests after each proactive disclosure seeking meeting topics, until they decide that it is just less work to include them in the first place).

https://norightturn.blogspot.com/2018/12/a-victory-for-transparency.html

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From: Catherine Parkin [DPMC]
Sent: Monday, 10 December 2018 10:01 AM
To: Michael Webster [DPMC] <Michael.Webster@dpmc.govt.nz>; Rachel Hayward [DPMC] (Rachel.Hayward@dpmc.govt.nz) <Rachel.Hayward@dpmc.govt.nz>; Anna Fleming [DPMC] (Anna.Fleming@dpmc.govt.nz) <Anna.Fleming@dpmc.govt.nz>
Subject: RE: Proactive release media

Green Party media release http://www.scoop.co.nz/stories/PA1812/S00093/green-party-welcome-proactive-release-of-ministerial-diaries.htm

Government to release ministerial diaries from January

https://www.stuff.co.nz/auckland/109217171/Government-to-release-ministerial-diaries-from-January

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From: Catherine Parkin [DPMC]
Sent: Monday, 10 December 2018 8:50 AM
To: Michael Webster [DPMC] <Michael.Webster@dpmc.govt.nz>; Rachel Hayward [DPMC] (Rachel.Hayward@dpmc.govt.nz) <Rachel.Hayward@dpmc.govt.nz>; Anna Fleming [DPMC] (Anna.Fleming@dpmc.govt.nz) <Anna.Fleming@dpmc.govt.nz>
Subject: Proactive release media

[UNCLASSIFIED]

Minister's media release https://www.beehive.govt.nz/release/government-proactively-release-ministerial-diaries

The Cabinet paper and the minute have been released on the DIA website, at https://www.dia.govt.nz/Proactive-Releases

Government ministers' meetings to be made public from next year

State Services Minister Chris Hipkins said there would be some exceptions and if there were good grounds for a meeting not to be released then it would not be. "I think there's increasing public interest in who senior politicians are meeting with. We're seeing that through written parliamentary questions, through OIAs, through media questions, and I think that there's a really good reason to just be open and transparent about that. There isn't anything sinister about who politicians meet with, actually it shows that New Zealand government is very open." NZ First MP Shane Jones admitted he was not so keen on the idea. "I've got to put my hand up, I was probably the laggard. But at the end of the day I'm from the school of thought you have your say and if your kōrero doesn't carry the day then play by the rules."

https://www.radionz.co.nz/news/political/377885/government-ministers-meetings-to-be-made-public-from-next-year

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Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)

Email: catherine.parkin@dpmc.govt.nz

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Item 10

From:	Catherine Parkin [DPMC]
To:	Rob Carr; Alexandra Marett; ^EXT: Philippa Bell
Cc:	Rachel Hayward [DPMC]
Subject:	RE: Guidance
Date:	Thursday, 20 December 2018 11:54:05 am
Attachments:	Assessing ministerial diaries for proactive release - draft guidance.docx OIA and WPQs guidance ahead of policy coming into effect.docx

Hi all

My apologies that it has taken us a little longer to come back on this than we had originally anticipated. We think Rob has done a great job pulling together the essential points. We'd like to suggest, though, that the material be separated so that there's an email that goes out about how to handle requests before the policy comes into effect, and a separate piece of guidance that will be the ongoing reference point. We've had a go at making those two separate documents, which I've attached. We've suggested a slightly different approach in parts in the attached – we'd really welcome your feedback about whether you think they would work in this form.

One point we'd like to raise for further discussion is in the document that provides guidance once the policy is in effect. In the section about responding to OIAs and WPQs, the current suggested response (para 43) to requests for "All information recorded in the Minister's diary which does not form part of the proactive release" is to ask them to either refine the request, or respond that it would involve significant collation or research. If the guidance has been followed, all material that would be covered by the OIA should be in the proactive release, except for matters where there would be grounds under the OIA to refuse a request. In those circumstances, we think the response might need to be more along the line of: the information has been provided via a summary of the contents of the diary in accordance with section 16(1)(e) of the Act, and that other material has been withheld under [relevant sections]. What do others think?

We look forward to your feedback. We'd be happy to run this past the DPMC OIA team too, if you think we're ready for that.

Thanks

Catherine

From: Rachel Hayward [DPMC]
Sent: Monday, 10 December 2018 2:58 PM
To: Rob Carr ; Alexandra Marett ; Catherine Parkin [DPMC] ; Philippa Bell
Subject: RE: Guidance
[IN-CONFIDENCE]

Thanks very much Rob – we will have a look at this, and come back to you on Wednesday (but please let me know if you need feedback earlier than that).

Kind regards

Rachel

From: Rob Carr <Robert.Carr@parliament.govt.nz>
Sent: Saturday, 8 December 2018 2:28 PM
To: Alexandra Marett <Alexandra.Marett@parliament.govt.nz>; Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>; Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>; Philippa Bell <Philippa.Bell@parliament.govt.nz>
Subject: Guidance

Kia Ora,

Please find attached my rough first draft for Offices of how to respond to requests and manage sensitive information under the proactive release policy. Apologies this has taken me longer to

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draft than I thought s9(2)(a) .
After you have reviewed and added your input I think it would be good for it to go to the OIA team at DPMC as well to have a look at.

Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a)

Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

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Assessing diary information for proactive release

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Background

1. Cabinet has agreed that a summary of information from ministerial diaries will be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month.[1] This is consistent with the objective set out in the Official Information Act 1982 (OIA) of progressively increasing the availability of official information.

2. The purpose of this guidance is to assist with assessing what material should be released. The guidance identifies ways to ensure that the release of diary information supports transparency of government decision-making while ensuring that sensitive matters are protected. It also provides guidance about responding to OIAs and PQs about information that is the subject of this policy.

3. When making decisions about what to include and what to withhold from the proactive release of diary information, offices should be guided by the principle in the OIA that official

[1] The policy also applies to relevant information in the diaries of Parliamentary Under-Secretaries.

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information should be made available unless there is good reason to withhold it. The final decision about material to be included is made by the Minister.

4. The policy agreed by Cabinet provides for some categories of information that might not be appropriate for inclusion in the proactive release. Further guidance about these categories is found below.

5. Guidance from Ministerial Services [reference] sets out how to produce the information for release in the required format, and the required timing for release.

Approach to release

6. The Minister's office should prepare a draft summary for the Minister to approve for proactive release. As a general rule, in preparing the summary, the Minister's office should make sure it does not include any information that would have been withheld if the information had been requested under the OIA. Consideration should also be given to issues of national security and the application of the New Zealand Government Security Classification system.

7. The intent of the proactive release policy is not to account for every minute of a Minister's day. The release should cover scheduled meetings, rather than trying to cover everything a Minister does. A disclaimer on the published diaries explains this. Nevertheless, it is good practice for Ministers to try to ensure all meetings in their ministerial capacity are captured in their diary. This will help with accurately answering WPQs or OIA requests. If material is routinely not included in the proactive release that would be included in response to an OIA request, the Minister may find he or she receives an increased number of OIA requests seeking to identify other gaps.

8. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply.

9. Ministers' offices must undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

    a. the application of the principles in the Privacy Act 1993;
    b. disclosure of commercially sensitive information;
    c. whether a breach of any law or statute will occur if the information were released;
    d. whether a breach would constitute a contempt of court.

Scope of the policy

10. The proactive release policy applies to the information recorded in the diary of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

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11. For each meeting or diary appointment covered by this policy, the summary should list: the date; time (start and finish); brief description of the topic of the appointment; location; a description of who the meeting was with; and the relevant portfolio. Further explanations of what to include follow below.

12. Ministers can choose to include additional information in the summary, but in each case they should assess whether the material is suitable for release.

What is a meeting that relates to ministerial business?

13. Ministerial meetings are meetings that relate to the Minister's portfolio/s or role as a member of Cabinet and/or Cabinet committees. For example, a meeting with officials from the Minister's department is a ministerial meeting. A meeting with a sector group about issues in the portfolio is a ministerial meeting. As a general rule of thumb, if the meeting is about something the Minister's officials could be asked to provide advice on, it is a ministerial meeting.

14. Meetings that are not ministerial meetings, and can be omitted from the summary include:
    - Personal meetings and appointments (such as family matters, medical appointments, personal well-being)
    - Party political meetings (including caucus and caucus committee meetings, party electorate committees, party conferences)
    - Parliamentary meetings (attendance in the House or at select committees need not be included (including questions and House roster), as that is covered by the parliamentary record)
    - Constituency meetings (meetings with constituents or attendance at events in the electorate (unless these are directly linked to the Minister's portfolio/s))

What diary information should be included?

15. Meetings with officials, staff and/or other Ministers that relate to ministerial business should be included. If the subject matter of the meeting is sensitive, a Minister may choose to describe it in generic terms (eg "policy meeting"), or to exclude it from the information for release (see below). Examples of sensitive meetings include:

    a. A meeting with officials and other Ministers on sensitive policy issues still under development. The description could be made in generic terms, or the meeting excluded completely, if that would be consistent with sections 9(2)(f)(ii), 9(2)(f)(iv) or 9(2)9g)(i) of the OIA;

    b. A meeting that relates to consultation or negotiation between government parties on policy matters can be excluded if the Minister considers there is a good reason to

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exclude it (such as protecting the convention of confidentiality surrounding the Government's political consultation processes).[2]

16. Meetings with external parties that relate to ministerial business should be included. For information about how to describe attendees, see para 31 below.

17. Cabinet and Cabinet Committee meetings should be included in the summary, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers. The description would therefore be either "Cabinet" or "[x] Cabinet Committee".

What diary information should generally be excluded?

18. As noted above, this policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles.

19. Incidental activities such as time spent reading papers or preparing for meetings should not be included.

20. Meetings with a foreign representative, either in New Zealand or overseas, may need to be excluded to protect the security, defence or international relations of New Zealand (consistent with s6(a) of the OIA). The Ministry of Foreign Affairs and Trade should be consulted before releasing such information.

21. Meetings on national security matters should generally be excluded (consistent with s6(a) of the OIA).

22. If the release of information about a meeting could affect an ongoing negotiation or commercial tender, the meeting should be excluded from the summary.

23. General staff meetings or unscheduled conversations are not expected to be included. However, bear in mind that there may be times where unscheduled meetings should be captured in the diary later (see paragraph 7 above), which would mean they would be considered for release.

24. Travel and logistical information such as flight details, car movements, or accommodation should be excluded. Routine release of this information may create security issues.[3]

How should meetings be described?

25. The descriptions of meetings contained in Ministers' diaries are generally brief and normally do no more than identify a general topic for a meeting. Such descriptions will normally be suitable to use when the information is released. However, because the proactive release is a summary of the information contained in the diary, it is acceptable to change the description if that is necessary to make it suitable for release (see paragraph 15).

[2] This would be consistent with s9(2)(f)(iv) of the OIA.

[3] For information about responding to OIA requests relating to individual travel movements, see the section on responding to OIAs and WPQs.

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26. Where meetings relate to development of policy where Cabinet has not yet reached a final decision, care should be taken not to pre-empt the Cabinet decision or breach Cabinet confidentiality in the description of the meeting (consistent with s9(2)(f)(iv) of the OIA). In these circumstances, a description such as "Policy discussion" would be acceptable.

What location information should be included?

27. As a general rule, include the building or equivalent location. For example, "Executive Wing, Parliament", "Offices of Company X, Auckland", "Y Memorial Hall, Invercargill", "Tongariro National Park", "Z School, Gisborne". A specific room does not normally need to be identified (unless there is a particular reason to identify the venue more specifically).

28. Where the meeting is at the Minister's home or the home of another person, put "Private residence". If appropriate, a town or city could also be included.

29. For a teleconference or phone meeting, put "Phone call" as the location (do not include the phone number).

What information should be included about meeting attendees?

30. Since the introduction of this policy, meeting attendees have been notified that summary information about the Minister's meetings will be released proactively. People meeting with the Minister should discuss any concerns about the proactive release with the Minister's office before the meeting.

31. The summary should include at least the name of each organisation represented at a meeting (or hosting a meeting). For example, "Department X", "Company Y", "Association of Z", "Forum of J industry, hosted by Company K".

32. Where appropriate, the names and/or positions of senior staff in an organisation could also be included. For example, "Jane Bloggs, Department X", "CE and Government Relations Manager, Company Y".

33. If the Minister meets with a person who is not representing an organisation, the person's name should be included unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA).

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OIAs and WPQs following proactive release

Specific queries

34. It is expected there may be some follow up requests following the proactive release of diary information. The mere fact that a meeting has been included in a proactive release does not mean further information about it has to be provided if that information would otherwise have been withheld under the Official Information Act.

35. The common grounds in the OIA that may apply to sensitive content surrounding diary entries are:
    a. s6(a) information relating to New Zealand's security, defence or international relations
    b. s9(2)(a) email addresses, direct phone numbers, and the names of private individuals may need to be withheld
    c. s9(2)(g)(i) the content of the discussion at the meeting may need to be withheld to protect the ability to have free and frank discussion
    d. s9(2)(f)(ii) the content of the discussion at a meeting may need to be withheld to protect collective ministerial responsibility in meetings between Ministers
    e. s9(2)(f)(iv) the information may need to be withheld to protect the details of party consultation or a policy or budgetary matter where a final decision is yet to be made.

36. As noted above, the proactive release is not intended to include travel and accommodation information. Broad data sets of specific transport and accommodation information may be withheld under s6(c) on the grounds that releasing the information is likely "to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial" and s6(d) that releasing the information is likely "to endanger the safety of any person" of the Act. This is because systematic release of this information could be used to identify the travel movements of Ministers which could be a potential a threat to their safety. For OIAs received for an individual travel movement these grounds are unlikely to apply, unless the request is for a future travel movement.

Blanket queries

37. Blanket queries following the proactive release of information may be able to be declined where they are designed to waste a Minister's office's time. Ways these requests may be structured and how they could be responded to are below.

38. Please note that these same responses may not be appropriate for small or specific requests.

39. It is possible requests may be broken into a number of individual requests in order to cover shorter time periods. Where this occurs these requests can be amalgamated under the Act and treated as below.

Diary information prior to the proactive release taking place

40. A request may be received for the first week or two of a Minister's diary during the month concerned. There are three options:

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a. Proactively release diary information earlier than the 15 working days allowed (if it can be compiled in time)
b. Extend the deadline to respond and then provide the information when the proactive release information is compiled, or for a WPQ use an interim reply
c. Decline the request on the basis the information is soon to be publicly available, using s18(f) for an OIA.

A full copy of the Minister's diary
OIAs

41. It is recommended to respond to the request stating it is being answered by providing a summary of the information and including the information that would be published in the proactive release. The suggested response text is:

    Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

    [Request text]

    Electronic diary entries are used by this Office to store a substantial number of associated emails, notes and documents that are relevant to a particular diary entry in an electronic format. In order to meet the request in the form requested it would be necessary to assess all the associated notes and emails to consider whether good reason existed under section 6 or section 9 of the Act to withhold any of the attached information, and where it was considered that good reason existed under section 9 of the Act, an assessment would then need to be made in relation to each instance whether the public interest outweighed the reasons for withholding. This assessment could only be made by a few senior staff, in conjunction with the Minister. Accordingly, making the information available in the form requested would impair efficient administration (section 16(2) of the Act refers). In the circumstances, it is necessary to provide the information by providing a summary of the contents of the diary in accordance with section 16(1)(e) of the Act.

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

WPQs

42. Suggested response:

    This information is publicly available here: [link to proactive release for your Minister].

All information recorded in the Minister's diary which does not form part of the proactive release
OIAs

43. First ask the requester to refine the request to one particular meeting. If they will not do so, the suggested response is:

    Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

    [Request text]

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The Official Information Act only applies to information relating to my official capacity. My diary includes information relating to my role as an MP and personal information which is not subject to the Act. Separating this information would involve substantial collation and research which I do not believe is in the public interest as the majority of the information is already publicly available.

Accordingly your request is declined under sections 18(f) of the Act on the ground that the information requested cannot be made available without substantial collation or research.

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

WPQs

44. Suggested response:

    All information which I believed was in the public interest to release generally has been provided in the proactive release. If the member has a specific query I will address that.

Travel and accommodation movement information withheld from the proactive release
OIAs

45. Suggested response:

    Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

    [Request text]

    Your request is declined under sections 6(c) and 6(d) of the Act that the making available of that information would be likely to prejudice the maintenance of the law or endanger the safety of any person.

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

WPQs

46. Suggested response:

    It is not in the public interest to release systematic information about travel movements as this could endanger the safety of Ministers and their staff or prejudice the maintenance of the law.

Copies of or titles of all documents relating to all meetings in the proactive release
OIAs

47. First ask the requester to refine the request to one particular meeting. If they will not do so the suggested response is:

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Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

[Request text]

My Office's file management system does not enable all documents relating to meetings to be identified without substantial manual collation.

Accordingly, your request is declined under sections 18(f) of the Act that the information requested cannot be made available without substantial collation or research

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

WPQs

48. Suggested response:

My Office's file management system does not enable all documents relating to meetings to be identified without substantial manual collation which I do not believe is in the public interest. If the member has a query relating to a specific meeting or issue I may be able to assist.

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As you know, Cabinet has agreed that a summary of information from ministerial diaries will be released proactively and published on the Beehive website. The first release of information under the new policy will be for the January 2019 month, with the summary to be released by 21 February 2019 at the latest. Regular monthly releases will follow. Cabinet also agreed to release summaries for the period from 26 October 2017 to 31 December 2018, with these summaries to be released by 30 April 2019 at the latest.

Offices may have active OIA or WPQ requests for diary information, or may receive new requests for this information before the first releases are made under the new policy. This email provides guidance on how to deal with those requests.

Separate guidance supporting the proactive release policy will be distributed to offices covering how to extract the relevant information from diaries, along with guidance on assessing material for release.

Written questions

The Speaker has made it clear that it is not an adequate answer to state that diary information will be released proactively, when that release will not occur for several months. If Ministers wish to point to material released proactively in their answers, this material will need to be compiled and released as quickly as possible.

If written questions are received for diary information between now and the proactive release of information, Ministers should provide that information.

In doing so, they can make use of interim replies. An interim reply may be used only on questions where a substantive answer is yet to be given. When giving an interim reply it is best to provide a reason why the question could not be answered in the timeframe such as:

> I am unable to answer the member's question in the required timeframe due to the substantial collation required. I will provide a response as soon as possible.

Once prepared, the Minister can then amend the answer to provide the material to be proactively released as the response to the question.

OIA requests

Every request will need to be considered on a case-by-case basis in accordance with the requirements of the Act. PMO is available for assistance with more complicated or unusual requests.

In general, there are three ways that could be adequate to respond to OIAs for diary information between now and the proactive release of the information, where a Minister's office is not in a position to provide the information within the 20 working day limit. Of course, there may be other options, such as consulting with the requester, which may assist in relation to particular requests.

Grant request but information to be provided at a later date

This is the primary recommended option. The Official Information Act requires only that a decision be made within 20 working days, not that the information be provided in that timeframe. The information must be provided following the decision without undue delay. A draft wording which could be used for this is:

> Thank you for your Official Information Act 1982 (the Act) request, received on [date]. You requested:

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> *[Request text]*
>
> I have decided to release information relevant to your request, with some information withheld consistent with the Act.
>
> Further time is needed to compile this information. I expect to be able to release this information to you by [30 April 2019] but I will provide it to you sooner if I am able to.
>
> You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

If the information is ready to be released before the scheduled proactive release date, it should be sent without undue delay to the requester.

Extend the deadline to respond

The Office could extend the request for the amount of time required to pull together the proactive release. This may be appropriate where the extension timeframe would not appear unreasonable in the circumstances (for example, in relation to the amount of information requested, and the likely impact on the other business of the office etc).

Decline on the basis soon to be publicly available

The request could be declined on the basis the information is soon to be publicly available. This is generally only able to be used when information is a few weeks from being released, so is likely to be more useful when the proactive release policy is implemented rather than beforehand.

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Item 11

Angus Stewart [DPMC]

From: Rachel Hayward [DPMC]
Sent: Thursday, 6 December 2018 8:07 am
To: Michael Webster [DPMC]
Cc: Catherine Parkin [DPMC]
Subject: Ministerial diaries - proactive release of Cabinet paper

[IN-CONFIDENCE]

Hi there – Alex Marrett from Min Hipkins' office has been in touch to ask if they can proactively release the Cabinet paper and minute for Ministerial diaries on the DPMC website. It seems to Catherine and me that it would make more sense for it to be on either the DIA or the SSC websites (the Minister lodged it under both hats). Just checking with you before we go back.

Rachel Hayward,
Deputy Secretary (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: Rachel.hayward@dpmc.govt.nz

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Item 12

From: Rachel Hayward [DPMC]
To: Catherine Parkin [DPMC]
Subject: RE: DRAFT Procedure for proactive release of ministerial diaries - Nov 2018 V 6.0.docx
Date: Wednesday, 28 November 2018 10:40:26 am

I haven't looked at it Catherine - if they need our comments today feel free to send it back without anything from me, otherwise I'll look at it tomorrow.

Sent with BlackBerry Work
(www.blackberry.com)

From: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Date: Wednesday, 28 Nov 2018, 10:38 AM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: RE: DRAFT Procedure for proactive release of ministerial diaries - Nov 2018 V 6.0.docx

Hi Rachel
Did you have anything further by way of feedback on this document? As I mentioned yesterday, there will be separate guidance on what to include/exclude, and I've requested that we have input into that.
Thanks

Catherine

From: Catherine Parkin [DPMC]
Sent: Tuesday, 27 November 2018 12:10 PM
To: Rachel Hayward [DPMC] (Rachel.Hayward@dpmc.govt.nz)
Subject: DRAFT Procedure for proactive release of ministerial diaries - Nov 2018 V 6.0.docx [IN-CONFIDENCE]

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Procedure for Proactive Release of Ministerial Diaries [DRAFT]

Approved by	TBC
Date approved	TBC
Review date	November 2019
Procedure owner	Ministerial Entitlements & Assurance, Ministerial & Secretariat Services
Consulted	Department of Prime Minister and Cabinet, Parliamentary Service, Ministerial office staff, DIA Information & Safety team
Cohesion link	TBC

Commented [HH1]: The Department's privacy unit

1. Introduction and background

1.1 The Department of Internal Affairs, through Ministerial and Secretariat Services (MaSS), provides support to Ministers by ensuring they have the right staff and resources to efficiently and effectively perform their roles.

1.2 On 26 November 2018 Cabinet approved [CAB-MIN XXX] a policy to proactively release a monthly summary of information from ministerial diaries, to be published on the Beehive website. The summary is to be produced and published within 15 business days following the end of each calendar month.

Commented [HH2]: TBA

1.3 The following procedures are intended as a guide to support Ministers' offices to:

a) notify external meeting attendees that summary information about the meeting will be proactively released; and

b) extract and format the relevant information for publication.

2. Scope of policy

2.1 The policy applies to the information recorded in the diaries of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

2.2 The policy applies to information contained in Ministers' diaries for the month of January 2019 onward. Corresponding information for the period 26 October 2017 to 31 December 2018 is to be proactively released by 30 April 2019.

2.3 Material to be included in the diary summary

- ~~Scheduled meetings;~~
- all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary;
- internal meetings with a Minister's department(s), internal staff ~~and~~ or other Ministers if these scheduled meetings in the diary relate to ministerial business;
- Cabinet and Cabinet committee meetings (information about agenda items should not be included);

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- other information as determined by the Minister; but consistent with the policy for the proactive release of ministerial diary information

2.3.1 For each meeting, the summary should include the following information:

- date
- time (start and finish)
- brief description
- location
- a description of who the meeting was with (names of organisations/companies ~~and~~ —the inclusion of names of senior staff is optional)
- portfolio/s.

2.3.2 The proactive release is intended to be a record of scheduled meetings, rather than capturing all engagements Ministers have during the course of a day – unplanned meetings may not feature. The following disclaimer should be put on the release to that effect;

"This table shows scheduled meetings held by the Minister relating to ministerial business, which have been recorded in the Minister's diary. It does not include meetings that relate to the Minister's personal, party political, or parliamentary/constituency roles (such as time spent in the House of Representatives or at one of its select committees, as these are already matters of public record). Travel logistics are not included. It may include meetings which were in the diary but did not eventuate or were placeholders, and may not include unscheduled meetings. Where the portfolio to which a meeting relates is indicated, please note that it is possible material in another portfolio area could also have been covered during the meeting. Please also note attendees to a meeting change frequently so this table may not contain an accurate record of all attendees. Matters that may not be included in this proactive release include information that might breach the privacy of a person, relate to decisions still under active consideration by the Minister, or matters of national security, consistent with the grounds under which matters might be withheld from release under the Official Information Act 1982."

2.4 Material to be excluded from the summary

- Meetings or other material related to a Ministers' personal, party political, parliamentary/constituency roles;
- attendance in the House or at a select committee;
- incidental activities (such as reading or meeting preparation time);
- general staff meetings;
- unscheduled conversations;
- meetings related to consultation between government parties (if this would otherwise be withheld under s9(2)(f)(iv) of the Official Information Act);
- meetings with other MPs relating to a constituency matter or other matter that might breach personal privacy;
- travel and logistic information;
- details of meeting locations that are a private home address (use "private residence" or similar as the location information in the release).

3. Timeline for proactive release

Commented [HH3]: Hyperlink to Cabinet paper

Commented [HH4]:
26/11/18: Disclaimer confirmed by Hon Hipkins' office.

Disclaimer drafted by DPMC, yet to be confirmed. Consulted with Hon Hipkins' office and PMO 15/11/18

14/11/18: Draft sent to Sparks Interactive for inclusion in concepts for Beehive website

Action: **final copy to be provided to Sparks once confirmed**

Commented [HH5]: PMO to provide guidance re: political management [01/11]
This information may not be required as PMO advice may supersede

Commented [HH6]: Timeline TBC depending on Cabinet process

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3.1 The policy applies to information contained in Ministers' diaries from the month of January 2019 onward. Publication of January 2019 diary summaries is to occur by 21 February 2019.

3.2 The summary for December of a calendar year is to be published by the 31st of the following January.

3.3 Thereafter the summary of information from ministerial diaries is to be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month.

3.4 The proactive release of information contained in Ministers' diaries for the period 26 October 2017 to 31 December 2018 is to be made by 30 April 2019.

4. Process

4.1 A monthly summary of information from ministerial diaries intended for proactive release should be formatted using the agreed template. A suggested process to support the extraction of the data is detailed below. The summary of information from ministerial diaries will be published on the Beehive website within 15 working days following the end of each calendar month. It is the responsibility of the Minister to ensure the quality and accuracy of the information contained in the summary.

This procedure describes the process to;

a. notify meeting attendees of the proactive release policy
b. enter the data
c. extract and format the data
d. review and approve
e. publish the data

4.2 Notify meeting attendees of the proactive release policy

Task	Description	Template	Responsible	Timeframe
Notification to meeting attendees – proactive release policy	Ministerial staff are expected to notify meeting attendees that summary information about the meeting will be proactively released. The policy and disclosure process should be communicated to external parties. This may be communicated through standard templates, such as the Event Information Sheet and a notice clearly displayed in the Minister's office. If necessary, meeting attendees could be notified of the policy by email at the time of confirming the meeting i.e. for meetings held outside of the Minister's office which have not required an event information sheet to be completed.	**TBA [Standard text]** **Notice for Ministerial Office template**	**Minister's office**	As meetings and events are confirmed

Commented [CP[7]: Need to confirm whether the intention is to upload all releases on the same day (like in 4.6.1) or for uploads to occur by the deadline.

Commented [HH8]: Policy guidance:
"Ministerial staff are expected to notify meeting attendees that summary information about the meeting will be proactively released. Guidance will be provided to Ministers' offices on standard ways that this can be done"

Commented [HH9]:
Template to be developed (Owner: Alex Marrett)
Action: Alex to draft, DPMC and DIA privacy to review) – 01/11
Discussed a standard message that can be inserted into written confirmation of meetings and included in the Event Information Sheet template.

Commented [HH10]: Sample template to be developed by MaSS once notification drafted and confirmed.

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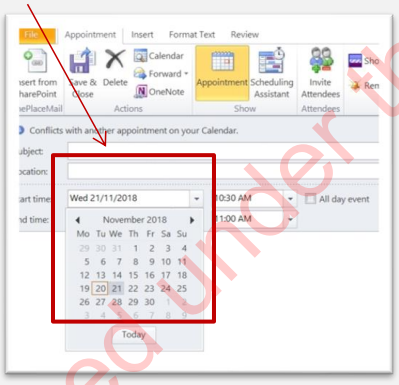
4.3 Data input

4.3.1 The following process is optional and intended as guide only to support ministerial staff to adjust the way information is entered into their Minister's calendar, which enables a more automated way to extract the information. The procedure has been designed as a tool to support OIA responses and the proactive diary release process by automating the data extraction and minimising the amount of editing required.

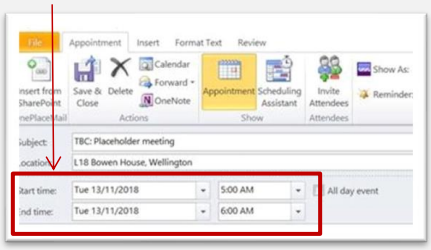
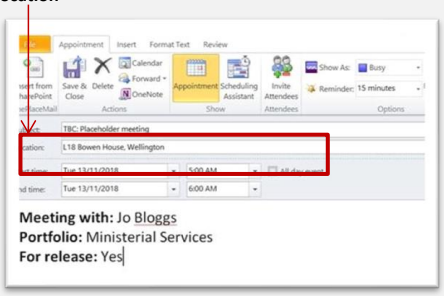
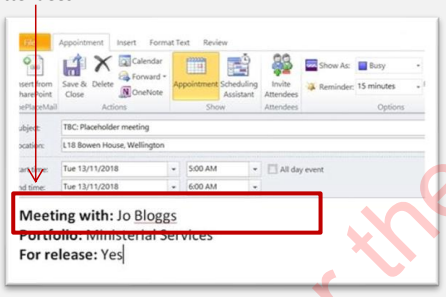
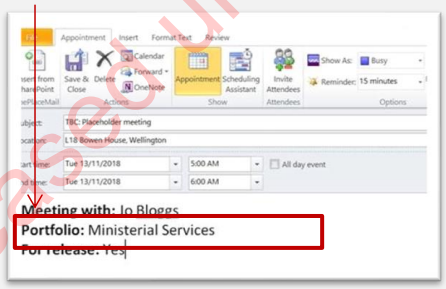
4.3.2

Task	Description	Template	Responsible	Timeframe
Record the meeting	As the meeting is confirmed, record the meeting in the Minister's Outlook calendar. The Calendar Printing Application is the tool that extracts data from a number of fields from within the Outlook calendar appointment in the Minister's diary. To ensure the relevant information is in a suitable format for extraction, the meeting information must be entered into the diary using a specific format. The following table provides an overview of which fields the information is extracted from.		**Minister's office**	At the time of scheduling

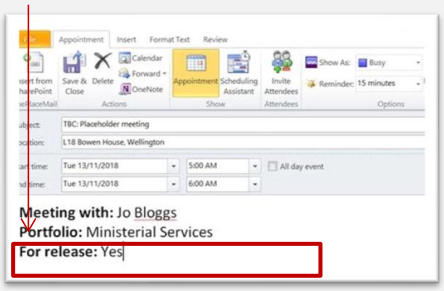
4.3.3 Fields the diary summary information is extracted from:

Field	Detail	Where information extracted from
Date 	Date meeting scheduled	**Date** meeting set in calendar appointment

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Scheduled time 	Time (start and finish)	**Start time / End time** set in calendar appointment
Location 	Location of meeting	**Location field** in calendar appointment
Attendees 	Who the meeting was with (names of organisations/ companies ~~and~~ the names of senior staff are optional)	**Main body** of calendar appointment Information must be typed as free text using the following format: "**Meeting with:** Joe Bloggs" More than one person or organisation can be listed but must be separated by a comma i.e. "**Meeting with:** Joe Bloggs, Paul Smith, Mrs XYZ"
Portfolio 	The capacity in which the Minister is attending the meeting	**Main body** of calendar appointment Information must be typed as free text using the following format: "**Portfolio:** Finance" More than one portfolio can be listed but must be separated by a comma i.e. "**Portfolio:** Ministerial Services, Education"

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For Release 		**Main body** of calendar appointment Information must be typed as free text using the following format: "**For Release:** Y / N" (as applicable)

4.4 Data Extraction and Formatting

4.4.1 Following the last calendar day of each month, the Minister's office should prepare a diary summary for the previous month's meetings for the Minister to consider. The following procedure outlines the steps that could be followed to prepare the summary;

Task	Description	Template	Responsible	Timeframe
Review the Minister's diary	Review the Minister's Outlook diary to ensure all appointments that are within the scope of the policy have been captured accurately	**n/a**	**Minister's office**	Throughout the month Final review 1-5 working days following the end of the calendar month
Extract diary summary	Launch the **Calendar Printing Application** from your desktop. Ensure the following fields are selected; • Select 'Table View' template • Unselect 'my calendar only' and enter the Minister's email address (either @parliament.govt.nz or @ministers.govt.nz) • Select appropriate dates • Select 'Show own private' (if appointments categorised as 'Private' are required to be extracted) Press 'ok', the application will extract the diary appointments for the selected period into a table in Microsoft Word.	**Sample table view template**	**Minister's office**	1-5 working days following the end of the calendar month
Filter results	All meetings or appointments that are contained in the Minister's diary will have been	**n/a**	**Minister's office**	1-5 working days following the end of the calendar

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	extracted for the specified period. Some of these results may not be within the scope of the policy for proactive release. Results can be filtered by the 'For Release' field, and any data not within the scope of the policy easily identified (i.e. 'For Release', 'No') Highlight the table, select the 'layout' tab, then 'sort'.			month
Remove data not required for release	To remove data not required for release, highlight the rows, right click, select 'delete cells' then 'delete entire row'. Highlight the table, then 'sort'.	**n/a**	**Minister's office**	1-5 working days following the end of the calendar month
Data review	All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process. At this stage where material proposed for release relates to more than one Minister, consultation between offices may be required. Refer to 'Requirements for Proactive Release' which details the full review process.	**n/a**	**Minister's office**	1-5 working days following the end of the calendar month
Transfer data to template for release	Copy the table (right click, 'copy) and transfer to the template for publication document. Save as PDF.	**Template for publication**	**Minister's office**	1-5 working days following the end of the calendar month
Approval	Provide the final diary summary to the Minister for review and approval for publication. The Minister will make the final decision about what information is proactively released.		**Minister to approve**	5-10 working days following the end of the calendar month

Commented [HH11]: This may not be required. PMO to provide guidance re: political management

Commented [HH12]: Format of template placeholder only - needs to be confirmed

4.5 Requirements for proactive release

4.5.1 All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process.

4.5.2 The principles and processes that are to be used to assess information for proactive release are, in the first instance, those that are used for OIA releases and are already well understood.

4.5.3 The following matters should be considered;

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- Whether the summary contains any information that would have been withheld, if the information had been requested under the OIA.
- The application of the principles in the Privacy Act 1993.
- Consideration of national security and the application of the New Zealand Government Security Classification system.
- Whether the summary contains information that must be withheld under the terms of any other legislation.

4.5.4 Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply. Ministers' offices must therefore undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

- defamation;
- privacy of natural persons;
- disclosure of commercially sensitive information;
- breach of contract;
- whether a breach of any law or statute will occur if the information were released;
- whether a breach would constitute a contempt of court.

The Minister will make the final decision about what information is proactively released.

4.6 Publication

4.6.1 Publish proactive Release of Ministerial Diary Information on Beehive website

Task	Description	Template	Responsible	Timeframe
Upload the diary summary on Beehive website	Upload the diary summary for the relevant month to the Beehive website.	**Guide:** Posting Content to the Beehive website	**Minister's media staff**	On the 15th working day following the end of the calendar month

Commented [HH13]:
**To be updated **
26/11/18: Hon Hipkins' office advised current beehive website concept confirmed.

Process to be agreed.
Action: Sparks Interactive (support Beehive Website changes) creating concepts currently. Once confirmed – step-by-step process to be documented.

Commented [HH14]: Specific upload time for release? TBC

Commented [CP[15]: May not want to be tied to the 15th working day – ie that may be a busy sitting day, so a day or two earlier might be more manageable for offices.
Also, the deadline for the back-dated release, where offices will have 15 months of data to upload, is a sitting day.

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Item 13

From: Catherine Parkin [DPMC]
To: Rachel Hayward [DPMC]
Subject: FW: ministerial diaries proactive release
Date: Tuesday, 27 November 2018 10:55:37 am

[IN-CONFIDENCE]
FYI

From: Alexandra Marett
Sent: Tuesday, 27 November 2018 10:43 AM
Subject: re: ministerial diaries proactive release

Kia Ora everyone,

Cabinet yesterday agreed to a cabinet paper on the proactive release of ministerial diaries. **This has not yet been publically announced so please keep discussions in-house at this stage.**

Offices have recently been dealing with ongoing official information act requests for their Minister's diary and written questions for meetings by date and title over a specified time period (but not for any specific topic) that the Speaker has ruled that we should answer. The Ombudsman has also advised that we should be providing summary responses to these requests.

This paper takes the opportunity to regularise a release of a summary of diary information which will be supported with guidance and an exportable template via the calendar app to make life a bit easier.

The key parts of the paper are:

- The release of the ministerial diary on the beehive website 15 business days after the calendar month (it will be similar to how you load up a press release on the website currently but just as a pdf attachment)
- The release will cover only what is recorded in the diary which is usually date, time, meeting title, location. The release also includes portfolio for clarity (if multiple then the main one suffices) and a description of who the meeting was with **but not** a list of all attendees (e.g. if it's a meeting with Ministry officials then putting the Ministry of/for XXXX is fine)
- That the **withholding reasons for titles and individuals follows on the same approach** for how OIA requests for diaries are being treated
- And notifying organisations and individuals that their details can be potentially released.

The deadline for the release of the first month of information is the **21st February 2019 (for the month of January).**

The release of this cabinet paper will lead to requestors asking us for previous months dating back to October 2017. Therefore, the paper sets a deadline of 30th April 2019 to get the previous year worth of diary published. The Ombudsman's office has indicated that such a release would like address some of the complaints it is currently considering as we are providing a date for release that would not be perceived as undue delay.

In terms of actions being taken to support the regular release of ministerial diaries, we are:

- Currently testing a template via the calendar app that will make it easy to export the diary into a format that makes it suitable for proactive release and minimise the administration involved in release
- Working on a standard disclaimer that will go with the release of the diary to emphasise that it is only a summary of what is recorded for the Minister's schedule (e.g. meetings don't always eventuate, times change etc.) and will cover what is not included (party, consultation with parties, electorate etc.)
- Working on a standard notification to go into emails (and event information sheets) to notify individuals/organisations that their meeting will be released if there are no

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reasonable grounds to withhold (so that you don't have to contact people in the future)
- Working on substantive guidance to address queries about process that we will consult on before the end of the year and;
- attempting at every possible opportunity to recommend solutions that require the least admin.

Just want to note one other thing (as the guidance will address a lot of queries about process), you will not need to go back and notify every single individual and organisation that your Minister has met with over the past year. The guidance will likely recommend that you just use your discretion regarding individuals who for stakeholder relationship reasons, your office may wish to send a quick notification email.

You will also be able to refer wpqs and OIA requests (in the future) to the proactive release. We will be providing guidance on this. But until we send out that guidance, **please continue as you normally would** responding to diary questions and OIAs.

Please direct all queries to me or Rob Carr. We will also be providing opportunities via workshops or quick training sessions (whatever works best for staff) to demonstrate how the new template will work and how to upload the diary on the Beehive website.

Cheers,

Alex.

Ministerial Advisor

Office of Hon Chris Hipkins

s9(2)(a) | Email: alexandra.marett@parliament.govt.nz

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Item 14

From: Rachel Hayward [DPMC]
To: Catherine Parkin [DPMC]
Subject: FW: Letter from the Chief Ombudsman
Date: Friday, 23 November 2018 2:55:28 pm
Attachments: image004.jpg

If you want to add a line in to that effect and pp it for me, that would be great!

Sent with BlackBerry Work
(www.blackberry.com)

From: Andrew Kibblewhite [DPMC] <Andrew.Kibblewhite@dpmc.govt.nz>
Date: Friday, 23 Nov 2018, 2:22 PM
To: Bryan Dunne [DPMC] <Bryan.Dunne@dpmc.govt.nz>, Tania Warburton [DPMC] <Tania.Warburton@dpmc.govt.nz>, Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>, Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: FW: Letter from the Chief Ombudsman

[UNCLASSIFIED]
Well – at least we tried. Point worth making in any note to PM is that guidance of how to identify diary entries will be important.
Sigh.
AK

From: Info
Sent: Thursday, 22 November 2018 4:20 PM
To: Andrew Kibblewhite [DPMC]
Cc: Rachel Hayward [DPMC] ; ^Parliament: Rob Carr ; Alexandra.marett@parliament.govt.nz
Subject: Letter from the Chief Ombudsman
Please find attached letter from the Chief Ombudsman.

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata
Phone 04 473 9533 | Fax 04 471 2254
Email info@ombudsman.parliament.nz | www.ombudsman.parliament.nz
PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

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Item 15

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Friday, 23 November 2018 12:07 pm
To: Louise Beard [DPMC]
Cc: Rachel Hayward [DPMC]
Subject: Revised ministerial diaries Cabinet paper
Attachments: 280894_Draft Cabinet Paper release of ministerial diaries.DOCX

[IN-CONFIDENCE]

Hi Louise

Minister Hipkins has approved this for lodging.

Thanks

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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In Confidence

Office of the Minister of State Services (Open Government)
Office of the Minister Responsible for Ministerial Services

Chair, Cabinet

PROACTIVE RELEASE OF MINISTERIAL DIARY INFORMATION

Proposal

1. This paper seeks agreement to a policy for the regular proactive release of summary information from ministerial diaries. A monthly summary would be produced, to be published on the Beehive website within 15 business days following the end of each calendar month. Some information could be withheld from publication.

Executive Summary

2. The Government is committed to improving practices around the proactive release of information. Democracies thrive when citizens trust and participate in their government. Proactive release of official information is one of the elements that can assist in building trust and confidence in government, its decision makers, and its institutions.

3. Cabinet has already agreed to a policy for the proactive release of Cabinet material, to take effect from 1 January 2019 (CAB-18-MIN-0418 refers).

4. There is a public interest in the meetings held by Ministers, and Ministers often receive requests through written parliamentary questions or requests under the Official Information Act for information contained in their diaries.

5. While Ministers' diaries are not official information, they contain information that is. The routine compilation and release of a summary of this official information could assist those interested in the work of Ministers to focus their requests for further information, which may reduce the administrative burden in responding to routine requests. Timeliness will be an important element of this process, so the paper proposes that the information in scope of the policy be released by the end of 15 business days following the end of a calendar month.

6. Before a summary is proactively released, the normal assessments for releasing official information will need to occur, including a privacy assessment. This should be complemented by a due diligence process to consider any potential liability, civil or criminal, that might arise from the publication of the material.

7. I recommend that this policy apply to information contained in Ministers' diaries for the month of January 2019 onward (with the first publication therefore occurring by

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22 February 2019). I also recommend that corresponding information for the period 26 October 2017 to 31 December 2018 be proactively released by 30 April 2019.

Purpose

8. The key purpose of proactive release of summary information from Ministers' diaries is to promote the accountability of Ministers, while also increasing the availability of official information. This purpose must be balanced with protecting official information to the extent consistent with the public interest, the preservation of personal privacy, and other interests such as national security.

9. The proactive release of summary information will require Ministers' offices to develop and use a standard process for the release of information. While that process will require administrative resources, it should reduce the resource required to respond to ad hoc OIA requests and parliamentary written questions received by Ministers about the content of their diaries.

10. Other benefits of proactive release can include:

    10.1. A decrease in broad, wide-ranging and repeat requests

    10.2. An increase in targeted, specific requests for information, which make responses easier to prepare

    10.3. An enhanced New Zealand reputation for being transparent and open.

11. Cabinet has already taken a decision to release Cabinet material proactively, which enhances the transparency of the Cabinet decision-making process. Proactive release of summary information from ministerial diaries would complement that by providing an insight into Ministers' other meetings. The material to be released would not provide an accounting for every minute of a Minister's day, but rather provide a summary of the meetings held that relate to ministerial business.

Other comparisons

12. Other jurisdictions such as the United Kingdom and the State of New South Wales in Australia have disclosure requirements for ministerial diaries. These are intended to enhance transparency about lobbying and political access.

13. In the United Kingdom, ministers make quarterly reports of their external meetings, overseas travel, gifts over a certain value that are received or given, and hospitality over a certain value that is received. The external meetings listed exclude conferences, receptions, media interviews, meetings with government departments or bodies, and meetings with the Royal Household, non-departmental public bodies, non-ministerial departments, agencies, external suppliers, or representatives of Parliament or any devolved or foreign governments. Welsh ministers and cabinet secretaries release quarterly summaries of meetings with external organisations and individuals and external engagements.

14. Ministers in New South Wales also release a summary of ministerial diaries quarterly. The summary includes the date, name of the organisation (or, if an individual attended in a personal capacity, the name of the individual), and the

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purpose of the meeting. It excludes meetings involving Ministers, ministerial staff, Parliamentarians or government officials (whether from NSW or other jurisdictions); meetings that are strictly personal, electorate, or party political; social or public functions or events; meetings held overseas (which must be disclosed separately); and matters for which there is an overriding public interest against disclosure. Ministers in Queensland and the ACT also proactively release diary information.

15. In New Zealand, Green Party Ministers have begun a process of proactively releasing some of the material from their diaries. This is presently limited to external meetings and is released quarterly.

16. The policy proposed in this paper is wider in scope than the examples listed above, covering a greater range of meetings, and requiring more frequent publication.

Scope of policy

17. The policy applies to the information recorded in the diary of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

Material to be included in the summary

18. For each meeting in scope of this policy, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio.

19. The proactive release is intended to be a record of scheduled meetings, rather than capturing all engagements Ministers have during the course of a day—unplanned meetings may not feature. A disclaimer will be put on the release to that effect. Nevertheless, it would be good practice for Ministers to endeavour to ensure all meetings in their ministerial capacity are captured in their diary to facilitate answers to written parliamentary questions or requests under the Official Information Act.

20. The summary would include all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary. The summary should include the names of organisations and companies with which the Minister meets, and could include the names of senior staff in an organisation. If an individual attended in a personal capacity, the name of the individual should be released unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA). Ministers' offices will be responsible for alerting attendees of this policy.

21. Internal meetings with a Minister's department(s), internal staff, and other Ministers should be included in the summary release if these are scheduled meetings in the diary relating to ministerial business. General staff meetings or unscheduled conversations are not expected to be included.

22. The descriptions of meetings contained in Ministers' diaries are generally brief and normally do no more than identify a general topic for a meeting. Where internal or external meetings relate to policy development for an item not yet determined by Cabinet, care should be taken not to pre-empt Cabinet decisions or breach Cabinet confidentiality in the description of the meeting (consistent with s9(2)(f)(iv) of the OIA).

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23. Cabinet and Cabinet Committee meetings should be included, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers.

24. It will be open to Ministers to include further information in their summary that is not included in this policy, but they should ensure they follow the process contained in this policy to determine whether material is suitable for release.

Material to be excluded from the summary

25. This policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles. It does not include incidental activities such as time spent reading papers or preparing for meetings.

26. Attendance in the House or at a select committee is not included, as this information is contained in the parliamentary record.

27. Meetings related to consultation between government parties are likely to be excluded, consistent with s9(2)(f)(iv) of the OIA, to protect the ability of the coalition government to negotiate policy issues effectively. Individual OIA requests on particular topics for this information would generally be withheld under s9(2)(f)(iv). Ministers will need to consider on a case-by-case basis whether there is good reason to exclude the information,

28. Meetings with other MPs might be excluded if they relate to a constituency matter or might otherwise breach the privacy of an individual.

29. Meetings with a foreign representative, either in New Zealand or overseas, may need to be excluded to protect the security, defence or international relations of New Zealand (consistent with s6(a) of the OIA).

30. Travel and logistic information such as car movements or accommodation is excluded. Routine release of this information may create security issues. Information about spending in these areas is already released, which provides accountability.

31. Locations that are a private home address of the Minister or another individual will not be included (the location field could indicate "Private residence", for example).

Process

32. Ministerial staff are expected to notify meeting attendees that summary information about the meeting will be proactively released. Guidance will be provided to Ministers' offices on standard ways that this can be done.

33. At the end of each month, the Minister's office will prepare the summary for the Minister to consider. Guidance will be provided to Ministers' offices about how to extract and format the information in the summary.

34. The Minister will make the final decision about what information is proactively released. Each month's release will be published on the Beehive website.

Released under the Official Information Act 1982

35. Timeliness is a vital element in keeping the public informed and engaged in government matters. This paper therefore recommends the timeline for release should be within 15 business days of the end of each calendar month, to allow time for each summary to be created and checked. Given Ministers' availability in January, the timeline for the release of December summaries should be by the 31st of the following January.

36. It is possible that from time to time material in scope of this policy may be requested under the OIA, and that a response will be due before the summary has been proactively released. Where the Minister already has a clear plan to proactively release the information and there is a high certainty that this will occur, the Ombudsman's advice is that on a case-by-case basis:

    36.1. Section 18(d) of the OIA may justify refusing the request on the grounds that the same information is soon to be publicly available or

    36.2. If the requester is notified within the OIA's maximum statutory time limit for responding that the Minister has decided to grant the request, then the section 28(5) requirement in the OIA to release information without undue delay may be satisfied if the information is released to the requester at the same time it is published proactively.

Requirements for proactive release

37. All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process.

38. The principles and processes that are to be used to assess information for proactive release are, in the first instance, those that are used for OIA releases and are already well understood.

39. The following matters should be considered

    39.1. Whether the summary contains any information that would have been withheld, if the information had been requested under the OIA.

    39.2. The application of the principles in the Privacy Act 1993.

    39.3. Consideration of national security and the application of the New Zealand Government Security Classification system.

    39.4. Whether the summary contains information that must be withheld under the terms of any other legislation.

40. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply. Ministers' offices must therefore undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

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- defamation;
- privacy of natural persons;
- disclosure of commercially sensitive information;
- breach of contract;
- whether a breach of any law or statute will occur if the information were released;
- whether a breach would constitute a contempt of court.

Policy commencement

41. I recommend that the monthly release policy apply for information contained in Ministers' diaries for the month of January 2019 onward (with the first publication therefore occurring by 22 February 2019). This will allow time for Ministerial Services to establish the IT system to support compilation of the material, for Ministers and Ministers' offices to ensure material is entered into Ministers' diaries in an appropriate format for extraction, and for people meeting with Ministers to be informed that the diary information will be proactively released.

42. Until this policy commences, Ministers should continue to respond to OIA requests and parliamentary questions in the normal way.

43. Once the policy commences, Ministers may choose to respond to such requests by pointing to this policy and the upcoming release of information (see paragraph 36).

44. Ministers should also subsequently proactively release diary information in accordance with this policy for the period from 26 October 2017 to 31 December 2018. The deadline for releasing this information will be 30 April 2019. This will allow time for Ministers and Ministers' offices to extract the relevant information, reformat it, assess it, and undertake any consultation that may be necessary.

Content, presentation, quality assurance and location of material released

45. All releases of ministerial diary information will be on an agreed template, which will be provided to Ministers' offices by Ministerial Services. The releases will be published on the Beehive website. It will be the responsibility of the Minister to ensure the quality and accuracy of the information contained in the summary.

46. Ministerial Services will provide guidance to Ministers' offices as to how to extract and format the relevant information

Risks and mitigations

47. This policy will create a regular administrative workload for each Minister's office. It is anticipated this will take between three and six hours per month, per office. This may be offset by a slight reduction in other requests for this material through the OIA or written parliamentary questions.

Released Under the Official Information Act 1982

48. Releasing this summary information may be perceived to have a chilling effect on what is included in ministerial diaries. There is also a risk that meetings will be accidentally left out, or will be included even though they did not in fact occur. Public release being a regular occurrence is likely to improve the overall accuracy of diaries as they will be checked more frequently, which will reduce the level of risk in release.

49. There is a risk that a meeting recorded in the diary as relating to one portfolio may end up also covering material in another portfolio area. This can be mitigated by a disclaimer included on the release, and/or the use of a "multiple portfolios" description where that risk can be foreseen.

50. Diaries are not currently written for public release, with individual offices using different methods of recording information. The provision of guidance and a template will assist Ministers' offices to format diary information so it can be exported for proactive release.

Legal liability

51. Proactive disclosure of official information can create a range of legal risks and liability under various statutes could arise, depending on the context. It may not always be clear what information should be withheld to minimise legal risk. As noted earlier, the protections in section 48 of the OIA will not extend to the information that is proactively released under this policy. The mitigation for this is the review process discussed in paragraphs 37 – 40 above.

Financial implications

52. There will be some initial work by Ministerial Services to develop the software application and website publication process. Ongoing costs are currently unknown. In addition, Ministerial Services will develop guidance for Ministers' offices on how to run the process. After that there will be up to an estimated half a day a month of staff time in each Minister's office. This may be mitigated by a reduction in volume of other requests. These costs will be absorbed within current funding.

Consultation

53. Department of Internal Affairs (Ministerial and Secretariat Services) and the Cabinet Office were consulted on the proposal, along with the Ministry of Foreign Affairs and Trade (paragraph 17). The Office of the Ombudsman and the Speaker of the House of Representatives were also consulted.

Human Rights

54. There are no implications for the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Disability perspective

55. Some people require support to use the internet effectively. The New Zealand Government Web Accessibility Standard will be taken into account in developing the template for the releases.

Released under the Official Information Act 1982

Publicity

56. The commencement of this policy will be publicised via press release and on the Beehive website.

Proactive release

57. This paper and the associated minute will be proactively released, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister of State Services/Minister responsible for Ministerial Services recommends that Cabinet:

1. **note** that other jurisdictions including the United Kingdom and New South Wales have regimes for quarterly disclosure of ministers' meetings with external parties, as a measure to promote transparency about lobbying;

2. **agree** that a summary of information from ministerial diaries be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month;

3. **agree** that the summary for December of a calendar year be published by the 31st of the following January;

4. **agree** that the summary include the following information:

    4.1. date;

    4.2. time;

    4.3. brief description;

    4.4. location;

    4.5. who the meeting was with;

    4.6. portfolio;

5. **agree** that the summary exclude:

    5.1. material related to a Ministers' personal, party political, or parliamentary/constituency roles;

    5.2. incidental activities;

    5.3. meetings related to consultation between government parties, consistent with s9(2)(f)(iv) of the Official Information Act;

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5.4. meetings with other MPs relating to a constituency matter or other matter that might breach personal privacy;

5.5. travel and logistic information;

5.6. details of meeting locations that are a private home address.

6. **agree** that this policy apply for information contained in Ministers' diaries for the month of January 2019 onward;

7. **agree** that a proactive release of information covered by this policy contained in Ministers' diaries for the period 26 October 2017 to 31 December 2018 be made by 30 April 2019;

8. **note** that guidance will be provided to Ministers' offices including a template for the summary, instructions on how to extract and format the relevant information, and guidance on how to notify meeting attendees about the publication of details relating to the meeting;

9. **agree** that any increased costs as a result of this policy be absorbed in departmental or agency baselines.

Authorised for lodgement

Hon Chris Hipkins
Minister of State Services (Open Government)
Minister Responsible for Ministerial Services

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Item 16

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Friday, 23 November 2018 9:30 am
To: Andrew Kibblewhite [DPMC]; Rob Carr; Alexandra Marett
Cc: Rachel Hayward [DPMC]
Subject: Revised Cabinet paper - release of ministerial diaries
Attachments: 280894_Draft Cabinet Paper release of ministerial diaries.DOCX

[IN-CONFIDENCE]

Good morning all

We have made some small adjustments to the Cabinet paper to reflect the discussions with the Chief Ombudsman and the change of commencement date for the policy. These are shown as tracked changes in the attached.

I'd be grateful for any feedback as soon as possible.

Alex, the final deadline for getting the paper into the system is 1pm today. We can do that from here, we just need to know that the Minister has given the go ahead for it to be lodged.

Thanks

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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In Confidence

Office of the Minister of State Services (Open Government)
Office of the Minister Responsible for Ministerial Services

Chair, Cabinet

PROACTIVE RELEASE OF MINISTERIAL DIARY INFORMATION

Proposal

1. This paper seeks agreement to a policy for the regular proactive release of summary information from ministerial diaries. A monthly summary would be produced, to be published on the Beehive website within 15 business days following the end of each calendar month. Some information could be withheld from publication.

Executive Summary

2. The Government is committed to improving practices around the proactive release of information. Democracies thrive when citizens trust and participate in their government. Proactive release of official information is one of the elements that can assist in building trust and confidence in government, its decision makers, and its institutions.

3. Cabinet has already agreed to a policy for the proactive release of Cabinet material, to take effect from 1 January 2019 (CAB-18-MIN-0418 refers).

4. There is a public interest in the meetings held by Ministers, and Ministers often receive requests through written parliamentary questions or requests under the Official Information Act for information contained in their diaries.

5. While Ministers' diaries are not official information, they contain information that is. The routine compilation and release of a summary of this official information could assist those interested in the work of Ministers to focus their requests for further information, which may reduce the administrative burden in responding to routine requests. Timeliness will be an important element of this process, so the paper proposes that the information in scope of the policy be released by the end of 15 business days following the end of a calendar month.

6. Before a summary is proactively released, the normal assessments for releasing official information will need to occur, including a privacy assessment. This should be complemented by a due diligence process to consider any potential liability, civil or criminal, that might arise from the publication of the material.

7. I recommend that this policy apply to information contained in Ministers' diaries for the month of ~~November~~ December 2018 onward (with the first publication therefore occurring ~~by 21 December 2018~~in January 2019). I also recommend that

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corresponding information for the period 26 October 2017 to ~~31 October~~30 November 2018 be proactively released by 31 March 2019.

Purpose

8. The key purpose of proactive release of summary information from Ministers' diaries is to promote the accountability of Ministers, while also increasing the availability of official information. This purpose must be balanced with protecting official information to the extent consistent with the public interest, the preservation of personal privacy, and other interests such as national security.

9. The proactive release of summary information will require Ministers' offices to develop and use a standard process for the release of information. While that process will require administrative resources, it should reduce the resource required to respond to ad hoc OIA requests and parliamentary written questions received by Ministers about the content of their diaries.

10. Other benefits of proactive release can include:

    10.1. A decrease in broad, wide-ranging and repeat requests

    10.2. An increase in targeted, specific requests for information, which make responses easier to prepare

    10.3. An enhanced New Zealand reputation for being transparent and open.

11. Cabinet has already taken a decision to release Cabinet material proactively, which enhances the transparency of the Cabinet decision-making process. Proactive release of summary information from ministerial diaries would complement that by providing an insight into Ministers' other meetings. The material to be released would not provide an accounting for every minute of a Minister's day, but rather provide a summary of the meetings held that relate to ministerial business.

Other comparisons

12. Other jurisdictions such as ~~T~~the United Kingdom and the State of New South Wales in Australia have disclosure requirements for ministerial diaries. These are intended to enhance transparency about lobbying and political access.

13. In the United Kingdom, ministers make quarterly reports of their external meetings, overseas travel, gifts over a certain value that are received or given, and hospitality over a certain value that is received. The external meetings listed exclude conferences, receptions, media interviews, meetings with government departments or bodies, and meetings with the Royal Household, non-departmental public bodies, non-ministerial departments, agencies, external suppliers, or representatives of Parliament or any devolved or foreign governments. Welsh ministers and cabinet secretaries release quarterly summaries of meetings with external organisations and individuals and external engagements.

14. Ministers in New South Wales also release a summary of ministerial diaries quarterly. The summary includes the date, name of the organisation (or, if an individual attended in a personal capacity, the name of the individual), and the

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purpose of the meeting. It excludes meetings involving Ministers, ministerial staff, Parliamentarians or government officials (whether from NSW or other jurisdictions); meetings that are strictly personal, electorate, or party political; social or public functions or events; meetings held overseas (which must be disclosed separately); and matters for which there is an overriding public interest against disclosure. Ministers in Queensland and the ACT also proactively release diary information.

15. In New Zealand, Green Party Ministers have begun a process of proactively releasing some of the material from their diaries. This is presently limited to external meetings and is released quarterly.

16. The policy proposed in this paper is wider in scope than the examples listed above, covering a greater range of meetings, and requiring more frequent publication.

Scope of policy

17. The policy applies to the information recorded in the diary of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

Material to be included in the summary

18. For each meeting in scope of this policy, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio.

19. The proactive release is intended to be a record of scheduled meetings, rather than capturing all engagements Ministers have during the course of a day—unplanned meetings may not feature. A disclaimer will be put on the release to that effect. Nevertheless, it would be good practice for Ministers to endeavour to ensure all meetings in their ministerial capacity are captured in their diary to facilitate answers to written parliamentary questions or requests under the Official Information Act.

20. The summary would include all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary. The summary should include the names of organisations and companies with which the Minister meets, and could include the names of senior staff in an organisation. If an individual attended in a personal capacity, the name of the individual should be released unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA). Ministers' offices will be responsible for alerting attendees of this policy.

21. Internal meetings with a Minister's department(s), internal staff, and other Ministers should be included in the summary release if these are scheduled meetings in the diary relating to ministerial business. General staff meetings or unscheduled conversations are not expected to be included.

22. The descriptions of meetings contained in Ministers' diaries are generally brief and normally do no more than identify a general topic for a meeting. Where internal or external meetings relate to policy development for an item not yet determined by Cabinet, care should be taken not to pre-empt Cabinet decisions or breach Cabinet confidentiality in the description of the meeting (consistent with s9(2)(f)(iv) of the OIA).

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23. Cabinet and Cabinet Committee meetings should be included, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers.

24. It will be open to Ministers to include further information in their summary that is not included in this policy, but they should ensure they follow the process contained in this policy to determine whether material is suitable for release.

Material to be excluded from the summary

25. This policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles. It does not include incidental activities such as time spent reading papers or preparing for meetings.

26. Attendance in the House or at a select committee is not included, as this information is contained in the parliamentary record.

27. Meetings related to consultation between government parties are ~~expected~~ likely to ~~generally~~ be excluded, consistent with s9(2)(f)(iv) of the OIA, to protect the ability of the coalition government to negotiate policy issues effectively. Individual OIA requests on particular topics for this information would generally be withheld under s9(2)(f)(iv). Ministers will need to consider on a case-by-case basis whether there is good reason to exclude the information,

28. Meetings with other MPs might be excluded if they relate to a constituency matter or might otherwise breach the privacy of an individual.

29. Meetings with a foreign representative, either in New Zealand or overseas, may need to be excluded to protect the security, defence or international relations of New Zealand (consistent with s6(a) of the OIA).

30. Travel and logistic information such as car movements or accommodation is excluded. Routine release of this information may create security issues. Information about spending in these areas is already released, which provides accountability.

31. Locations that are a private home address of the Minister or another individual will not be included (the location field could indicate "Private residence", for example).

Process

32. Ministerial staff are expected to notify meeting attendees that summary information about the meeting will be proactively released. Guidance will be provided to Ministers' offices on standard ways that this can be done.

33. At the end of each month, the Minister's office will prepare the summary for the Minister to consider. Guidance will be provided to Ministers' offices about how to extract and format the information in the summary.

34. The Minister will make the final decision about what information is proactively released. Each month's release will be published on the Beehive website.

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35. Timeliness is a vital element in keeping the public informed and engaged in government matters. This paper therefore recommends the timeline for release should be within 15 business days of the end of each calendar month, to allow time for each summary to be created and checked. Given Ministers' availability in January, the timeline for the release of December summaries should be by the 31st of the following January.

36. It is possible that from time to time material in scope of this policy may be requested under the OIA, and that a response will be due before the summary has been proactively released. Where the Minister already has a clear plan to proactively release the information and there is a high certainty that this will occur, the Ombudsman's advice is that on a case-by-case basis:

    36.1. Section 18(d) of the OIA may justify refusing the request on the grounds that the same information is soon to be publicly available or

    36.2. If the requester is notified within the OIA's maximum statutory time limit for responding that the Minister has decided to grant the request, then the section 28(5) requirement in the OIA to release information without undue delay may be satisfied if the information is released to the requester at the same time it is published proactively.

Requirements for proactive release

37. All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process.

38. The principles and processes that are to be used to assess information for proactive release are, in the first instance, those that are used for OIA releases and are already well understood.

39. The following matters should be considered

    39.1. Whether the summary contains any information that would have been withheld, if the information had been requested under the OIA.

    39.2. The application of the principles in the Privacy Act 1993.

    39.3. Consideration of national security and the application of the New Zealand Government Security Classification system.

    39.4. Whether the summary contains information that must be withheld under the terms of any other legislation.

40. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply. Ministers' offices must therefore undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

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- defamation;
- privacy of natural persons;
- disclosure of commercially sensitive information;
- breach of contract;
- whether a breach of any law or statute will occur if the information were released;
- whether a breach would constitute a contempt of court.

Policy commencement

41. I recommend that the monthly release policy apply for information contained in Ministers' diaries for the month of ~~November~~ December 2018 onward (with the first publication therefore occurring by ~~21 December 2018~~31 January 2019). This will allow time for Ministerial Services to establish the IT system to support compilation of the material, for Ministers and Ministers' offices to ensure material is entered into Ministers' diaries in an appropriate format for extraction, and for people meeting with Ministers to be informed that the diary information will be proactively released.

42. Until this policy commences, Ministers should continue to respond to OIA requests and parliamentary questions in the normal way.

43. Once the policy commences, Ministers may choose to respond to such requests by pointing to this policy and the upcoming release of information (see paragraph 36).

44. Ministers should also subsequently proactively release diary information in accordance with this policy for the period from 26 October 2017 to ~~31 October~~30 November 2018. The deadline for releasing this information will be 31 March 2019. This will allow time for Ministers and Ministers' offices to extract the relevant information, reformat it, assess it, and undertake any consultation that may be necessary.

Content, presentation, quality assurance and location of material released

45. All releases of ministerial diary information will be on an agreed template, which will be provided to Ministers' offices by Ministerial Services. The releases will be published on the Beehive website. It will be the responsibility of the Minister to ensure the quality and accuracy of the information contained in the summary.

46. Ministerial Services will provide guidance to Ministers' offices as to how to extract and format the relevant information

Risks and mitigations

47. This policy will create a regular administrative workload for each Minister's office. It is anticipated this will take between three and six hours per month, per office. This may be offset by a slight reduction in other requests for this material through the OIA or written parliamentary questions.

Released under the Official Information Act 1982

48. Releasing this summary information may be perceived to have a chilling effect on what is included in ministerial diaries. There is also a risk that meetings will be accidentally left out, or will be included even though they did not in fact occur. Public release being a regular occurrence is likely to improve the overall accuracy of diaries as they will be checked more frequently, which will reduce the level of risk in release.

49. There is a risk that a meeting recorded in the diary as relating to one portfolio may end up also covering material in another portfolio area. This can be mitigated by a disclaimer included on the release, and/or the use of a "multiple portfolios" description where that risk can be foreseen.

50. Diaries are not currently written for public release, with individual offices using different methods of recording information. The provision of guidance and a template will assist Ministers' offices to format diary information so it can be exported for proactive release.

Legal liability

51. Proactive disclosure of official information can create a range of legal risks and liability under various statutes could arise, depending on the context. It may not always be clear what information should be withheld to minimise legal risk. As noted earlier, the protections in section 48 of the OIA will not extend to the information that is proactively released under this policy. The mitigation for this is the review process discussed in paragraphs 37 – 40 above.

Financial implications

52. There will be some initial work by Ministerial Services to develop the software application and website publication process. Ongoing costs are currently unknown. In addition, Ministerial Services will develop guidance for Ministers' offices on how to run the process. After that there will be up to an estimated half a day a month of staff time in each Minister's office. This may be mitigated by a reduction in volume of other requests. These costs will be absorbed within current funding.

Consultation

53. Department of Internal Affairs (Ministerial and Secretariat Services) and the Cabinet Office were consulted on the proposal, along with the Ministry of Foreign Affairs and Trade (paragraph 17). The Office of the Ombudsman and the Speaker of the House of Representatives were also consulted.

Human Rights

54. There are no implications for the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Disability perspective

55. Some people ~~have difficulty using~~require support to use the internet effectively. The New Zealand Government Web Accessibility Standard will be taken into account in developing the template for the releases.

Released under the Official Information Act 1982

Publicity

56. The commencement of this policy will be publicised via press release and on the Beehive website.

Proactive release

57. This paper and the associated minute will be proactively released, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister of State Services/Minister responsible for Ministerial Services recommends that Cabinet:

1. **note** that other jurisdictions including the United Kingdom and New South Wales have regimes for quarterly disclosure of ministers' meetings with external parties, as a measure to promote transparency about lobbying;

2. **agree** that a summary of information from ministerial diaries be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month;

3. **agree** that the summary for December of a calendar year be published by the 31st of the following January;

4. **agree** that the summary include the following information:

    4.1. date;

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5.4. meetings with other MPs relating to a constituency matter or other matter that might breach personal privacy;

5.5. travel and logistic information;

5.6. details of meeting locations that are a private home address.

6. **agree** that this policy apply for information contained in Ministers' diaries for the month of ~~November~~ December 2018 onward;

7. **agree** that a proactive release of information covered by this policy contained in Ministers' diaries for the period 26 October 2017 to ~~31 October~~30 November 2018 be made by 31 March 2019;

8. **note** that guidance will be provided to Ministers' offices including a template for the summary, instructions on how to extract and format the relevant information, and guidance on how to notify meeting attendees about the publication of details relating to the meeting;

9. **agree** that any increased costs as a result of this policy be absorbed in departmental or agency baselines.

Authorised for lodgement

Hon Chris Hipkins
Minister of State Services (Open Government)
Minister Responsible for Ministerial Services

Released under the Official Information Act 1982

Item 17

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Friday, 23 November 2018 8:49 am
To: Rachel Hayward [DPMC]
Subject: 280894_Draft Cabinet Paper release of ministerial diaries.nrl
Attachments: 280894_Draft Cabinet Paper release of ministerial diaries.nrl

[IN-CONFIDENCE]

Catherine Parkin
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s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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In Confidence

Office of the Minister of State Services (Open Government)
Office of the Minister Responsible for Ministerial Services

Chair, Cabinet

PROACTIVE RELEASE OF MINISTERIAL DIARY INFORMATION

Proposal

1. This paper seeks agreement to a policy for the regular proactive release of summary information from ministerial diaries. A monthly summary would be produced, to be published on the Beehive website within 15 business days following the end of each calendar month. Some information could be withheld from publication.

Executive Summary

2. The Government is committed to improving practices around the proactive release of information. Democracies thrive when citizens trust and participate in their government. Proactive release of official information is one of the elements that can assist in building trust and confidence in government, its decision makers, and its institutions.

3. Cabinet has already agreed to a policy for the proactive release of Cabinet material, to take effect from 1 January 2019 (CAB-18-MIN-0418 refers).

4. There is a public interest in the meetings held by Ministers, and Ministers often receive requests through written parliamentary questions or requests under the Official Information Act for information contained in their diaries.

5. While Ministers' diaries are not official information, they contain information that is. The routine compilation and release of a summary of this official information could assist those interested in the work of Ministers to focus their requests for further information, which may reduce the administrative burden in responding to routine requests. Timeliness will be an important element of this process, so the paper proposes that the information in scope of the policy be released by the end of 15 business days following the end of a calendar month.

6. Before a summary is proactively released, the normal assessments for releasing official information will need to occur, including a privacy assessment. This should be complemented by a due diligence process to consider any potential liability, civil or criminal, that might arise from the publication of the material.

7. I recommend that this policy apply to information contained in Ministers' diaries for the month of January 2019 onward (with the first publication therefore occurring by

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22 February 2019). I also recommend that corresponding information for the period 26 October 2017 to 31 December 2018 be proactively released by 30 April 2019.

Purpose

8. The key purpose of proactive release of summary information from Ministers' diaries is to promote the accountability of Ministers, while also increasing the availability of official information. This purpose must be balanced with protecting official information to the extent consistent with the public interest, the preservation of personal privacy, and other interests such as national security.

9. The proactive release of summary information will require Ministers' offices to develop and use a standard process for the release of information. While that process will require administrative resources, it should reduce the resource required to respond to ad hoc OIA requests and parliamentary written questions received by Ministers about the content of their diaries.

10. Other benefits of proactive release can include:

    10.1. A decrease in broad, wide-ranging and repeat requests

    10.2. An increase in targeted, specific requests for information, which make responses easier to prepare

    10.3. An enhanced New Zealand reputation for being transparent and open.

11. Cabinet has already taken a decision to release Cabinet material proactively, which enhances the transparency of the Cabinet decision-making process. Proactive release of summary information from ministerial diaries would complement that by providing an insight into Ministers' other meetings. The material to be released would not provide an accounting for every minute of a Minister's day, but rather provide a summary of the meetings held that relate to ministerial business.

Other comparisons

12. Other jurisdictions such as the United Kingdom and the State of New South Wales in Australia have disclosure requirements for ministerial diaries. These are intended to enhance transparency about lobbying and political access.

13. In the United Kingdom, ministers make quarterly reports of their external meetings, overseas travel, gifts over a certain value that are received or given, and hospitality over a certain value that is received. The external meetings listed exclude conferences, receptions, media interviews, meetings with government departments or bodies, and meetings with the Royal Household, non-departmental public bodies, non-ministerial departments, agencies, external suppliers, or representatives of Parliament or any devolved or foreign governments. Welsh ministers and cabinet secretaries release quarterly summaries of meetings with external organisations and individuals and external engagements.

14. Ministers in New South Wales also release a summary of ministerial diaries quarterly. The summary includes the date, name of the organisation (or, if an individual attended in a personal capacity, the name of the individual), and the

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purpose of the meeting. It excludes meetings involving Ministers, ministerial staff, Parliamentarians or government officials (whether from NSW or other jurisdictions); meetings that are strictly personal, electorate, or party political; social or public functions or events; meetings held overseas (which must be disclosed separately); and matters for which there is an overriding public interest against disclosure. Ministers in Queensland and the ACT also proactively release diary information.

15. In New Zealand, Green Party Ministers have begun a process of proactively releasing some of the material from their diaries. This is presently limited to external meetings and is released quarterly.

16. The policy proposed in this paper is wider in scope than the examples listed above, covering a greater range of meetings, and requiring more frequent publication.

Scope of policy

17. The policy applies to the information recorded in the diary of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

Material to be included in the summary

18. For each meeting in scope of this policy, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio.

19. The proactive release is intended to be a record of scheduled meetings, rather than capturing all engagements Ministers have during the course of a day—unplanned meetings may not feature. A disclaimer will be put on the release to that effect. Nevertheless, it would be good practice for Ministers to endeavour to ensure all meetings in their ministerial capacity are captured in their diary to facilitate answers to written parliamentary questions or requests under the Official Information Act.

20. The summary would include all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary. The summary should include the names of organisations and companies with which the Minister meets, and could include the names of senior staff in an organisation. If an individual attended in a personal capacity, the name of the individual should be released unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA). Ministers' offices will be responsible for alerting attendees of this policy.

21. Internal meetings with a Minister's department(s), internal staff, and other Ministers should be included in the summary release if these are scheduled meetings in the diary relating to ministerial business. General staff meetings or unscheduled conversations are not expected to be included.

22. The descriptions of meetings contained in Ministers' diaries are generally brief and normally do no more than identify a general topic for a meeting. Where internal or external meetings relate to policy development for an item not yet determined by Cabinet, care should be taken not to pre-empt Cabinet decisions or breach Cabinet confidentiality in the description of the meeting (consistent with s9(2)(f)(iv) of the OIA).

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23. Cabinet and Cabinet Committee meetings should be included, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers.

24. It will be open to Ministers to include further information in their summary that is not included in this policy, but they should ensure they follow the process contained in this policy to determine whether material is suitable for release.

Material to be excluded from the summary

25. This policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles. It does not include incidental activities such as time spent reading papers or preparing for meetings.

26. Attendance in the House or at a select committee is not included, as this information is contained in the parliamentary record.

27. Meetings related to consultation between government parties are likely to be excluded, consistent with s9(2)(f)(iv) of the OIA, to protect the ability of the coalition government to negotiate policy issues effectively. Individual OIA requests on particular topics for this information would generally be withheld under s9(2)(f)(iv). Ministers will need to consider on a case-by-case basis whether there is good reason to exclude the information,

28. Meetings with other MPs might be excluded if they relate to a constituency matter or might otherwise breach the privacy of an individual.

29. Meetings with a foreign representative, either in New Zealand or overseas, may need to be excluded to protect the security, defence or international relations of New Zealand (consistent with s6(a) of the OIA).

30. Travel and logistic information such as car movements or accommodation is excluded. Routine release of this information may create security issues. Information about spending in these areas is already released, which provides accountability.

31. Locations that are a private home address of the Minister or another individual will not be included (the location field could indicate "Private residence", for example).

Process

32. Ministerial staff are expected to notify meeting attendees that summary information about the meeting will be proactively released. Guidance will be provided to Ministers' offices on standard ways that this can be done.

33. At the end of each month, the Minister's office will prepare the summary for the Minister to consider. Guidance will be provided to Ministers' offices about how to extract and format the information in the summary.

34. The Minister will make the final decision about what information is proactively released. Each month's release will be published on the Beehive website.

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35. Timeliness is a vital element in keeping the public informed and engaged in government matters. This paper therefore recommends the timeline for release should be within 15 business days of the end of each calendar month, to allow time for each summary to be created and checked. Given Ministers' availability in January, the timeline for the release of December summaries should be by the 31st of the following January.

36. It is possible that from time to time material in scope of this policy may be requested under the OIA, and that a response will be due before the summary has been proactively released. Where the Minister already has a clear plan to proactively release the information and there is a high certainty that this will occur, the Ombudsman's advice is that on a case-by-case basis:

    36.1. Section 18(d) of the OIA may justify refusing the request on the grounds that the same information is soon to be publicly available or

    36.2. If the requester is notified within the OIA's maximum statutory time limit for responding that the Minister has decided to grant the request, then the section 28(5) requirement in the OIA to release information without undue delay may be satisfied if the information is released to the requester at the same time it is published proactively.

Requirements for proactive release

37. All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process.

38. The principles and processes that are to be used to assess information for proactive release are, in the first instance, those that are used for OIA releases and are already well understood.

39. The following matters should be considered

    39.1. Whether the summary contains any information that would have been withheld, if the information had been requested under the OIA.

    39.2. The application of the principles in the Privacy Act 1993.

    39.3. Consideration of national security and the application of the New Zealand Government Security Classification system.

    39.4. Whether the summary contains information that must be withheld under the terms of any other legislation.

40. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply. Ministers' offices must therefore undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

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- defamation;
- privacy of natural persons;
- disclosure of commercially sensitive information;
- breach of contract;
- whether a breach of any law or statute will occur if the information were released;
- whether a breach would constitute a contempt of court.

Policy commencement

41. I recommend that the monthly release policy apply for information contained in Ministers' diaries for the month of January 2019 onward (with the first publication therefore occurring by 22 February 2019). This will allow time for Ministerial Services to establish the IT system to support compilation of the material, for Ministers and Ministers' offices to ensure material is entered into Ministers' diaries in an appropriate format for extraction, and for people meeting with Ministers to be informed that the diary information will be proactively released.

42. Until this policy commences, Ministers should continue to respond to OIA requests and parliamentary questions in the normal way.

43. Once the policy commences, Ministers may choose to respond to such requests by pointing to this policy and the upcoming release of information (see paragraph 36).

44. Ministers should also subsequently proactively release diary information in accordance with this policy for the period from 26 October 2017 to 31 December 2018. The deadline for releasing this information will be 30 April 2019. This will allow time for Ministers and Ministers' offices to extract the relevant information, reformat it, assess it, and undertake any consultation that may be necessary.

Content, presentation, quality assurance and location of material released

45. All releases of ministerial diary information will be on an agreed template, which will be provided to Ministers' offices by Ministerial Services. The releases will be published on the Beehive website. It will be the responsibility of the Minister to ensure the quality and accuracy of the information contained in the summary.

46. Ministerial Services will provide guidance to Ministers' offices as to how to extract and format the relevant information

Risks and mitigations

47. This policy will create a regular administrative workload for each Minister's office. It is anticipated this will take between three and six hours per month, per office. This may be offset by a slight reduction in other requests for this material through the OIA or written parliamentary questions.

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48. Releasing this summary information may be perceived to have a chilling effect on what is included in ministerial diaries. There is also a risk that meetings will be accidentally left out, or will be included even though they did not in fact occur. Public release being a regular occurrence is likely to improve the overall accuracy of diaries as they will be checked more frequently, which will reduce the level of risk in release.

49. There is a risk that a meeting recorded in the diary as relating to one portfolio may end up also covering material in another portfolio area. This can be mitigated by a disclaimer included on the release, and/or the use of a "multiple portfolios" description where that risk can be foreseen.

50. Diaries are not currently written for public release, with individual offices using different methods of recording information. The provision of guidance and a template will assist Ministers' offices to format diary information so it can be exported for proactive release.

Legal liability

51. Proactive disclosure of official information can create a range of legal risks and liability under various statutes could arise, depending on the context. It may not always be clear what information should be withheld to minimise legal risk. As noted earlier, the protections in section 48 of the OIA will not extend to the information that is proactively released under this policy. The mitigation for this is the review process discussed in paragraphs 37 – 40 above.

Financial implications

52. There will be some initial work by Ministerial Services to develop the software application and website publication process. Ongoing costs are currently unknown. In addition, Ministerial Services will develop guidance for Ministers' offices on how to run the process. After that there will be up to an estimated half a day a month of staff time in each Minister's office. This may be mitigated by a reduction in volume of other requests. These costs will be absorbed within current funding.

Consultation

53. Department of Internal Affairs (Ministerial and Secretariat Services) and the Cabinet Office were consulted on the proposal, along with the Ministry of Foreign Affairs and Trade (paragraph 17). The Office of the Ombudsman and the Speaker of the House of Representatives were also consulted.

Human Rights

54. There are no implications for the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Disability perspective

55. Some people require support to use the internet effectively. The New Zealand Government Web Accessibility Standard will be taken into account in developing the template for the releases.

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Publicity

56. The commencement of this policy will be publicised via press release and on the Beehive website.

Proactive release

57. This paper and the associated minute will be proactively released, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister of State Services/Minister responsible for Ministerial Services recommends that Cabinet:

1. **note** that other jurisdictions including the United Kingdom and New South Wales have regimes for quarterly disclosure of ministers' meetings with external parties, as a measure to promote transparency about lobbying;

2. **agree** that a summary of information from ministerial diaries be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month;

3. **agree** that the summary for December of a calendar year be published by the 31st of the following January;

4. **agree** that the summary include the following information:

    4.1. date;

    4.2. time;

    4.3. brief description;

    4.4. location;

    4.5. who the meeting was with;

    4.6. portfolio;

5. **agree** that the summary exclude:

    5.1. material related to a Ministers' personal, party political, or parliamentary/constituency roles;

    5.2. incidental activities;

    5.3. meetings related to consultation between government parties, consistent with s9(2)(f)(iv) of the Official Information Act;

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5.4. meetings with other MPs relating to a constituency matter or other matter that might breach personal privacy;

5.5. travel and logistic information;

5.6. details of meeting locations that are a private home address.

6. **agree** that this policy apply for information contained in Ministers' diaries for the month of January 2019 onward;

7. **agree** that a proactive release of information covered by this policy contained in Ministers' diaries for the period 26 October 2017 to 31 December 2018 be made by 30 April 2019;

8. **note** that guidance will be provided to Ministers' offices including a template for the summary, instructions on how to extract and format the relevant information, and guidance on how to notify meeting attendees about the publication of details relating to the meeting;

9. **agree** that any increased costs as a result of this policy be absorbed in departmental or agency baselines.

Authorised for lodgement

Hon Chris Hipkins
Minister of State Services (Open Government)
Minister Responsible for Ministerial Services

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Item 18

From:	Rachel Hayward [DPMC]
To:	Catherine Parkin [DPMC]
Subject:	FW: Letter from the Chief Ombudsman
Date:	Friday, 23 November 2018 8:32:43 am
Attachments:	image003.jpg Letter from the Chief Ombudsman re Proactive release of Ministerial diaries.pdf

Sent with BlackBerry Work
(www.blackberry.com)

From: Info <info@ombudsman.parliament.nz>
Date: Thursday, 22 Nov 2018, 4:21 PM
To: Andrew Kibblewhite [DPMC] <Andrew.Kibblewhite@dpmc.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>, ^Parliament: Rob Carr <rob.carr@parliament.govt.nz>, Alexandra.marett@parliament.govt.nz <Alexandra.marett@parliament.govt.nz>
Subject: Letter from the Chief Ombudsman

Please find attached letter from the Chief Ombudsman.

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata
Phone 04 473 9533 | Fax 04 471 2254
Email info@ombudsman.parliament.nz | www.ombudsman.parliament.nz
PO Box 10152, Level 7, SolNet House, 70 The Terrace, Wellington

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Ombudsman
Fairness for all

22 November 2018

Andrew Kibblewhite
Chief Executive
Department of the Prime Minister and Cabinet
By email:
Andrew.Kibblewhite@dpmc.govt.nz

Dear Andrew

Proactive release of Ministerial diaries

I write further to our meeting on 20 November 2018, at which I committed to put my considered thoughts in writing.

As you know, I was recently consulted on the Cabinet Paper *Proactive Release of Ministerial Diary Information* by the Office of the Hon Chris Hipkins. I provided some minor comments, but was overall very happy with its content and direction.

I now understand there is some concern about the proposal at paragraph 21 of the Cabinet paper to include *'internal meetings with a Minister's department(s), internal staff, and other Ministers … relating directly to ministerial business'*. The paper notes that unscheduled conversations are not expected to be included, and that it may be necessary to withhold details of some *'meetings relat[ing] to policy development for an item not yet determined by Cabinet'*, in line with section 9(2)(f)(iv) of the OIA.

I accept and agree with your point that proactive disclosure of external meetings would still represent a significant advancement, and that there is a particular public interest in *'citizens knowing about meetings with those external to government as it allows citizens to discover who is expressing views to Ministers that may have an influence on decision-making'.* However, I would urge caution before deciding to exclude all internal meetings from the proposed proactive disclosure.

If one of the motivations for proactive disclosure is to reduce the time and effort required to respond to individual OIA requests for diary information, publishing only part of the diaries may not achieve that aim. The exclusion of internal meetings may lead to further OIA requests (as I understand it has following the Green Party's proactive release of diary information), and ultimately, complaints to me.

There may be some genuinely held concerns about release of information about internal meetings—particularly, as you have explained it, in relation to meetings between Ministers. However, I cannot see that there would be any sustainable ground for withholding details of all internal meetings as a category or class of information. In fact, in the original Ministerial diaries case (published in the Ombudsman's 14th Compendium of case notes), details of officials who had met with Ministers were disclosed (see case W47385). There may therefore be an element of delaying the inevitable.

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I accept that the public interest in disclosure of information about internal meetings is different from the public interest in disclosure of external meetings. However, that does not mean there is no public interest, or that it is negligible. I think there is a strong public interest in enabling the public to better understand how Ministers' time has been spent on official duties, and to appreciate the range and nature of meetings and engagements they have attended. There is also a public interest in accountability, ie, in showing whether the public are getting good value from Ministers, and whether they are properly carrying out their functions.

Sometimes it is very helpful to look at what has happened in other countries, and fortunately there is an English Court of Appeal case regarding some of the very issues that are causing you concern (*Dept of Health v Information Commissioner & Anr* [2017] EWCA Civ 374). It concerned the withholding of former Health Minister Andrew Lansley's diary. The Court affirmed the decision of the First-Tier Tribunal (EA/2013/0087), calling it *'clear, conscientious and detailed'*. Paragraphs 73-109 of that decision are particularly relevant.

The Tribunal accepted that *'there might be particular instances where disclosure of a diary entry which revealed a particular option under consideration could have a significant material impact'*, but these instances would be *'relatively unusual'* because *'the descriptions of meetings and telephone calls are normally brief and do no more than (at most) identify the general topic, and because the public would often be well aware of the policy topics under discussion at a particular time'*. The Tribunal was also not persuaded that *'disclosure of Mr Lansley's diary would be likely to have a material impact on the quality of future record-keeping relating to the work of Ministers'*.

The Tribunal concluded there were *'some likely real impacts'* on the interests protected by the claimed exemption (relating to the formulation of government policy and Ministerial communications), but these were *'relatively modest'* and *'outweighed by the more significant benefits of disclosure which appl[ied] in this case'.*

Conclusion

As I said when we met, the parameters of any proactive release are for the government to determine. However, my own view is that the Cabinet paper, as it is currently framed, strikes the right balance.

Applying an OIA framework, it is difficult to see that there would be good reason to withhold details of all internal meetings, particularly meetings between Ministers and officials. There may be greater sensitivity in meetings between Ministers. (Ombudsmen have previously recognised that *'Ministerial discussions on Cabinet business are inherently confidential'*, and it may be necessary to withhold information about these under sections 9(2)(f)(ii) and 9(2)(g)(i) of the OIA—see case 282242). However, it is important to remember that only limited details will be contained in a diary entry; that only meetings conducted in the Minister's official capacity will be included; that the proposal is to publish a summary in terms decided by the Minister; and that there will be an ability to withhold details of a particular meeting where the need arises.

I trust these comments will assist with Cabinet's consideration of the proposal to proactively publish Ministerial diaries. As I noted in our meeting, a number of other comparable jurisdictions already do so, and some of these include details of internal meetings. I note that, as a matter of courtesy, I have copied my comments to the others involved in our discussion, and to Mr Hipkins' office.

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Yours sincerely



Peter Boshier
Chief Ombudsman

cc: Rachel.Hayward@dpmc.govt.nz
Rob.Carr@parliament.govt.nz
Alexandra.Marett@parliament.govt.nz

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Item 19

Cabinet Office

Memo

23 November 2018

To Minister responsible for Ministerial Services / Minister of State Services

From Rachel Hayward

Subject **Proactive release of ministerial diaries: Discussion at Cabinet**

1 Following the discussion at Cabinet two weeks ago about the proactive release of ministerial diaries, the Chief Executive of DPMC, Andrew Kibblewhite, convened a meeting with the Chief Ombudsman to explore further the scope of meetings that would need to be included in a proactive release of information in ministerial diaries.

2 In particular, the meeting explored whether information about individual internal meetings (such as with departmental officials or other Ministers) should be included in the proactive release, or whether each release could just include a statement noting such meetings had occurred during the relevant time period.

3 As you know, one of the main drivers for the proposed proactive release policy is to reduce the time and effort required to respond to individual requests under the OIA. The purpose of the discussion was therefore to ascertain whether a proactive release that did not include internal meetings would, in the Chief Ombudsman's opinion, still be a sufficient release of information for the purposes of responding to OIA requests for Ministers' diaries.

4 The clear feedback from the Chief Ombudsman following the meeting is that the proposal as contained in the Cabinet paper strikes the right balance between disclosure and protecting material where there would be grounds to withhold it under the Official Information Act. He noted that if one of the motivations for proactive disclosure is to reduce the time and effort required to respond to individual OIA requests, publishing only part of the diaries may not achieve that aim. The exclusion of internal meetings may lead to further OIA requests and ultimately, complaints to his office. In that context he advises that he cannot see that there would be any sustainable ground for withholding details of all internal meetings as a category or class of information.

5 A copy of the Chief Ombudsman's response is attached to this memorandum.

6 Given that response, the Cabinet paper has been updated slightly to reflect some of the points discussed with the Chief Ombudsman, and to reflect a new implementation date (the release will now commence with the January2019 diaries). However, the proposal that the policy should extend to both internal and external meetings remains substantively unchanged.

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7 The updated Cabinet paper is on the agenda for further discussion at Monday's Cabinet meeting. Please find attached some updated points for you to lead the discussion at Cabinet on Monday.

8 You may also wish to consider whether your Cabinet colleagues would find it helpful to see an example of what a diary release would look like, to assist with their consideration at Monday's meeting. Your office can provide an example, should you wish to table one at Cabinet.

9 I recommend that you:

9.1 **note** the attached briefing points for the Cabinet meeting on Monday 26 November

YES / NO / DISCUSS

Rachel Hayward
Deputy Secretary of the Cabinet (Constitutional and Honours)

Hon Chris Hipkins
Minister responsible for Ministerial Services
Minister of State Services

_____

Date: / / 2018

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Proposed briefing points

Discussion with the Chief Ombudsman

- Officials have explored further with the Chief Ombudsman whether focusing the proactive release on external meetings only would be a practical measure, given the intention that the proactive release would address what have previously been individual OIA requests for diary information.
- The clear signal from the Chief Ombudsman is that he cannot see that there would be a good reason under the OIA to withhold information about internal meetings in a blanket manner.
- Individual meetings could be excluded from a release if it would breach Cabinet confidentiality or otherwise disclose policy that is still under development.
- The release will contain only the description of the meeting that is in the diary – ie "Meeting with Ministry of X officials". At most, diary entries might contain a general topic.
- The Ombudsman is currently considering seven complaints relating to requests for information contained in Ministers' diaries. The Ombudsman's office has indicated that the proactive release policy set out in this paper would most likely address the complaints it is considering currently.

Administrative support

- Ministerial Services has developed a tool for use by Ministers' offices to export the relevant information into a document, where it can then be edited. This is being tested currently.
- Guidance will be provided to offices to assist with assessing what information should be excluded from the summary, consistent with OIA withholding grounds. Guidance will include standard messages for meeting attendees to advise them that diary information will be proactively released.
- For the proposed release of diary information for the first year of the government, staff will only be expected to contact the meeting attendees about these releases in exceptional circumstances. There is no expectation that material not currently included in the diary for that time period would need to be created retrospectively.

Proposed approach

- The paper proposes a standard regime for compiling and releasing information held in Ministers' diaries. This will allow for offices to plan for the regular compilation and release of information.
- With a programme of regular releases, other requests can be either refused on the grounds that the information will be available shortly, or the requester can be advised that the request has been granted and then receive the information at the same time that it is published proactively.
- A disclaimer will be placed on all the released material noting that, for example, the diary might contain some meetings that did not end up taking place.

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Item 20

Cabinet Office

Memo

23 November 2018

To Prime Minister

From Rachel Hayward

Subject **Proactive release of ministerial diaries: Discussion with Chief Ombudsman**

1 Following the discussion at Cabinet two weeks ago about the proactive release of ministerial diaries, Andrew Kibblewhite convened a meeting with the Chief Ombudsman to explore further the scope of meetings that would need to be included in a proactive release of information in ministerial diaries.

2 In particular, the meeting explored whether information about individual internal meetings (such as with departmental officials or other Ministers) should be included in the proactive release, or whether each release could just include a statement noting such meetings had occurred during the relevant time period.

3 As you know, one of the main drivers for the proposed proactive release policy is to reduce the time and effort required to respond to individual requests under the OIA. The purpose of the discussion was therefore to ascertain whether a proactive release that did not include internal meetings would, in the Chief Ombudsman's opinion, still be a sufficient release of information for the purposes of responding to OIA requests for Ministers' diaries.

4 The clear feedback from the Chief Ombudsman following the meeting is that the proposal as contained in the Cabinet paper strikes the right balance between disclosure and protecting material where there would be grounds to withhold it under the Official Information Act. He noted that if one of the motivations for proactive disclosure is to reduce the time and effort required to respond to individual OIA requests, publishing only part of the diaries may not achieve that aim. The exclusion of internal meetings may lead to further OIA requests and, ultimately, complaints to his office. In that context he advises that he cannot see that there would be any sustainable ground for withholding details of all internal meetings as a category or class of information.

5 A copy of the Chief Ombudsman's response is attached to this memorandum.

6 Guidance is to be prepared for Ministers' offices to assist with the implementation of the proactive release policy. It will be important that this guidance assists staff to identify and describe meetings in a way that is consistent with the OIA and protects Cabinet confidentiality.

7 Given the Chief Ombudsman's response, the Cabinet paper has been updated slightly to reflect some of the points discussed with the Chief Ombudsman, and to reflect a new

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implementation date (the release will now commence with the January 2019 diaries). However, the proposal that the policy should extend to both internal and external meetings remains substantively unchanged.

8 The updated Cabinet paper is on the agenda for further discussion at Monday's Cabinet meeting.

9 I recommend that you:

9.1 **note** this briefing.

YES / NO / DISCUSS

pp CS Parker

Rachel Hayward
Deputy Secretary of the Cabinet (Constitutional and Honours)

Rt Hon Jacinda Ardern
Prime Minister

_____

Date: / / 2018

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Item 21

From: Catherine Parkin [DPMC]
To: Louise Beard [DPMC]
Cc: Rachel Hayward [DPMC]
Subject: Ministerial diaries paper
Date: Thursday, 22 November 2018 9:01:55 am
Attachments: image001.png

[IN-CONFIDENCE]

Hi Louise

We are still expecting to lodge a revised paper, but we won't have it available until tomorrow.

Thanks

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Item 22

From: Andrew Kibblewhite [DPMC]
To: Rachel Hayward [DPMC]
Cc: Catherine Parkin [DPMC]; ^Parliament: Rob Carr
Subject: RE: ministerial diaries
Date: Thursday, 22 November 2018 8:43:34 am
Attachments: image001.png

I have, by txt, being promised a letter by this afternoon. I am not overly hopeful but there might be opportunity for a little tweak.

Rob, have you been keeping Minister's office looped in?

Sent with BlackBerry Work
(www.blackberry.com)

From: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Date: Wednesday, 21 Nov 2018, 5:04 PM
To: Andrew Kibblewhite [DPMC] <Andrew.Kibblewhite@dpmc.govt.nz>
Cc: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: ministerial diaries

[IN-CONFIDENCE]
Hi Andrew
I'm assuming you haven't had anything from the Chief Ombudsman yet? The Minister's office has advised that it intends to relodge the paper tomorrow for Cabinet on Monday.
Kind regards
Rachel

Rachel Hayward,
Deputy Secretary (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
s9(2)(a)
Email: Rachel.hayward@dpmc.govt.nz

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Item 23

Angus Stewart [DPMC]

From: Rachel Hayward [DPMC]
Sent: Monday, 19 November 2018 6:32 pm
To: Andrew Kibblewhite [DPMC]
Subject: 282441_Notes for meeting with Chief Ombudsman re Ministerial Diaries.DOCX
Attachments: 282441_Notes for meeting with Chief Ombudsman re Ministerial Diaries.DOCX

[IN-CONFIDENCE]

Hi Andrew – draft bullets for the meeting tomorrow night attached. Let me know if that's what you had in mind in terms of the OIA guidance – I've included some of the grounds that we see Ministers might draw on in decisions as to what to release, and some of the administrative provisions that might operate in this area.

Happy to discuss tomorrow and provide something else/more if required.

Cheers

Rachel

Rachel Hayward,
Deputy Secretary (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: Rachel.hayward@dpmc.govt.nz

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Meeting with the Chief Ombudsman re ministerial diaries

Public interest in disclosure of external meetings

- Promotes transparency of conduct of executive government – public interest in citizens knowing about meetings with those external to government as it allows citizens to discover who is expressing views to Ministers that may have an influence on decision-making.

- Disclosure can also promote the accountability of Ministers for their actions, including over which external parties they choose to meet with.

- Disclosure of information about government processes can enhance the public interest by making it easier for citizens to understand processes and therefore participate in decision-making.

Public interest in disclosure of meetings with other Ministers or officials

- There is not the same public interest in routine disclosure of meetings with other Ministers and officials. The fact that a Minister has met with officials does not in itself provide information that assists with accountability – the public interest is in the detail of the options under discussion (for example). This information will either be proactively disclosed through the release of relevant Cabinet papers, or could be requested directly under the OIA (eg a request for details of all meetings relating to x).

- Risk that requiring meetings to be routinely disclosed will have a chilling effect on what is recorded in Ministers' diaries, and potentially on core decision making processes:

    - information about meetings (eg where policy content is sensitive or under development) may not recorded in Ministers' diaries, leading to a less complete/reliable official record;

    - officials may be excluded from meetings, on the basis that if the meeting is limited to political discussions only, it does not need to be proactively disclosed. This would impact the quality of decision-making by reducing the input of neutral policy advice into the decision-making process.

Suggested way forward

- Monthly proactive release of diary information about external meetings, including who the meeting was with and the topic/s of the meeting.

- General statement accompanying the release noting that all Ministers also routinely meet with their fellow Ministers and other MPs, attend Cabinet and Cabinet Committee meetings, attend sittings of the House, and meet with their officials from government departments.

- The statement would also note that requests can be made regarding all meetings held on a particular topic (eg Sroubek application)

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Applicable OIA principles (note – these are paraphrased)

Withholding grounds

Information may be withheld if the making available of the information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand (section 6).

Information may be withheld (unless withholding is outweighed by a countervailing public interest in disclosure) to:

- protect the privacy of natural persons (s9(2)(a))
- maintain the constitutional conventions which protect the confidentiality of advice tendered by Ministers and officials (s9(2)(f)(iv)
- maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers or officials in the course of their duty (s9(2)(g)(i))
- enable a Minister or any department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities (s9(2)(i))
- enable a Minister or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (s9(2)(j))

Providing a summary

Section 16(1) Where a person requests information contained in a document, you can make it available in a number of ways, including providing them with a copy of the document or by giving them an excerpt or summary of the contents.

Section 16(2) – information should be made available in the way preferred by the person requesting it unless to do so would impair efficient administration.

Administrative reasons for refusing a request

Section 18 provides several administrative grounds for refusing a request. These grounds will apply where for some "procedural" or "administrative" reason it is not reasonable for the agency to fulfil the request.

Substantial collation and research - Section 18(f) A request may be refused on the grounds that the information requested cannot be made available without substantial collation or research. But it's a last resort option - you have to consider whether fixing a charge or extending the time frame would enable the request to be granted – s18A.

Publicly available - A request may be refused on the grounds that the information is, or will soon be, publicly available (s18(d)).

Frivolous or vexatious requests - A request may be refused on the grounds that it is frivolous or vexatious or that the information requested is trivial. (s18(h)). Ombudsman's guidance says that for a request to be refused on the grounds that it is "frivolous" or "vexatious" a requester must be believed to be patently abusing the rights granted by the legislation for access to information, rather than exercising those rights in good faith.

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Item 24

From:	Rachel Hayward [DPMC]
To:	Andrew Kibblewhite [DPMC]; Catherine Parkin [DPMC]; Tania Warburton [DPMC]; ^Parliament: Rob Carr
Subject:	RE: Conversation with Peter Boshier
Date:	Sunday, 18 November 2018 4:53:34 pm
Attachments:	image001.png image002.png

Thanks Andrew - Catherine is away but I'm available to attend.

Sent with BlackBerry Work
(www.blackberry.com)

From: Andrew Kibblewhite [DPMC] <Andrew.Kibblewhite@dpmc.govt.nz>
Date: Sunday, 18 Nov 2018, 4:36 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>, Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>, Tania Warburton [DPMC] <Tania.Warburton@dpmc.govt.nz>, ^Parliament: Rob Carr <rob.carr@parliament.govt.nz>
Subject: Conversation with Peter Boshier

[IN-CONFIDENCE]
Hi all
Peter B texted me to make sure he understood what Tuesday's meeting was about, so we ended up having a phone call this afternoon. I outlined our concerns about proactively releasing the Minister / Minister, and Minister / officials meeting details, i.e. the "internal" ones:

- might have a chilling effect on Ministers' willingness to schedule meetings with officials whereby they receive free and frank advice;
- might encourage Ministers to transact more business in party political meetings rather than policy portfolio meetings;
- might prompt Ministers to document fewer internal meetings, which in turn might mean officials get invited less often; and
- the ambiguity of what constituted a meeting or not could prove to be unhelpful and unnecessarily risky.

I suggested a better approach would be to simply note numerous internal meetings occur, but only release the details of these if they are specifically requested, i.e. what meetings occurred with officials on subject X.
Peter was thoughtful and not unsupportive in our discussion and said he would flag these issues to Antonia and one other (Gareth?) in his office. He hoped to advance their collective thinking before Tuesday so we can have a focused discussion then.
We agreed we should bring colleagues with us when we meet on Tuesday.
Cheerio
Andrew

Andrew Kibblewhite
Chief Executive
Department of the Prime Minister and Cabinet
s9(2)(a)
E andrew.kibblewhite@dpmc.govt.nz
Head of the Policy Profession Group New Zealand

cid:image002.png@01D43609.296F69C0

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Item 25

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Friday, 16 November 2018 4:28 pm
To: Rachel Hayward [DPMC]
Subject: Bullet points for Andrew

[IN-CONFIDENCE]

Public interest in disclosure

- There is a general public interest in promoting the transparent conduct of government. Transparency can enhance trust in government and helps maintain integrity. With the information contained in ministerial diaries, this is particularly true of information about meetings with those external to government, as it allows citizens to discover who is expressing views to Ministers that may have an influence on decision-making.
- Disclosure can also promote the accountability of Ministers for their actions, including over which external parties they choose to meet with.
- Disclosure of information about government processes can enhance the public interest by making it easier for citizens to understand processes and therefore participate in decision-making.

Public interest in not disclosing

- Release of information about meetings between Ministers, or between Ministers and officials, may prejudice the free and frank exchange of opinions. The consequences could be that
    - information about meetings is not recorded in Ministers' diaries, leading to a less complete official record
    - meetings are limited to political discussions only, excluding officials, so that they are not subject to disclosure. This could reduce the quality of decision-making by reducing the input of neutral policy advice into the decision-making process (eg block offer)
- The fact that a Minister has met with officials does not in itself provide information that assists with accountability – the public interest is in the detail of the options under discussion (for example). This information will either be proactively disclosed through the release of relvant Cabinet papers, or could be requested directly under the OIA.

Suggested way forward

- Monthly proactive release of diary information about external meetings, including who the meeting was with and the topic/s of the meeting
- General statement accompanying the release noting that all Ministers also routinely meet with their fellow Ministers and other MPS, attend Cabinet and Cabinet Committee meetings, attend sittings of the House, and meet with their officials from government departments.
- The statement would also note that requests can be made regarding all meetings held on a particular topic (eg Sroubek application)

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

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s9(2)(a)

Email: catherine.parkin@dpmc.govt.nz

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Item 26

From: Rachel Hayward [DPMC]
To: Michael Webster [DPMC]
Subject: Transparency
Date: Friday, 2 November 2018 4:33:00 pm
Attachments: image001.png

[IN-CONFIDENCE]

New Zealand is a member of the Open Government Partnership (OGP). The OGP is a multilateral initiative in which governments and civil societies can cooperatively create and implement transparent government reforms.

The government has committed to improving practices around the proactive release of information, and the Cabinet Office has been actively involved in supporting a number of these initiatives.

In 2017 the update of the Cabinet Manual included the addition of a new expectation that Cabinet material (Cabinet and Cabinet committee papers and minutes) on significant policy decisions would be released proactively once decisions have been taken, most often by publication online.

In 2018 the Cabinet Office made a significant contribution to policy work led by the State Services Commission to expand that expectation to include all Cabinet material. That new policy has been agreed by Cabinet, and takes effect from 1 January 2019.

The Cabinet Office has had the lead in supporting work by Minister Hipkins to introduce a policy for the regular proactive release of summary information from ministerial diaries. A monthly summary would be produced, to be published on the Beehive website within 15 business days following the end of each calendar month. Some information could be withheld from publication. That policy will take effect from November 2018 (with the first publication in late December). [tbc]

The Cabinet Office is a system leader in providing advice and support to agencies, and to PMO, in relation to the OIA.

Rachel Hayward,
Deputy Secretary (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
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Item 27

Cabinet Office

Memo

2 November 2018

To Minister responsible for Ministerial Services / Minister of State Services

From Rachel Hayward

Subject **Proactive release of ministerial diaries: Discussion at Cabinet**

1 The Cabinet paper covering the proposal to proactively release material from ministerial diaries has been lodged, and is on the agenda for Monday's Cabinet meeting.

2 Please find attached some points for you to lead the discussion at Cabinet on Monday.

3 I recommend that you:

3.1 **note** the attached briefing points for the Cabinet meeting on Monday 5 November

YES / NO / DISCUSS

Rachel Hayward
Deputy Secretary of the Cabinet (Constitutional and Honours)

Hon Chris Hipkins
Minister responsible for Ministerial Services
Minister of State Services

_____

Date: / / 2018

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Proposed briefing points

Rationale for policy proposal

- The government is committed to improving practices around the proactive release of information.
- Ministers have been receiving regular requests for information contained in their diaries through both OIA requests and parliamentary questions.
- Both the Ombudsman and the Speaker have been clear that they expect such requests to be complied with.
- Answering requests for information in an ad hoc manner is time consuming for Ministers' offices.

Proposed approach

- The paper proposes a standard regime for compiling and releasing information held in Ministers' diaries. This will allow for offices to plan for the regular compilation and release of information.
- With a programme of regular releases, other requests can be either refused on the grounds that the information will be available shortly, or the requester can be advised that the request has been granted and then receive the information at the same time that it is published proactively.
- The proposed approach is supported by the Speaker, and conversations with the Office of the Ombudsman indicate that it will also support the approach.
- Guidance will be provided to offices to assist with assessing what information should be excluded from the summary, consistent with OIA withholding grounds. A disclaimer will be placed on all the released material noting that, for example, the diary might contain some meetings that did not end up taking place.

Next steps

- If approved by Cabinet, it is proposed that the first release cover the diary for November, and be released by 21 December.
- Ministerial Services has developed a tool for use by Ministers' offices to export the relevant information into a document, where it can then be edited. This is being tested currently.
- Guidance documents are also being developed, and will be provided to Ministers' staff. These will include standard messages for meeting attendees to advise them that diary information will be proactively released.
- It is proposed that the diary information for the first year of the government be released by 31 March next year. Staff will only be expected to contact the meeting attendees about these releases in exceptional circumstances. The Ombudsman's office has indicated that such a release would most likely address some of the complaints it is considering currently. There is no expectation that material not currently included in the diary for that time period would need to be created retrospectively.

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Item 28

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Thursday, 1 November 2018 8:13 am
To: Rachel Hayward [DPMC]
Subject: FW: Emailing: Draft Cabinet Paper release of ministerial diaries.docx

---

From: Alexandra Marett
Sent: Wednesday, 31 October 2018 10:14 PM
To: Catherine Parkin [DPMC]
Subject: RE: Emailing: Draft Cabinet Paper release of ministerial diaries.docx

I think we should take it out but let's see what he says. I gave him a copy.

Sent with BlackBerry Work
(www.blackberry.com)

From: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Date: Wednesday, 31 Oct 2018, 7:08 PM
To: Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Cc: Rachel Hayward <Rachel.hayward@dpmc.govt.nz>, Rob Carr <Robert.Carr@parliament.govt.nz>
Subject: RE: Emailing: Draft Cabinet Paper release of ministerial diaries.docx

Hi Alex

I've incorporated the changes from MaSS to the Financial Implications para into the attached version. We wondered whether the Minister would want to include the reference to $5,000, as that seems like a small amount to include in a Cabinet paper, but we'll leave that with you.

Thanks

Catherine

From: Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Sent: Wednesday, 31 October 2018 6:04 PM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>; Rob Carr <Robert.Carr@parliament.govt.nz>
Subject: RE: Emailing: Draft Cabinet Paper release of ministerial diaries.docx

Thanks Catherine,

We will lodge as soon as we have a clean version from you.

Do you have any word on the ministerial services change so that I can signal it with the Minister tonight?

Cheers
Alex

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Wednesday, 31 October 2018 4:01 PM

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To: Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Cc: Rachel Hayward <Rachel.hayward@dpmc.govt.nz>; Rob Carr <Robert.Carr@parliament.govt.nz>
Subject: Emailing: Draft Cabinet Paper release of ministerial diaries.docx

[IN-CONFIDENCE]

Hi Alex

Here's the updated paper for your consultation. I've heard back from MFAT, and made a tiny tweak to para 29 ("might" is now "may need to"). MaSS have just let me know they will want to add an extra comment to para 52 about the financial implications, but I don't think you need that for your consultation? They will send me it shortly, and I'll make sure it's in the final version for you tomorrow.

Thanks

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Item 29

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Wednesday, 31 October 2018 4:32 pm
To: Rachel Hayward [DPMC]
Subject: FW: Proactive release of Ministers' diaries: Consultation on Cabinet paper

---

From: ADAMS, Wendy (ESD)
Sent: Wednesday, 31 October 2018 4:28 PM
To: Catherine Parkin [DPMC]
Subject: RE: Proactive release of Ministers' diaries: Consultation on Cabinet paper

[SEEMAIL]

[IN CONFIDENCE]

Thank you Catherine – yes that makes better sense!

Thanks very much for the confirmation.

Kind regards,

Wendy

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Wednesday, 31 October 2018 4:26 p.m.
To: ADAMS, Wendy (ESD)
Cc: ANDREWS, Matthew (CLU); THORNBER, Owen (ESD); ....WILSON,Paula (Inet); ....TRASK, Lucie (Inet); Rachel Hayward [DPMC]
Subject: RE: Proactive release of Ministers' diaries: Consultation on Cabinet paper

Hi Wendy

Thank you very much for getting this through to us. We agree that this is an important point to include.

In terms of where to place it, we think that rather than including it under the "Matters to be included in the summary" section, we will put it under the "Material to be excluded from the summary" heading as follows:

Material to be excluded from the summary
25. This policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles. It does not include incidental activities such as time spent reading papers or preparing for meetings.
26. Attendance in the House or at a select committee is not included, as this information is contained in the parliamentary record.
27. Meetings related to consultation between government parties are expected to generally be excluded, consistent with s9(2)(f)(iv) of the OIA, to protect the ability of the coalition government to negotiate policy issues effectively. Individual OIA requests on particular topics for this information would generally be withheld under s9(2)(f)(iv).
28. Meetings with other MPs might be excluded if they relate to a constituency matter or might otherwise breach the privacy of an individual.
29. Meetings with a foreign representative, either in New Zealand or overseas, may need to be excluded to protect the security, defence or international relations of New Zealand (consistent with s6(a) of the OIA).

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30. Travel and logistic information such as car movements or accommodation is excluded. Routine release of this information may create security issues. Information about spending in these areas is already released, which provides accountability.
31. Locations that are a private home address of the Minister or another individual will not be included (the location field could indicate "Private residence", for example).

We think that works in terms of consistency with the other exclusions, where needed. This point will also be covered in the guidance for Ministers' offices in how to assess the material before it is released.

Kind regards

Catherine

From: ADAMS, Wendy (ESD) <Wendy.Adams@mfat.govt.nz>
Sent: Wednesday, 31 October 2018 3:34 PM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>; Paula Wilson [DPMC] <Paula.Wilson@dpmc.govt.nz>; Lucie Trask [DPMC] <Lucie.Trask@dpmc.govt.nz>
Cc: ANDREWS, Matthew (CLU) <Matthew.Andrews@mfat.govt.nz>; THORNBER, Owen (ESD) <Owen.Thornber@mfat.govt.nz>
Subject: Proactive release of Ministers' diaries: Consultation on Cabinet paper

[SEEMAIL]

[IN CONFIDENCE]

Hi Catherine

Thanks for the update re timing.

We'd like to add a paragraph 21, as below, if possible to alert to the fact that, as well as s9(2(a) and 9(2)(g)(iv) considerations, there may also be 6(a) consideration required, even if only for a period of time, around some meetings with foreign representatives (whether in New Zealand or offshore). We will also raise this in an aide memoire for the Minister, for Cabinet.

Scope of policy

15. The policy applies to the information recorded in the diary of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

Material to be included in the summary

16. For each meeting in scope of this policy, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio.
17. The proactive release is intended to be a record of scheduled meetings, rather than capturing all engagements Ministers have during the course of a day—unplanned meetings may not feature. A disclaimer will be put on the release to that effect. Nevertheless, it would be good practice for Ministers to endeavour to ensure all meetings in their ministerial capacity are captured in their diary to facilitate answers to written parliamentary questions or requests under the Official Information Act.
18. The summary would include all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary. The summary should include the names of organisations and companies with which the Minister meets, and could include the names of senior staff in an organisation. If an individual attended in a personal capacity, the name

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of the individual should be released unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA). Ministers' offices will be responsible for alerting attendees of this policy.

19. Internal meetings with a Minister's department(s), internal staff, and other Ministers should be included in the summary release if these are scheduled meetings in the diary relating to ministerial business. General staff meetings or unscheduled conversations are not expected to be included.
20. Where internal or external meetings relate to policy development for an item not yet determined by Cabinet, care should be taken not to pre-empt Cabinet decisions or breach Cabinet confidentiality in the description of the meeting (cf s9(2)(f)(iv)).
21. Where there may be reason to withhold information relating to a meeting with a foreign representative, held either in New Zealand or overseas, to protect of the security, defence or international relations of New Zealand, then the application of s6(a) of the OIA should be considered.
22. Cabinet and Cabinet Committee meetings should be included, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers.
23. It will be open to Ministers to include further information in their summary that is not included in this policy, but they should ensure they follow the process contained in this policy to determine whether material is suitable for release.

Kind regards

Wendy

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Wednesday, 31 October 2018 7:20 a.m.
To: ADAMS, Wendy (ESD)
Subject: RE: Consultation on Cabinet paper

Hi Wendy

We understand the Minister intends to lodge it tomorrow (Thursday) for next week's Cabinet.

Thanks

Catherine

Sent with BlackBerry Work
(www.blackberry.com)

From: ADAMS, Wendy (ESD) <Wendy.Adams@mfat.govt.nz>
Date: Tuesday, 30 Oct 2018, 6:13 PM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: RE: Consultation on Cabinet paper

[SEEMAIL]

[IN CONFIDENCE]

Thanks Catherine – I've let our people know we'll need to finalise wording by tomorrow. Do you know yet when it will go to Cabinet?

Kind regards,

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Wendy

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Tuesday, 30 October 2018 2:41 p.m.
To: ADAMS, Wendy (ESD)
Cc: Rachel Hayward [DPMC]; ....WILSON,Paula (Inet)
Subject: RE: Consultation on Cabinet paper

Hi Wendy

Thanks for your email, and my apologies for the slow response. If you're able to get MFAT's suggested wording to us today or tomorrow that would be great. The Prime Minister's office is currently consulting with the other government parties, so will have contacted your Minister's office in that context already.

Kind regards

Catherine

From: ADAMS, Wendy (ESD) <Wendy.Adams@mfat.govt.nz>
Sent: Monday, 29 October 2018 5:03 PM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>; Paula Wilson [DPMC] <Paula.Wilson@dpmc.govt.nz>
Subject: RE: Consultation on Cabinet paper

[SEEMAIL]

[IN CONFIDENCE]

Hi

Thank you for including us in the consultation on the draft Cabinet paper.

We do think there is a need to note that, in some cases, there may be 6(a) reasons to consider withholding, even for the time being, some information relating to a meeting with a foreign representative, held either in New Zealand or overseas, to protect of the security, defence or international relations of New Zealand (in a similar way that there is a reference the use of s9(2)(f)(iv) in paragraph 20).

There are a couple of people I still need to run our suggested wording past who have been travelling, and I hope to do this tomorrow.

I hope that this fits with the timelines at your end. Grateful for any update on when this is likely to go out for Ministerial consultation so we can ensure we give our Ministers' offices a heads-up in time.

Thanks,

Wendy

Wendy Adams

Manager, Executive Services Division
New Zealand Ministry of Foreign Affairs & Trade | Manatū Aorere

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s9 E wendy.adams@mfat.govt.nz

www.mfat.govt.nz | www.safetravel.govt.nz

From: ....WILSON,Paula (Inet)
Sent: Wednesday, 24 October 2018 9:34 a.m.
To: Catherine Parkin [DPMC]
Cc: Rachel Hayward [DPMC]; ADAMS, Wendy (ESD)
Subject: RE: Consultation on Cabinet paper

Hi Catherine,

I think your contact person at MFAT will be Wendy Adams from our Executive Services Division (cc'd). Wendy has noted, however, that just because Ministers are overseas does not mean they are doing foreign affairs business – so this may well be a question for Ministers themselves, together with the Ombudsman, about what might reasonably be released or withheld.

Kind regards,
Paula

From: Catherine Parkin [DPMC]
Sent: Wednesday, 24 October 2018 8:58 AM
To: Paula Wilson [DPMC] <Paula.Wilson@dpmc.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: RE: Consultation on Cabinet paper

Thanks Paula – it doesn't sound like the paper is ready to be lodged this week anyway, which gives us a bit more time!

Hope all are recovering well

From: Paula Wilson [DPMC]
Sent: Wednesday, 24 October 2018 8:53 AM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: RE: Consultation on Cabinet paper

Humble apologies Catherine- I forgot to follow this up and was away yesterday (my entire family has come down with the flu). I will follow-up with MFAT now.
Paula

From: Catherine Parkin [DPMC]
Sent: Wednesday, 24 October 2018 7:40 AM
To: Paula Wilson [DPMC] <Paula.Wilson@dpmc.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: Consultation on Cabinet paper

[IN-CONFIDENCE]

Good morning Paula

We spoke on Thursday about a Cabinet paper that the Cabinet Office has been assisting with, regarding the proactive release of information from ministerial diaries. As I mentioned, we want to consult MFAT about the inclusion in the proposed policy of the release of information regarding meetings ministers have while they are

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overseas. I wondered whether you had had a chance to identify who in MFAT we would be best to speak with about this? We're under some time pressure, as the Minister was intending to lodge the paper this week. We will check today whether that is still the intention. If you could come back to Rachel or myself, that would be great.

Thanks

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Item 30

From: Rachel Hayward [DPMC]
To: Catherine Parkin [DPMC]; Alexandra Marett
Subject: RE: Draft Cabinet paper
Date: Tuesday, 30 October 2018 4:17:00 pm
Attachments: image001.png

Hi Alex – just to confirm I'd be happy to come along with you to see the Ombudsman tomorrow if that would be helpful – let me know once the time is confirmed.
Kind regards
Rachel

From: Catherine Parkin [DPMC]
Sent: Tuesday, 30 October 2018 4:00 PM
To: Alexandra Marett
Cc: Rachel Hayward [DPMC]
Subject: RE: Draft Cabinet paper

Hi Alex
I've just had a chat with Aidan from MaSS, and he thinks they are on track to meet the current timeframes. I've sent him the latest draft of the paper just in case he has any other feedback from a MaSS perspective.
We'll go through the paper now, and let you know if we spot any issues. I'll let you know too once we've had the MFAT feedback.
Kind regards
Catherine

From: Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Sent: Tuesday, 30 October 2018 3:24 PM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: RE: Draft Cabinet paper

Hi Catherine,

This is the latest draft.
Do you see any showstoppers?
Thanks
Alex

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Tuesday, 30 October 2018 12:03 PM
To: Rob Carr <Robert.Carr@parliament.govt.nz>; Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Cc: Rachel Hayward <Rachel.hayward@dpmc.govt.nz>
Subject: RE: Draft Cabinet paper

Hi Rob
Just to let you know, we expect to have the feedback from MFAT tomorrow. We think it's likely that we'll suggest the addition of a sentence to the paper as a result of that feedback.
MaSS have also been in touch asking for an update. Do you need us to step in again to work with them on their side of things, or would you/Alex prefer to manage that? The contact I've had is from Aidan Ruland, who mentioned they are likely to be in a position to start UAT next week.
Thanks

Catherine

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From: Catherine Parkin [DPMC]
Sent: Wednesday, 24 October 2018 9:08 AM
To: 'Rob Carr' <Robert.Carr@parliament.govt.nz>; Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: RE: Draft Cabinet paper

Thanks Rob. Please let us know if there's anything we can help with.

From: Rob Carr <Robert.Carr@parliament.govt.nz>
Sent: Wednesday, 24 October 2018 8:51 AM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>; Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: RE: Draft Cabinet paper

Kia Ora Catherine,

We are still at the party consultation phase so we will need a bit more time.

Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a)
Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Wednesday, 24 October 2018 7:56 AM
To: Rob Carr <Robert.Carr@parliament.govt.nz>; Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Cc: Rachel Hayward <Rachel.hayward@dpmc.govt.nz>
Subject: RE: Draft Cabinet paper

Good morning

I thought I might just check in about where we are at on the timing for lodging this paper. Is it still Minister Hipkins' intention for the paper to go to Cabinet next week? We are still waiting to confirm MFAT's comments, so it would be helpful to know if we need to get those today or whether we might have a little extra time up our sleeves.

Thanks

Catherine

From: Catherine Parkin [DPMC]
Sent: Monday, 15 October 2018 3:24 PM
To: 'Rob Carr' <Robert.Carr@parliament.govt.nz>; 'Alexandra Marett' <Alexandra.Marett@parliament.govt.nz>
Cc: Rachel Hayward [DPMC] (Rachel.Hayward@dpmc.govt.nz) <Rachel.Hayward@dpmc.govt.nz>
Subject: Draft Cabinet paper

[IN-CONFIDENCE]

Good afternoon

Please find attached the revised version of the draft Cabinet paper, for your consultation with the other government parties. Would you mind letting us know once it has gone to New Zealand First, so that we can then consult MFAT about the overseas meetings aspect? We would also be happy to assist with consulting with the Office of the Ombudsman.

We understand you've met with MaSS about the production of the sample report. Please let us know if you need any further input from us on that aspect, but otherwise we'll leave that with you. We did offer to have a go at the disclaimer for inclusion on the release. Our draft wording is

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Please let us know if you need anything else from us at this point.

Kind regards

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Item 31

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Tuesday, 30 October 2018 3:42 pm
To: Rachel Hayward [DPMC]
Subject: FW: Draft Cabinet paper
Attachments: Draft Cabinet Paper release of ministerial diaries (004).docx

---

From: Alexandra Marett
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To: Catherine Parkin [DPMC]
Subject: RE: Draft Cabinet paper

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Subject: RE: Draft Cabinet paper

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Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a)

Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

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Subject: RE: Draft Cabinet paper

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Sent: Monday, 15 October 2018 3:24 PM
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Cc: Rachel Hayward [DPMC] (Rachel.Hayward@dpmc.govt.nz) <Rachel.Hayward@dpmc.govt.nz>
Subject: Draft Cabinet paper

[IN-CONFIDENCE]

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> Disclaimer:
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political, or parliamentary/constituency roles. It may include meetings which were in the diary but did not eventuate, and may not include unscheduled meetings. Where the portfolio to which a meeting relates is indicated, please note that it is possible material in another portfolio area could also have been covered during the meeting.

Please let us know if you need anything else from us at this point.

Kind regards

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)

Email: catherine.parkin@dpmc.govt.nz

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In Confidence

Office of the Minister of State Services (Open Government)
Office of the Minister Responsible for Ministerial Services

Chair, Cabinet

PROACTIVE RELEASE OF MINISTERIAL DIARY INFORMATION

Proposal

1. This paper seeks agreement to a policy for the regular proactive release of summary information from ministerial diaries, to be published on the Beehive website. A monthly summary would be produced, to be published within 15 business days following the end of each calendar month. Some information could be withheld from publication.

Executive Summary

2. The Government is committed to improving practices around the proactive release of information. Democracies thrive when citizens trust and participate in their government. Proactive release of official information is one of the elements that can assist in building trust and confidence in government, its decision makers, and its institutions.

3. Cabinet has already agreed to a policy for the proactive release of Cabinet material, to take effect from 1 January 2019 (CAB-18-MIN-0418 refers).

4. There is a public interest in the meetings held by Ministers, and Ministers often receive requests through written parliamentary questions or requests under the Official Information Act for information contained in their diaries.

5. While Ministers' diaries are not official information, they contain information that is. The routine compilation and release of a summary of this official information could assist those interested in the work of Ministers to focus their requests for further information, which may reduce the administrative burden in responding to routine requests. Timeliness will be an important element of this process, so the paper proposes that the information in scope of the policy be released by the end of 15 business days following the end of a calendar month.

6. Before a summary is proactively released, the normal assessments for releasing official information will need to occur, including a privacy assessment. This should be complemented by a due diligence process to consider any potential liability, civil or criminal, that might arise from the publication of the material.

7. I recommend that this policy apply to information contained in Ministers' diaries for the month of November 2018 onward (with the first publication therefore occurring by

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21 December 2018). I also recommend that corresponding information for the period 26 October 2017 to 31 October 2018 be proactively released by 31 March 2019.

Purpose

8. The key purpose of proactive release of summary information from Ministers' diaries is to promote the accountability of Ministers, while also increasing the availability of official information. This purpose must be balanced with protecting official information to the extent consistent with the public interest, the preservation of personal privacy, and other interests such as national security.

9. The proactive release of summary information will require Ministers' offices to develop and use a standard process for the release of information. While that process will require administrative resources, it should reduce the resource required to respond to ad hoc OIA requests and parliamentary written questions received by Ministers about the content of their diaries.

10. Other benefits of proactive release can include:

    10.1. A decrease in broad, wide-ranging and repeat requests

    10.2. An increase in targeted, specific requests for information, which make responses easier to prepare

    10.3. An enhanced New Zealand reputation for being transparent and open.

11. Cabinet has already taken a decision to release Cabinet material proactively, which enhances the transparency of the Cabinet decision-making process. Proactive release of summary information from ministerial diaries would complement that by providing an insight into Ministers' other meetings.

Other comparisons

12. Some other Westminster systems have disclosure requirements for ministerial diaries. These are intended to enhance transparency about lobbying and political access. The policy proposed in this paper is wider in scope than the examples listed below, covering a greater range of meetings, and requiring more frequent publication.

13. In the United Kingdom, ministers make quarterly reports of their external meetings, overseas travel, gifts over a certain value that are received or given, and hospitality over a certain value that is received. The external meetings listed exclude conferences, receptions, media interviews, meetings with government departments or bodies, and meetings with the Royal Household, non-departmental public bodies, non-ministerial departments, agencies, external suppliers, or representatives of Parliament or any devolved or foreign governments.

14. Ministers in New South Wales also release a summary of ministerial diaries quarterly. The summary includes the date, name of the organisation (or, if an individual attended in a personal capacity, the name of the individual), and the purpose of the meeting. It excludes meetings involving Ministers, ministerial staff, Parliamentarians or government officials (whether from NSW or other jurisdictions);

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meetings that are strictly personal, electorate, or party political; social or public functions or events; meetings held overseas (which must be disclosed separately); and matters for which there is an overriding public interest against disclosure.

15. Green Party Ministers have also begun the process of proactively releasing some of the material from their diaries. This is presently limited to external meetings and released quarterly.

Scope of policy

16. The policy applies to the information recorded in the diary of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

Material to be included in the summary

17. For each meeting in scope of this policy, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio.

18. The proactive release is intended to be a record of scheduled meetings, rather than capturing all engagements Ministers have during the course of a day—unplanned meetings may not feature. A disclaimer will be put on the release to that effect. Nevertheless, it would be good practice for Ministers to endeavour to ensure all meetings in their ministerial capacity are captured in their diary to facilitate answers to written parliamentary questions or requests under the Official Information Act.

19. The summary would include all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary. The summary should include the names of organisations and companies with which the Minister meets, and could include the names of senior staff in an organisation. If an individual attended in a personal capacity, the name of the individual should be released unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA). Ministers' offices will be responsible for alerting attendees of this policy.

20. Internal meetings with a Minister's department(s), internal staff, and other Ministers should be included in the summary release if these are scheduled meetings in the diary relating to ministerial business. General staff meetings or unscheduled conversations are not expected to be included.

21. Where internal or external meetings relate to policy development for an item not yet determined by Cabinet, care should be taken not to pre-empt Cabinet decisions or breach Cabinet confidentiality in the description of the meeting (cf s9(2)(f)(iv)).

22. Cabinet and Cabinet Committee meetings should be included, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers.

23. It will be open to Ministers to include further information in their summary that is not included in this policy, but they should ensure they follow the process contained in this policy to determine whether material is suitable for release.

Material to be excluded from the summary

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24. This policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles. It does not include incidental activities such as time spent reading papers or preparing for meetings.

25. Attendance in the House or at a select committee is not included, as this information is contained in the parliamentary record.

26. Meetings related to consultation between government parties are expected to generally be excluded, consistent with s9(2)(f)(iv) of the OIA, to protect the ability of the coalition government to negotiate policy issues effectively. Individual OIA requests on particular topics for this information would generally be withheld under s9(2)(f)(iv).

27. Meetings with other MPs might be excluded if they relate to a constituency matter or might otherwise breach the privacy of an individual.

28. Travel and logistic information such as car movements or accommodation is excluded. Routine release of this information may create security issues. Information about spending in these areas is already released, which provides accountability.

29. Locations that are a private home address of the Minister or another individual will not be included (the location field could indicate "Private residence", for example).

Process

30. Ministerial staff are expected to notify meeting attendees that summary information about the meeting will be proactively released. Guidance will be provided to Ministers' offices on standard ways that this can be done.

31. At the end of each month, the Minister's office will prepare the summary for the Minister to consider. Guidance will be provided to Ministers' offices about how to extract and format the information in the summary.

32. The Minister will make the final decision about what information is proactively released. Each month's release will be published on the Beehive website.

33. Timeliness is a vital element in keeping the public informed and engaged in government matters. This paper therefore recommends the timeline for release should be within 15 business days of the end of each calendar month, to allow time for each summary to be created and checked. Given Ministers' availability in January, the timeline for the release of December summaries should be by the 31st of the following January.

34. It is possible that from time to time material in scope of this policy may be requested under the OIA, and that a response will be due before the summary has been proactively released. Where the Minister already has a clear plan to proactively release the information and there is a high certainty that this will occur, the Ombudsman's advice is that on a case-by-case basis:

    34.1. Section 18(d) of the OIA may justify refusing the request on the grounds that the same information is soon to be publicly available or

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34.2. If the requester is notified within the OIA's maximum statutory time limit for responding that the Minister has decided to grant the request, then the section 28(5) requirement in the OIA to release information without undue delay may be satisfied if the information is released to the requester at the same time it is published proactively.

Requirements for proactive release

35. All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process.

36. The principles and processes that are to be used to assess information for proactive release are, in the first instance, those that are used for OIA releases and are already well understood.

37. The following matters should be considered

37.1. Whether the summary contains any information that would have been withheld, if the information had been requested under the OIA.

37.2. The application of the principles in the Privacy Act 1993.

37.3. Consideration of national security and the application of the New Zealand Government Security Classification system.

37.4. Whether the summary contains information that must be withheld under the terms of any other legislation.

38. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply. Ministers' offices must therefore undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

- defamation;
- privacy of natural persons;
- disclosure of commercially sensitive information;
- breach of contract;
- whether a breach of any law or statute will occur if the information were released;
- whether a breach would constitute a contempt of court.

Policy commencement

39. I recommend that the monthly release policy apply for information contained in Ministers' diaries for the month of November 2018 onward (with the first publication

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therefore occurring by 21 December 2018). This will allow time for Ministerial Services to establish the IT system to support compilation of the material, for Ministers and Ministers' offices to ensure material is entered into Ministers' diaries in an appropriate format for extraction, and for people meeting with Ministers to be informed that the diary information will be proactively released.

40. Until this policy commences, Ministers should continue to respond to OIA requests and parliamentary questions in the normal way.

41. Once the policy commences, Ministers may choose to respond to such requests by pointing to this policy and the upcoming release of information.

42. Ministers should also subsequently proactively release diary information in accordance with this policy for the period from 26 October 2017 to 31 October 2018. The deadline for releasing this information will be 31 March 2019. This will allow time for Ministers and Ministers' offices to extract the relevant information, reformat it, assess it, and undertake any consultation that may be necessary.

Content, presentation, quality assurance and location of material released

43. All releases of ministerial diary information will be on an agreed template, which will be provided to Ministers' offices by Ministerial Services. The releases will be published on the Beehive website. It will be the responsibility of the Minister to ensure the quality and accuracy of the information contained in the summary.

44. Ministerial Services will provide guidance to Ministers' offices as to how to extract and format the relevant information

Risks and mitigations

45. This policy will create a regular administrative workload for each Minister's office. It is anticipated this will take between three and six hours per month, per office. This may be offset by a slight reduction in other requests for this material through the OIA or written parliamentary questions.

46. Releasing this summary information may be perceived to have a chilling effect on what is included in ministerial diaries. There is also a risk that meetings will be accidentally left out, or will be included even though they did not in fact occur. Public release being a regular occurrence is likely to improve the overall accuracy of diaries as they will be more frequently checked, which will reduce the level of risk in release.

47. There is a risk that a meeting recorded in the diary as relating to one portfolio may end up also covering material in another portfolio area. This can be mitigated by a disclaimer included on the release, and/or the use of a "multiple portfolios" description where that risk can be foreseen.

48. Diaries are not currently written for public release, with individual offices using different methods of recording information. The provision of guidance and a template will assist Ministers' offices to format diary information so it can be exported for proactive release.

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Legal liability

49. Proactive disclosure of official information can create a range of legal risks and liability under various statutes could arise, depending on the context. It may not always be clear what information should be withheld to minimise legal risk. As noted earlier, the protections in section 48 of the OIA will not extend to the information that is proactively released under this policy. The mitigation for this is the review process discussed in paragraphs 34 – 37 above.

Financial implications

50. There will be some initial work by Ministerial Services to develop guidance for Ministers' offices on how to run the process. After that there will be up to an estimated half a day a month of staff time in each Minister's office. This may be mitigated by a reduction in volume of other requests. These costs can be absorbed within current funding. [*Query – are there any other website costs?]*

Consultation

51. Department of Internal Affairs (Ministerial and Secretariat Services) and the Cabinet Office were consulted on the proposal, along with the Ministry of Foreign Affairs and Trade (paragraph 15). The Office of the Ombudsman and the Speaker of the House of Representatives were also consulted.

Human Rights

52. There are no implications for the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Disability perspective

53. Some people have difficulty using the internet. The New Zealand Government Web Accessibility Standard will be taken into account in developing the template for the releases.

Publicity

54. The commencement of this policy will be publicised via press release and on the Beehive website.

Proactive release

55. This paper and the associated minute will be proactively released, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister of State Services/Minister responsible for Ministerial Services recommends that Cabinet:

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1. **note** that the United Kingdom and New South Wales have regimes for quarterly disclosure of ministers' meetings with external parties, as a measure to promote transparency about lobbying;

2. **agree** that a summary of information from ministerial diaries be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month;

3. **agree** that the summary for December of a calendar year be published by the 31st of the following January;

4. **agree** that the summary include all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary;

5. **agree** that the summary include the following information:

    5.1. date;

    5.2. time;

    5.3. brief description;

    5.4. location;

    5.5. who the meeting was with;

    5.6. portfolio;

6. **agree** that the summary exclude:

    6.1. material related to a Ministers' personal, party political, or parliamentary/constituency roles;

    6.2. incidental activities;

    6.3. meetings related to consultation between government parties;

    6.4. meetings with other MPs relating to a constituency matter or other matter that might breach personal privacy;

    6.5. travel and logistic information;

    6.6. details of meeting locations that are a private home address.

7. **agree** that this policy apply for information contained in Ministers' diaries for the month of November 2018 onward;

8. **agree** that a proactive release of information covered by this policy contained in Ministers' diaries for the period 26 October 2017 to 31 October 2018 be made by 31 March 2019;

9. **note** that guidance will be provided to Ministers' offices providing the template for the summary and information on how to extract and format the relevant information as

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well as on how meeting attendees should be notified about the publication of details relating to the meeting;

10. **agree** that any increased costs as a result of this policy be absorbed in departmental or agency baselines.

Authorised for lodgement

Hon Chris Hipkins
Minister of State Services (Open Government)
Minister Responsible for Ministerial Services

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Item 32

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Tuesday, 30 October 2018 11:56 am
To: Rachel Hayward [DPMC]
Subject: FW: Draft Cabinet paper
Attachments: 280894_Draft Cabinet Paper release of ministerial diaries.DOCX

See below – message was to PMO/Minister Hipkins' office, not MaSS directly. I'll follow up with Rob.

From: Catherine Parkin [DPMC]
Sent: Monday, 15 October 2018 3:24 PM
To: 'Rob Carr' ; 'Alexandra Marett'
Cc: Rachel Hayward [DPMC] (Rachel.Hayward@dpmc.govt.nz)
Subject: Draft Cabinet paper

[IN-CONFIDENCE]

Good afternoon

Please find attached the revised version of the draft Cabinet paper, for your consultation with the other government parties. Would you mind letting us know once it has gone to New Zealand First, so that we can then consult MFAT about the overseas meetings aspect? We would also be happy to assist with consulting with the Office of the Ombudsman.

We understand you've met with MaSS about the production of the sample report. Please let us know if you need any further input from us on that aspect, but otherwise we'll leave that with you. We did offer to have a go at the disclaimer for inclusion on the release. Our draft wording is below. We've also sent it through to MaSS.

> Disclaimer:
> This table shows scheduled meetings held by the Minister relating to ministerial business, which have been recorded in the Minister's diary. It does not include meetings that relate to the Minister's personal, party political, or parliamentary/constituency roles. It may include meetings which were in the diary but did not eventuate, and may not include unscheduled meetings. Where the portfolio to which a meeting relates is indicated, please note that it is possible material in another portfolio area could also have been covered during the meeting.

Please let us know if you need anything else from us at this point.

Kind regards

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz
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In Confidence

Office of the Minister of State Services (Open Government)
Office of the Minister Responsible for Ministerial Services

Chair, Cabinet

PROACTIVE RELEASE OF MINISTERIAL DIARY INFORMATION

Proposal

1. This paper seeks agreement to a policy for the regular proactive release of summary information from ministerial diaries, to be published on the Beehive website. A monthly summary would be produced, to be published within 15 business days following the end of each calendar month. Some information could be withheld from publication.

Executive Summary

2. The Government is committed to improving practices around the proactive release of information. Democracies thrive when citizens trust and participate in their government. Proactive release of official information is one of the elements that can assist in building trust and confidence in government, its decision makers, and its institutions.

3. Cabinet has already agreed to a policy for the proactive release of Cabinet material, to take effect from 1 January 2019 (CAB-18-MIN-0418 refers).

4. There is a public interest in the meetings held by Ministers, and Ministers often receive requests through written parliamentary questions or requests under the Official Information Act for information contained in their diaries.

5. While Ministers' diaries are not official information, they contain information that is. The routine compilation and release of a summary of this official information could assist those interested in the work of Ministers to focus their requests for further information, which may reduce the administrative burden in responding to routine requests. Timeliness will be an important element of this process, so the paper proposes that the information in scope of the policy be released by the end of 15 business days following the end of a calendar month.

6. Before a summary is proactively released, the normal assessments for releasing official information will need to occur, including a privacy assessment. This should be complemented by a due diligence process to consider any potential liability, civil or criminal, that might arise from the publication of the material.

7. I recommend that this policy apply to information contained in Ministers' diaries for the month of November 2018 onward (with the first publication therefore occurring by

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21 December 2018). I also recommend that corresponding information for the period 26 October 2017 to 31 October 2018 be proactively released by 31 March 2019.

Purpose

8. The key purpose of proactive release of summary information from Ministers' diaries is to promote the accountability of Ministers, while also increasing the availability of official information. This purpose must be balanced with protecting official information to the extent consistent with the public interest, the preservation of personal privacy, and other interests such as national security.

9. The proactive release of summary information will require Ministers' offices to develop and use a standard process for the release of information. While that process will require administrative resources, it should reduce the resource required to respond to ad hoc OIA requests and parliamentary written questions received by Ministers about the content of their diaries.

10. Other benefits of proactive release can include:

    10.1. A decrease in broad, wide-ranging and repeat requests

    10.2. An increase in targeted, specific requests for information, which make responses easier to prepare

    10.3. An enhanced New Zealand reputation for being transparent and open.

11. Cabinet has already taken a decision to release Cabinet material proactively, which enhances the transparency of the Cabinet decision-making process. Proactive release of summary information from ministerial diaries would complement that by providing an insight into Ministers' other meetings.

International comparison

12. Some other Westminster systems have disclosure requirements for ministerial diaries. These are intended to enhance transparency about lobbying and political access. The policy proposed in this paper is wider in scope than the examples listed below, covering a greater range of meetings, and requiring more frequent publication.

13. In the United Kingdom, ministers make quarterly reports of their external meetings, overseas travel, gifts over a certain value that are received or given, and hospitality over a certain value that is received. The external meetings listed exclude conferences, receptions, media interviews, meetings with government departments or bodies, and meetings with the Royal Household, non-departmental public bodies, non-ministerial departments, agencies, external suppliers, or representatives of Parliament or any devolved or foreign governments.

14. Ministers in New South Wales also release a summary of ministerial diaries quarterly. The summary includes the date, name of the organisation (or, if an individual attended in a personal capacity, the name of the individual), and the purpose of the meeting. It excludes meetings involving Ministers, ministerial staff, Parliamentarians or government officials (whether from NSW or other jurisdictions);

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meetings that are strictly personal, electorate, or party political; social or public functions or events; meetings held overseas (which must be disclosed separately); and matters for which there is an overriding public interest against disclosure.

Scope of policy

15. The policy applies to the information recorded in the diary of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

Material to be included in the summary

16. For each meeting in scope of this policy, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio.

17. The proactive release is intended to be a record of scheduled meetings, rather than capturing all engagements Ministers have during the course of a day—unplanned meetings may not feature. A disclaimer will be put on the release to that effect. Nevertheless, it would be good practice for Ministers to endeavour to ensure all meetings in their ministerial capacity are captured in their diary to facilitate answers to written parliamentary questions or requests under the Official Information Act.

18. The summary would include all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary. The summary should include the names of organisations and companies with which the Minister meets, and could include the names of senior staff in an organisation. If an individual attended in a personal capacity, the name of the individual should be released unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA). Ministers' offices will be responsible for alerting attendees of this policy.

19. Internal meetings with a Minister's department(s), internal staff, and other Ministers should be included in the summary release if these are scheduled meetings in the diary relating to ministerial business. General staff meetings or unscheduled conversations are not expected to be included.

20. Where internal or external meetings relate to policy development for an item not yet determined by Cabinet, care should be taken not to pre-empt Cabinet decisions or breach Cabinet confidentiality in the description of the meeting (cf s9(2)(f)(iv)).

21. Cabinet and Cabinet Committee meetings should be included, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers.

22. It will be open to Ministers to include further information in their summary that is not included in this policy, but they should ensure they follow the process contained in this policy to determine whether material is suitable for release.

Material to be excluded from the summary

23. This policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles. It

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does not include incidental activities such as time spent reading papers or preparing for meetings.

24. Attendance in the House or at a select committee is not included, as this information is contained in the parliamentary record.

25. Meetings related to consultation between government parties are expected to generally be excluded, consistent with s9(2)(f)(iv) of the OIA, to protect the ability of the coalition government to negotiate policy issues effectively. Individual OIA requests on particular topics for this information would generally be withheld under s9(2)(f)(iv).

26. Meetings with other MPs might be excluded if they relate to a constituency matter or might otherwise breach the privacy of an individual.

27. Travel and logistic information such as car movements or accommodation is excluded. Routine release of this information may create security issues. Information about spending in these areas is already released, which provides accountability.

28. Locations that are a private home address of the Minister or another individual will not be included (the location field could indicate "Private residence", for example).

Process

29. Ministerial staff are expected to inform meeting attendees that summary information about the meeting will be proactively released.

30. At the end of each month, the Minister's office will prepare the summary for the Minister to consider. Guidance will be provided to Ministers' offices about how to extract and format the information in the summary.

31. The Minister will make the final decision about what information is proactively released. Each month's release will be published on the Beehive website.

32. Timeliness is a vital element in keeping the public informed and engaged in government matters. This paper therefore recommends the timeline for release should be within 15 business days of the end of each calendar month, to allow time for each summary to be created and checked. Given Ministers' availability in January, the timeline for the release of December summaries should be by the 31st of the following January.

33. [*to be confirmed with the Office of the Ombudsman*] It is possible that from time to time material in scope of this policy may be requested under the OIA, and that a response will be due before the summary has been proactively released. Where the Minister already has a clear plan to proactively release the information and there is a high certainty that this will occur, the Ombudsman's advice is that on a case-by-case basis:

    33.1. Section 18(d) of the OIA may justify refusing the request on the grounds that the same information is soon to be publicly available or

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33.2. If the requester is notified within the OIA's maximum statutory time limit for responding that the Minister has decided to grant the request, then the section 28(5) requirement in the OIA to release information without undue delay may be satisfied if the information is released to the requester at the same time it is published proactively.

Requirements for proactive release

34. All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process.

35. The principles and processes that are to be used to assess information for proactive release are, in the first instance, those that are used for OIA releases and are already well understood.

36. The following matters should be considered

36.1. Whether the summary contains any information that would have been withheld, if the information had been requested under the OIA.

36.2. The application of the principles in the Privacy Act 1993.

36.3. Consideration of national security and the application of the New Zealand Government Security Classification system.

36.4. Whether the summary contains information that must be withheld under the terms of any other legislation.

37. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply. Ministers' offices must therefore undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

- defamation;
- privacy of natural persons;
- disclosure of commercially sensitive information;
- breach of contract;
- whether a breach of any law or statute will occur if the information were released;
- whether a breach would constitute a contempt of court.

Policy commencement

38. I recommend that the monthly release policy apply for information contained in Ministers' diaries for the month of November 2018 onward (with the first publication

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therefore occurring by 21 December 2018). This will allow time for Ministerial Services to establish the IT system to support compilation of the material, for Ministers and Ministers' offices to ensure material is entered into Ministers' diaries in an appropriate format for extraction, and for people meeting with Ministers to be informed that the diary information will be proactively released.

39. Until this policy commences, Ministers should continue to respond to OIA requests and parliamentary questions in the normal way.

40. Once the policy commences, Ministers may choose to respond to such requests by pointing to this policy and the upcoming release of information.

41. Ministers should also subsequently proactively release diary information in accordance with this policy for the period from 26 October 2017 to 31 October 2018. The deadline for releasing this information will be 31 March 2019. This will allow time for Ministers and Ministers' offices to extract the relevant information, reformat it, assess it, and undertake any consultation that may be necessary.

Content, presentation, quality assurance and location of material released

42. All releases of ministerial diary information will be on an agreed template, which will be provided to Ministers' offices by Ministerial Services. The releases will be published on the Beehive website. It will be the responsibility of the Minister to ensure the quality and accuracy of the information contained in the summary.

43. Ministerial Services will provide guidance to Ministers' offices as to how to extract and format the relevant information

Risks and mitigations

44. This policy will create a regular administrative workload for each Minister's office. It is anticipated this will take between three and six hours per month, per office. This may be offset by a slight reduction in other requests for this material through the OIA or written parliamentary questions.

45. Releasing this summary information may be perceived to have a chilling effect on what is included in ministerial diaries. It is expected that all Ministers and their offices will ensure that the management of diaries does not change as a result of the implementation of this policy, as it includes appropriate safeguards (see paragraph 36). There is also a risk that meetings will be accidentally left out, or will be included even though they did not in fact occur. Public release being a regular occurrence is likely to improve the overall accuracy of diaries as they will be more frequently checked, which will reduce the level of risk in release.

46. There is a risk that a meeting recorded in the diary as relating to one portfolio may end up also covering material in another portfolio area. This can be mitigated by a disclaimer included on the release, and/or the use of a "multiple portfolios" description where that risk can be foreseen.

47. Diaries are not currently written for public release, with individual offices using different methods of recording information. The provision of guidance and a template

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will assist Ministers' offices to format diary information so it can be exported for proactive release.

Legal liability

48. Proactive disclosure of official information can create a range of legal risks and liability under various statutes could arise, depending on the context. It may not always be clear what information should be withheld to minimise legal risk. As noted earlier, the protections in section 48 of the OIA will not extend to the information that is proactively released under this policy. The mitigation for this is the review process discussed in paragraphs 34 – 37 above.

Financial implications

49. There will be some initial work by Ministerial Services to develop guidance for Ministers' offices on how to run the process. After that there will be up to an estimated half a day a month of staff time in each Minister's office. This may be mitigated by a reduction in volume of other requests. These costs can be absorbed within current funding. [*Query – are there any other website costs?]*

Consultation

50. Department of Internal Affairs (Ministerial and Secretariat Services) and the Cabinet Office were consulted on the proposal, along with the Ministry of Foreign Affairs and Trade (paragraph 15). The Office of the Ombudsman and the Speaker of the House of Representatives were also consulted.

Human Rights

51. There are no implications for the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Disability perspective

52. Some people have difficulty using the internet. The New Zealand Government Web Accessibility Standard will be taken into account in developing the template for the releases.

Publicity

53. The commencement of this policy will be publicised via press release and on the Beehive website.

Proactive release

54. This paper and the associated minute will be proactively released, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister of State Services/Minister responsible for Ministerial Services recommends that Cabinet:

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1. **note** that the United Kingdom and New South Wales have regimes for quarterly disclosure of ministers' meetings with external parties, as a measure to promote transparency about lobbying;

2. **agree** that a summary of information from ministerial diaries be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month;

3. **agree** that the summary for December of a calendar year be published by the 31st of the following January;

4. **agree** that the summary include all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary;

5. **agree** that the summary include the following information:

    5.1. date;

    5.2. time;

    5.3. brief description;

    5.4. location;

    5.5. who the meeting was with;

    5.6. portfolio;

6. **agree** that the summary exclude:

    6.1. material related to a Ministers' personal, party political, or parliamentary/constituency roles;

    6.2. incidental activities;

    6.3. meetings related to consultation between government parties;

    6.4. meetings with other MPs relating to a constituency matter or other matter that might breach personal privacy;

    6.5. travel and logistic information;

    6.6. details of meeting locations that are a private home address.

7. **agree** that this policy apply for information contained in Ministers' diaries for the month of November 2018 onward;

8. **agree** that a proactive release of information covered by this policy contained in Ministers' diaries for the period 26 October 2017 to 31 October 2018 be made by 31 March 2019;

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9. **note** that guidance will be provided to Ministers' offices providing the template for the summary and information on how to extract and format the relevant information;

10. **agree** that any increased costs as a result of this policy be absorbed in departmental or agency baselines.

Authorised for lodgement

Hon Chris Hipkins
Minister of State Services (Open Government)
Minister Responsible for Ministerial Services

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Item 33

From: Rachel Hayward [DPMC]
To: Michael Webster [DPMC]
Subject: RE:
Date: Friday, 19 October 2018 9:57:00 am

[IN-CONFIDENCE]
Currently political consultation is underway on the draft – we've consulted with MaSS and are going to MFAT today. MaSS is working on a tool to make the extraction of the information easier. The Minister's aim was to get it to Cabinet by the end of the month, with a view to the policy taking effect for November diaries (ie first publication in December). That timing might be a bit ambitious.

From: Michael Webster [DPMC]
Sent: Friday, 19 October 2018 9:56 AM
To: Rachel Hayward [DPMC]
Subject:
Can you please remind me, where are we at with the ministerial diaries work?

Sent with BlackBerry Work
(www.blackberry.com)

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Item 34

From:	Rachel Hayward [DPMC]
To:	Catherine Parkin [DPMC]
Subject:	FW: Draft Cabinet paper
Date:	Thursday, 18 October 2018 5:28:00 pm
Attachments:	image001.png

I only just received this now!

From: Rob Carr
Sent: Thursday, 18 October 2018 11:40 AM
To: Catherine Parkin [DPMC]
Cc: Rachel Hayward [DPMC]
Subject: RE: Draft Cabinet paper

Kia Ora Catherine,

Apologies yes you can.

Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a)

Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Thursday, 18 October 2018 11:37 AM
To: Rob Carr <Robert.Carr@parliament.govt.nz>
Cc: Rachel Hayward <Rachel.hayward@dpmc.govt.nz>
Subject: RE: Draft Cabinet paper

Hi Rob

Just checking – are we ok to start consultation with MFAT now? We don't think that will take long, but wouldn't want to hold up the process if that can be avoided.

Thanks

Catherine

From: Catherine Parkin [DPMC]
Sent: Monday, 15 October 2018 3:24 PM
To: 'Rob Carr' <Robert.Carr@parliament.govt.nz>; 'Alexandra Marett' <Alexandra.Marett@parliament.govt.nz>
Cc: Rachel Hayward [DPMC] (Rachel.Hayward@dpmc.govt.nz) <Rachel.Hayward@dpmc.govt.nz>
Subject: Draft Cabinet paper

[IN-CONFIDENCE]

Good afternoon

Please find attached the revised version of the draft Cabinet paper, for your consultation with the other government parties. Would you mind letting us know once it has gone to New Zealand First, so that we can then consult MFAT about the overseas meetings aspect? We would also be happy to assist with consulting with the Office of the Ombudsman.

We understand you've met with MaSS about the production of the sample report. Please let us know if you need any further input from us on that aspect, but otherwise we'll leave that with you. We did offer to have a go at the disclaimer for inclusion on the release. Our draft wording is below. We've also sent it through to MaSS.

> Disclaimer:
> This table shows scheduled meetings held by the Minister relating to ministerial business, which have been recorded in the Minister's diary. It does not include meetings that relate to the Minister's personal, party political, or parliamentary/constituency

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roles. It may include meetings which were in the diary but did not eventuate, and may not include unscheduled meetings. Where the portfolio to which a meeting relates is indicated, please note that it is possible material in another portfolio area could also have been covered during the meeting.

Please let us know if you need anything else from us at this point.

Kind regards

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Item 35

From:	Catherine Parkin [DPMC]
To:	Rachel Hayward [DPMC]
Subject:	FW: Follow-up re ministerial diaries
Date:	Wednesday, 17 October 2018 9:02:22 am
Attachments:	image001.png image002.png image003.png image004.png image005.png

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From: Aidan Ruland
Sent: Wednesday, 17 October 2018 8:55 AM
To: Catherine Parkin [DPMC]
Subject: RE: Follow-up re ministerial diaries

Kia ora Catherine,

Thank you for this. In our discussions so far a strong disclaimer has been of concern, to account for all variables! We are still working with PS on a proposed IT solution.

Ngā mihi,

Aidan

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Monday, 15 October 2018 10:34 AM
To: Aidan Ruland
Cc: Andrew X Phillips; Hayley Hollobon; Rachel Hayward [DPMC]
Subject: RE: Follow-up re ministerial diaries

Hi Aidan

We offered to draft a disclaimer for use in the disclosure template. Our draft is below. I'll send it through to Minister Hipkins' office and PMO as well.

> Disclaimer:
> This table shows scheduled meetings held by the Minister relating to ministerial business, which have been recorded in the Minister's diary. It does not include meetings that relate to the Minister's personal, party political, or parliamentary/constituency roles. It may include meetings which were in the diary but did not eventuate, and may not include unscheduled meetings. Where the portfolio to which a meeting relates is indicated, please note that it is possible material in another portfolio area could also have been covered during the meeting.

Kind regards

Catherine

From: Hayley Hollobon <Hayley.Hollobon@dia.govt.nz>
Sent: Friday, 12 October 2018 5:39 PM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Cc: Andrew X Phillips <Andrew.Phillips2@dia.govt.nz>; Aidan Ruland <Aidan.Ruland@dia.govt.nz>
Subject: RE: Follow-up re ministerial diaries

Hi Catherine,

Thanks for the email. I understand Morag has been in touch with Michael earlier today to provide an update on timeframes at our end.

We're working closely with Parliamentary Service IST to provide requirements so they can develop a solution to extract the data. We've had a number of conversations and meetings over the last couple of days. Once we've worked through that, we'll be in a position to provide a prototype. This is taking some time as we work though technical considerations/limitations.

We're working with PS to confirm timeframes around this and will keep you posted.

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Separately, we've met with the PMO (Rob Carr) and Hon Hipkins office (Alex Marrett) this afternoon to discuss their requirements in further detail and timeframes. We've undertaken to keep in touch on progress and updates.
I'm on annual leave next week (poor timing I know!), but my manager, Aidan Ruland is across this piece of work and will be in touch with you directly in my absence next week. I'm back on board on 23 October and look forward to touching base with you then.
Kind regards,
Hayley

Hayley Hollobon | Business Improvement & Support Manager| Ministerial Resourcing
Ministerial and Secretariat Services
Te Tari Taiwhenua | **Department of Internal Affairs**
s9(2)(a)
Level 18, Bowen House, 70-84 Lambton Quay,
Wellington 6011, New Zealand 46 | www.dia.govt.nz

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Friday, 12 October 2018 3:24 PM
To: Hayley Hollobon
Cc: Andrew X Phillips
Subject: RE: Follow-up re ministerial diaries

Hi Hayley
I've just been having a chat with Rachel, and we think it will be ok to get the material to PMO for their consultation process on Monday morning. Hopefully that gives your team a little more time to mock something up rather than trying to get it through today.
Thanks

Catherine

From: Hayley Hollobon <Hayley.Hollobon@dia.govt.nz>
Sent: Wednesday, 10 October 2018 2:41 PM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Cc: Andrew X Phillips <Andrew.Phillips2@dia.govt.nz>
Subject: RE: Follow-up re ministerial diaries

Hi Catherine,
Thanks for the update, it'd be great to meet to discuss the feedback. Andrew is in a meeting from 3-4pm (available after 4), otherwise I'm available to meet at any stage this afternoon. Let me know what works best for you.
Kind regards,
Hayley

Hayley Hollobon | Business Improvement & Support Manager| Ministerial Resourcing
Ministerial and Secretariat Services
Te Tari Taiwhenua | **Department of Internal Affairs**
s9(2)(a)
Level 18, Bowen House, 70-84 Lambton Quay,
Wellington 6011, New Zealand 46 | www.dia.govt.nz

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]

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Sent: Wednesday, 10 October 2018 2:16 PM
To: Hayley Hollobon
Subject: Follow-up re ministerial diaries
[IN-CONFIDENCE]

Hi Hayley

Rachel and I have just met with PMO and Minister Hipkins' office to discuss their feedback on the draft paper. Have you and/or Andrew got some time available this afternoon to have a talk through that feedback? They are still keen for a November start time amongst other things, so would like to have a mock-up of what a release could look like by the end of this week if possible. Thanks!

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Item 36

From:	Rachel Hayward [DPMC]
To:	Michael Webster [DPMC]
Subject:	RE: ministerial diaries
Date:	Monday, 15 October 2018 10:48:00 am
Attachments:	image001.png

Thanks, I wondered.

From: Michael Webster [DPMC]
Sent: Monday, 15 October 2018 10:48 AM
To: Rachel Hayward [DPMC]
Cc: Catherine Parkin [DPMC]
Subject: RE: ministerial diaries

Not in touch with me.

From: Rachel Hayward [DPMC]
Sent: Monday, 15 October 2018 10:42 AM
To: Michael Webster [DPMC] <Michael.Webster@dpmc.govt.nz>
Cc: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: ministerial diaries

[IN-CONFIDENCE]

Hi there – MaSS mentioned that Morag had been in touch with you on Friday re the ministerial diaries work, with an update on timeframes for the production of the MaSS tool (does that ring a bell?). Just wondering if she passed on any other comment about the paper, let us know if so.

Cheers

Rachel

Rachel Hayward,
Deputy Secretary (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
s9(2)(a)
Email: Rachel.hayward@dpmc.govt.nz

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Item 37

From:	Rachel Hayward [DPMC]
To:	Catherine Parkin [DPMC]
Subject:	RE: Follow-up re ministerial diaries
Date:	Monday, 15 October 2018 8:22:00 am
Attachments:	image001.png image002.png image003.png image004.png image005.png

Thanks. I'm hoping that once we get the paper lodged and through we can step out entirely.

From: Catherine Parkin [DPMC]
Sent: Sunday, 14 October 2018 10:37 AM
To: Rachel Hayward [DPMC]
Subject: FW: Follow-up re ministerial diaries
FYI

Sent with BlackBerry Work
(www.blackberry.com)

From: Hayley Hollobon <Hayley.Hollobon@dia.govt.nz>
Date: Friday, 12 Oct 2018, 5:39 PM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Cc: Andrew X Phillips <Andrew.Phillips2@dia.govt.nz>, Aidan Ruland <Aidan.Ruland@dia.govt.nz>
Subject: RE: Follow-up re ministerial diaries

Hi Catherine,

Thanks for the email. I understand Morag has been in touch with Michael earlier today to provide an update on timeframes at our end.

We're working closely with Parliamentary Service IST to provide requirements so they can develop a solution to extract the data. We've had a number of conversations and meetings over the last couple of days. Once we've worked through that, we'll be in a position to provide a prototype. This is taking some time as we work though technical considerations/limitations.

We're working with PS to confirm timeframes around this and will keep you posted.

Separately, we've met with the PMO (Rob Carr) and Hon Hipkins office (Alex Marrett) this afternoon to discuss their requirements in further detail and timeframes. We've undertaken to keep in touch on progress and updates.

I'm on annual leave next week (poor timing I know!), but my manager, Aidan Ruland is across this piece of work and will be in touch with you directly in my absence next week. I'm back on board on 23 October and look forward to touching base with you then.

Kind regards,
Hayley

Hayley Hollobon | Business Improvement & Support Manager| Ministerial Resourcing
Ministerial and Secretariat Services
Te Tari Taiwhenua | **Department of Internal Affairs**
s9(2)(a)
Level 18, Bowen House, 70-84 Lambton Quay,
Wellington 6011, New Zealand 46 | www.dia.govt.nz

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Friday, 12 October 2018 3:24 PM
To: Hayley Hollobon

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Cc: Andrew X Phillips
Subject: RE: Follow-up re ministerial diaries

Hi Hayley

I've just been having a chat with Rachel, and we think it will be ok to get the material to PMO for their consultation process on Monday morning. Hopefully that gives your team a little more time to mock something up rather than trying to get it through today.

Thanks

Catherine

From: Hayley Hollobon <Hayley.Hollobon@dia.govt.nz>
Sent: Wednesday, 10 October 2018 2:41 PM
To: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Cc: Andrew X Phillips <Andrew.Phillips2@dia.govt.nz>
Subject: RE: Follow-up re ministerial diaries

Hi Catherine,

Thanks for the update, it'd be great to meet to discuss the feedback. Andrew is in a meeting from 3-4pm (available after 4), otherwise I'm available to meet at any stage this afternoon. Let me know what works best for you.

Kind regards,

Hayley

Hayley Hollobon | Business Improvement & Support Manager| Ministerial Resourcing
Ministerial and Secretariat Services
Te Tari Taiwhenua | **Department of Internal Affairs**
s9(2)(a)
Level 18, Bowen House, 70-84 Lambton Quay,
Wellington 6011, New Zealand 46 | www.dia.govt.nz

From: Catherine Parkin [DPMC] [mailto:Catherine.Parkin@dpmc.govt.nz]
Sent: Wednesday, 10 October 2018 2:16 PM
To: Hayley Hollobon
Subject: Follow-up re ministerial diaries

[IN-CONFIDENCE]

Hi Hayley

Rachel and I have just met with PMO and Minister Hipkins' office to discuss their feedback on the draft paper. Have you and/or Andrew got some time available this afternoon to have a talk through that feedback? They are still keen for a November start time amongst other things, so would like to have a mock-up of what a release could look like by the end of this week if possible.

Thanks!

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Item 38

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Wednesday, 10 October 2018 4:31 pm
To: Rachel Hayward [DPMC]
Subject: Updated Cabinet paper for your review please
Attachments: 280894_Draft Cabinet Paper release of ministerial diaries.nrl

[IN-CONFIDENCE]

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Office of the Minister of State Services (Open Government)
Office of the Minister Responsible for Ministerial Services

Chair, Cabinet

PROACTIVE RELEASE OF MINISTERIAL DIARY INFORMATION

Proposal

1. This paper seeks agreement to a policy for the regular proactive release of summary information from ministerial diaries. A monthly summary would be produced, to be published on the Beehive website within 15 business days following the end of each calendar month. Some information could be withheld from publication.

Executive Summary

2. The Government is committed to improving practices around the proactive release of information. Democracies thrive when citizens trust and participate in their government. Proactive release of official information is one of the elements that can assist in building trust and confidence in government, its decision makers, and its institutions.

3. Cabinet has already agreed to a policy for the proactive release of Cabinet material, to take effect from 1 January 2019 (CAB-18-MIN-0418 refers).

4. There is a public interest in the meetings held by Ministers, and Ministers often receive requests through written parliamentary questions or requests under the Official Information Act for information contained in their diaries.

5. While Ministers' diaries are not official information, they contain information that is. The routine compilation and release of a summary of this official information could assist those interested in the work of Ministers to focus their requests for further information, which may reduce the administrative burden in responding to routine requests. Timeliness will be an important element of this process, so the paper proposes that the information in scope of the policy be released by the end of 15 business days following the end of a calendar month.

6. Before a summary is proactively released, the normal assessments for releasing official information will need to occur, including a privacy assessment. This should be complemented by a due diligence process to consider any potential liability, civil or criminal, that might arise from the publication of the material.

7. I recommend that this policy apply to information contained in Ministers' diaries for the month of January 2019 onward (with the first publication therefore occurring by

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22 February 2019). I also recommend that corresponding information for the period 26 October 2017 to 31 December 2018 be proactively released by 30 April 2019.

Purpose

8. The key purpose of proactive release of summary information from Ministers' diaries is to promote the accountability of Ministers, while also increasing the availability of official information. This purpose must be balanced with protecting official information to the extent consistent with the public interest, the preservation of personal privacy, and other interests such as national security.

9. The proactive release of summary information will require Ministers' offices to develop and use a standard process for the release of information. While that process will require administrative resources, it should reduce the resource required to respond to ad hoc OIA requests and parliamentary written questions received by Ministers about the content of their diaries.

10. Other benefits of proactive release can include:

    10.1. A decrease in broad, wide-ranging and repeat requests

    10.2. An increase in targeted, specific requests for information, which make responses easier to prepare

    10.3. An enhanced New Zealand reputation for being transparent and open.

11. Cabinet has already taken a decision to release Cabinet material proactively, which enhances the transparency of the Cabinet decision-making process. Proactive release of summary information from ministerial diaries would complement that by providing an insight into Ministers' other meetings. The material to be released would not provide an accounting for every minute of a Minister's day, but rather provide a summary of the meetings held that relate to ministerial business.

Other comparisons

12. Other jurisdictions such as the United Kingdom and the State of New South Wales in Australia have disclosure requirements for ministerial diaries. These are intended to enhance transparency about lobbying and political access.

13. In the United Kingdom, ministers make quarterly reports of their external meetings, overseas travel, gifts over a certain value that are received or given, and hospitality over a certain value that is received. The external meetings listed exclude conferences, receptions, media interviews, meetings with government departments or bodies, and meetings with the Royal Household, non-departmental public bodies, non-ministerial departments, agencies, external suppliers, or representatives of Parliament or any devolved or foreign governments. Welsh ministers and cabinet secretaries release quarterly summaries of meetings with external organisations and individuals and external engagements.

14. Ministers in New South Wales also release a summary of ministerial diaries quarterly. The summary includes the date, name of the organisation (or, if an individual attended in a personal capacity, the name of the individual), and the

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purpose of the meeting. It excludes meetings involving Ministers, ministerial staff, Parliamentarians or government officials (whether from NSW or other jurisdictions); meetings that are strictly personal, electorate, or party political; social or public functions or events; meetings held overseas (which must be disclosed separately); and matters for which there is an overriding public interest against disclosure. Ministers in Queensland and the ACT also proactively release diary information.

15. In New Zealand, Green Party Ministers have begun a process of proactively releasing some of the material from their diaries. This is presently limited to external meetings and is released quarterly.

16. The policy proposed in this paper is wider in scope than the examples listed above, covering a greater range of meetings, and requiring more frequent publication.

Scope of policy

17. The policy applies to the information recorded in the diary of each Minister and Parliamentary Under-Secretary that relates to ministerial business, including meetings held outside New Zealand.

Material to be included in the summary

18. For each meeting in scope of this policy, the summary would list: date, time (start and finish), brief description, location, who the meeting was with, and the portfolio.

19. The proactive release is intended to be a record of scheduled meetings, rather than capturing all engagements Ministers have during the course of a day—unplanned meetings may not feature. A disclaimer will be put on the release to that effect. Nevertheless, it would be good practice for Ministers to endeavour to ensure all meetings in their ministerial capacity are captured in their diary to facilitate answers to written parliamentary questions or requests under the Official Information Act.

20. The summary would include all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary. The summary should include the names of organisations and companies with which the Minister meets, and could include the names of senior staff in an organisation. If an individual attended in a personal capacity, the name of the individual should be released unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA). Ministers' offices will be responsible for alerting attendees of this policy.

21. Internal meetings with a Minister's department(s), internal staff, and other Ministers should be included in the summary release if these are scheduled meetings in the diary relating to ministerial business. General staff meetings or unscheduled conversations are not expected to be included.

22. The descriptions of meetings contained in Ministers' diaries are generally brief and normally do no more than identify a general topic for a meeting. Where internal or external meetings relate to policy development for an item not yet determined by Cabinet, care should be taken not to pre-empt Cabinet decisions or breach Cabinet confidentiality in the description of the meeting (consistent with s9(2)(f)(iv) of the OIA).

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23. Cabinet and Cabinet Committee meetings should be included, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers.

24. It will be open to Ministers to include further information in their summary that is not included in this policy, but they should ensure they follow the process contained in this policy to determine whether material is suitable for release.

Material to be excluded from the summary

25. This policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles. It does not include incidental activities such as time spent reading papers or preparing for meetings.

26. Attendance in the House or at a select committee is not included, as this information is contained in the parliamentary record.

27. Meetings related to consultation between government parties are likely to be excluded, consistent with s9(2)(f)(iv) of the OIA, to protect the ability of the coalition government to negotiate policy issues effectively. Individual OIA requests on particular topics for this information would generally be withheld under s9(2)(f)(iv). Ministers will need to consider on a case-by-case basis whether there is good reason to exclude the information,

28. Meetings with other MPs might be excluded if they relate to a constituency matter or might otherwise breach the privacy of an individual.

29. Meetings with a foreign representative, either in New Zealand or overseas, may need to be excluded to protect the security, defence or international relations of New Zealand (consistent with s6(a) of the OIA).

30. Travel and logistic information such as car movements or accommodation is excluded. Routine release of this information may create security issues. Information about spending in these areas is already released, which provides accountability.

31. Locations that are a private home address of the Minister or another individual will not be included (the location field could indicate "Private residence", for example).

Process

32. Ministerial staff are expected to notify meeting attendees that summary information about the meeting will be proactively released. Guidance will be provided to Ministers' offices on standard ways that this can be done.

33. At the end of each month, the Minister's office will prepare the summary for the Minister to consider. Guidance will be provided to Ministers' offices about how to extract and format the information in the summary.

34. The Minister will make the final decision about what information is proactively released. Each month's release will be published on the Beehive website.

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35. Timeliness is a vital element in keeping the public informed and engaged in government matters. This paper therefore recommends the timeline for release should be within 15 business days of the end of each calendar month, to allow time for each summary to be created and checked. Given Ministers' availability in January, the timeline for the release of December summaries should be by the 31st of the following January.

36. It is possible that from time to time material in scope of this policy may be requested under the OIA, and that a response will be due before the summary has been proactively released. Where the Minister already has a clear plan to proactively release the information and there is a high certainty that this will occur, the Ombudsman's advice is that on a case-by-case basis:

    36.1. Section 18(d) of the OIA may justify refusing the request on the grounds that the same information is soon to be publicly available or

    36.2. If the requester is notified within the OIA's maximum statutory time limit for responding that the Minister has decided to grant the request, then the section 28(5) requirement in the OIA to release information without undue delay may be satisfied if the information is released to the requester at the same time it is published proactively.

Requirements for proactive release

37. All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process.

38. The principles and processes that are to be used to assess information for proactive release are, in the first instance, those that are used for OIA releases and are already well understood.

39. The following matters should be considered

    39.1. Whether the summary contains any information that would have been withheld, if the information had been requested under the OIA.

    39.2. The application of the principles in the Privacy Act 1993.

    39.3. Consideration of national security and the application of the New Zealand Government Security Classification system.

    39.4. Whether the summary contains information that must be withheld under the terms of any other legislation.

40. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply. Ministers' offices must therefore undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

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- defamation;
- privacy of natural persons;
- disclosure of commercially sensitive information;
- breach of contract;
- whether a breach of any law or statute will occur if the information were released;
- whether a breach would constitute a contempt of court.

Policy commencement

41. I recommend that the monthly release policy apply for information contained in Ministers' diaries for the month of January 2019 onward (with the first publication therefore occurring by 22 February 2019). This will allow time for Ministerial Services to establish the IT system to support compilation of the material, for Ministers and Ministers' offices to ensure material is entered into Ministers' diaries in an appropriate format for extraction, and for people meeting with Ministers to be informed that the diary information will be proactively released.

42. Until this policy commences, Ministers should continue to respond to OIA requests and parliamentary questions in the normal way.

43. Once the policy commences, Ministers may choose to respond to such requests by pointing to this policy and the upcoming release of information (see paragraph 36).

44. Ministers should also subsequently proactively release diary information in accordance with this policy for the period from 26 October 2017 to 31 December 2018. The deadline for releasing this information will be 30 April 2019. This will allow time for Ministers and Ministers' offices to extract the relevant information, reformat it, assess it, and undertake any consultation that may be necessary.

Content, presentation, quality assurance and location of material released

45. All releases of ministerial diary information will be on an agreed template, which will be provided to Ministers' offices by Ministerial Services. The releases will be published on the Beehive website. It will be the responsibility of the Minister to ensure the quality and accuracy of the information contained in the summary.

46. Ministerial Services will provide guidance to Ministers' offices as to how to extract and format the relevant information

Risks and mitigations

47. This policy will create a regular administrative workload for each Minister's office. It is anticipated this will take between three and six hours per month, per office. This may be offset by a slight reduction in other requests for this material through the OIA or written parliamentary questions.

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48. Releasing this summary information may be perceived to have a chilling effect on what is included in ministerial diaries. There is also a risk that meetings will be accidentally left out, or will be included even though they did not in fact occur. Public release being a regular occurrence is likely to improve the overall accuracy of diaries as they will be checked more frequently, which will reduce the level of risk in release.

49. There is a risk that a meeting recorded in the diary as relating to one portfolio may end up also covering material in another portfolio area. This can be mitigated by a disclaimer included on the release, and/or the use of a "multiple portfolios" description where that risk can be foreseen.

50. Diaries are not currently written for public release, with individual offices using different methods of recording information. The provision of guidance and a template will assist Ministers' offices to format diary information so it can be exported for proactive release.

Legal liability

51. Proactive disclosure of official information can create a range of legal risks and liability under various statutes could arise, depending on the context. It may not always be clear what information should be withheld to minimise legal risk. As noted earlier, the protections in section 48 of the OIA will not extend to the information that is proactively released under this policy. The mitigation for this is the review process discussed in paragraphs 37 – 40 above.

Financial implications

52. There will be some initial work by Ministerial Services to develop the software application and website publication process. Ongoing costs are currently unknown. In addition, Ministerial Services will develop guidance for Ministers' offices on how to run the process. After that there will be up to an estimated half a day a month of staff time in each Minister's office. This may be mitigated by a reduction in volume of other requests. These costs will be absorbed within current funding.

Consultation

53. Department of Internal Affairs (Ministerial and Secretariat Services) and the Cabinet Office were consulted on the proposal, along with the Ministry of Foreign Affairs and Trade (paragraph 17). The Office of the Ombudsman and the Speaker of the House of Representatives were also consulted.

Human Rights

54. There are no implications for the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Disability perspective

55. Some people require support to use the internet effectively. The New Zealand Government Web Accessibility Standard will be taken into account in developing the template for the releases.

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Publicity

56. The commencement of this policy will be publicised via press release and on the Beehive website.

Proactive release

57. This paper and the associated minute will be proactively released, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister of State Services/Minister responsible for Ministerial Services recommends that Cabinet:

1. **note** that other jurisdictions including the United Kingdom and New South Wales have regimes for quarterly disclosure of ministers' meetings with external parties, as a measure to promote transparency about lobbying;

2. **agree** that a summary of information from ministerial diaries be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month;

3. **agree** that the summary for December of a calendar year be published by the 31st of the following January;

4. **agree** that the summary include the following information:

    4.1. date;

    4.2. time;

    4.3. brief description;

    4.4. location;

    4.5. who the meeting was with;

    4.6. portfolio;

5. **agree** that the summary exclude:

    5.1. material related to a Ministers' personal, party political, or parliamentary/constituency roles;

    5.2. incidental activities;

    5.3. meetings related to consultation between government parties, consistent with s9(2)(f)(iv) of the Official Information Act;

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5.4. meetings with other MPs relating to a constituency matter or other matter that might breach personal privacy;

5.5. travel and logistic information;

5.6. details of meeting locations that are a private home address.

6. **agree** that this policy apply for information contained in Ministers' diaries for the month of January 2019 onward;

7. **agree** that a proactive release of information covered by this policy contained in Ministers' diaries for the period 26 October 2017 to 31 December 2018 be made by 30 April 2019;

8. **note** that guidance will be provided to Ministers' offices including a template for the summary, instructions on how to extract and format the relevant information, and guidance on how to notify meeting attendees about the publication of details relating to the meeting;

9. **agree** that any increased costs as a result of this policy be absorbed in departmental or agency baselines.

Authorised for lodgement

Hon Chris Hipkins
Minister of State Services (Open Government)
Minister Responsible for Ministerial Services

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Item 39

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Thursday, 27 September 2018 7:36 am
To: Rachel Hayward [DPMC]
Subject: 280894_Draft Cabinet Paper release of ministerial diaries.nrl
Attachments: 280894_Draft Cabinet Paper release of ministerial diaries.nrl

[IN-CONFIDENCE]

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Office of the Minister of State Services (Open Government)
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Chair, Cabinet

PROACTIVE RELEASE OF MINISTERIAL DIARY INFORMATION

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19. The proactive release is intended to be a record of scheduled meetings, rather than capturing all engagements Ministers have during the course of a day—unplanned meetings may not feature. A disclaimer will be put on the release to that effect. Nevertheless, it would be good practice for Ministers to endeavour to ensure all meetings in their ministerial capacity are captured in their diary to facilitate answers to written parliamentary questions or requests under the Official Information Act.

20. The summary would include all meetings with external parties in the Minister's ministerial capacity that have been recorded in the diary. The summary should include the names of organisations and companies with which the Minister meets, and could include the names of senior staff in an organisation. If an individual attended in a personal capacity, the name of the individual should be released unless the preservation of personal privacy applies (consistent with s9(2)(a) of the OIA). Ministers' offices will be responsible for alerting attendees of this policy.

21. Internal meetings with a Minister's department(s), internal staff, and other Ministers should be included in the summary release if these are scheduled meetings in the diary relating to ministerial business. General staff meetings or unscheduled conversations are not expected to be included.

22. The descriptions of meetings contained in Ministers' diaries are generally brief and normally do no more than identify a general topic for a meeting. Where internal or external meetings relate to policy development for an item not yet determined by Cabinet, care should be taken not to pre-empt Cabinet decisions or breach Cabinet confidentiality in the description of the meeting (consistent with s9(2)(f)(iv) of the OIA).

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23. Cabinet and Cabinet Committee meetings should be included, but information about agenda items under consideration should not be included. This material is subject to the separate proactive release procedure for Cabinet papers.

24. It will be open to Ministers to include further information in their summary that is not included in this policy, but they should ensure they follow the process contained in this policy to determine whether material is suitable for release.

Material to be excluded from the summary

25. This policy does not apply to meetings or other material included in Ministers' diaries that relate to their personal, party political, or parliamentary/constituency roles. It does not include incidental activities such as time spent reading papers or preparing for meetings.

26. Attendance in the House or at a select committee is not included, as this information is contained in the parliamentary record.

27. Meetings related to consultation between government parties are likely to be excluded, consistent with s9(2)(f)(iv) of the OIA, to protect the ability of the coalition government to negotiate policy issues effectively. Individual OIA requests on particular topics for this information would generally be withheld under s9(2)(f)(iv). Ministers will need to consider on a case-by-case basis whether there is good reason to exclude the information,

28. Meetings with other MPs might be excluded if they relate to a constituency matter or might otherwise breach the privacy of an individual.

29. Meetings with a foreign representative, either in New Zealand or overseas, may need to be excluded to protect the security, defence or international relations of New Zealand (consistent with s6(a) of the OIA).

30. Travel and logistic information such as car movements or accommodation is excluded. Routine release of this information may create security issues. Information about spending in these areas is already released, which provides accountability.

31. Locations that are a private home address of the Minister or another individual will not be included (the location field could indicate "Private residence", for example).

Process

32. Ministerial staff are expected to notify meeting attendees that summary information about the meeting will be proactively released. Guidance will be provided to Ministers' offices on standard ways that this can be done.

33. At the end of each month, the Minister's office will prepare the summary for the Minister to consider. Guidance will be provided to Ministers' offices about how to extract and format the information in the summary.

34. The Minister will make the final decision about what information is proactively released. Each month's release will be published on the Beehive website.

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35. Timeliness is a vital element in keeping the public informed and engaged in government matters. This paper therefore recommends the timeline for release should be within 15 business days of the end of each calendar month, to allow time for each summary to be created and checked. Given Ministers' availability in January, the timeline for the release of December summaries should be by the 31st of the following January.

36. It is possible that from time to time material in scope of this policy may be requested under the OIA, and that a response will be due before the summary has been proactively released. Where the Minister already has a clear plan to proactively release the information and there is a high certainty that this will occur, the Ombudsman's advice is that on a case-by-case basis:

    36.1. Section 18(d) of the OIA may justify refusing the request on the grounds that the same information is soon to be publicly available or

    36.2. If the requester is notified within the OIA's maximum statutory time limit for responding that the Minister has decided to grant the request, then the section 28(5) requirement in the OIA to release information without undue delay may be satisfied if the information is released to the requester at the same time it is published proactively.

Requirements for proactive release

37. All material proposed for proactive release must be treated with care and subject to a considered, reliable, robust, and thorough review process.

38. The principles and processes that are to be used to assess information for proactive release are, in the first instance, those that are used for OIA releases and are already well understood.

39. The following matters should be considered

    39.1. Whether the summary contains any information that would have been withheld, if the information had been requested under the OIA.

    39.2. The application of the principles in the Privacy Act 1993.

    39.3. Consideration of national security and the application of the New Zealand Government Security Classification system.

    39.4. Whether the summary contains information that must be withheld under the terms of any other legislation.

40. Proactive release of information is not covered by the OIA. This means that section 48 of the OIA, which protects Ministers and agencies from civil or criminal sanctions when releasing official information in good faith, does not apply. Ministers' offices must therefore undertake an assessment to consider any potential liability, civil or criminal, that might result from the proactive release of information before the Minister approves the proactive release of the summary. Matters to be considered include:

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- defamation;
- privacy of natural persons;
- disclosure of commercially sensitive information;
- breach of contract;
- whether a breach of any law or statute will occur if the information were released;
- whether a breach would constitute a contempt of court.

Policy commencement

41. I recommend that the monthly release policy apply for information contained in Ministers' diaries for the month of January 2019 onward (with the first publication therefore occurring by 22 February 2019). This will allow time for Ministerial Services to establish the IT system to support compilation of the material, for Ministers and Ministers' offices to ensure material is entered into Ministers' diaries in an appropriate format for extraction, and for people meeting with Ministers to be informed that the diary information will be proactively released.

42. Until this policy commences, Ministers should continue to respond to OIA requests and parliamentary questions in the normal way.

43. Once the policy commences, Ministers may choose to respond to such requests by pointing to this policy and the upcoming release of information (see paragraph 36).

44. Ministers should also subsequently proactively release diary information in accordance with this policy for the period from 26 October 2017 to 31 December 2018. The deadline for releasing this information will be 30 April 2019. This will allow time for Ministers and Ministers' offices to extract the relevant information, reformat it, assess it, and undertake any consultation that may be necessary.

Content, presentation, quality assurance and location of material released

45. All releases of ministerial diary information will be on an agreed template, which will be provided to Ministers' offices by Ministerial Services. The releases will be published on the Beehive website. It will be the responsibility of the Minister to ensure the quality and accuracy of the information contained in the summary.

46. Ministerial Services will provide guidance to Ministers' offices as to how to extract and format the relevant information

Risks and mitigations

47. This policy will create a regular administrative workload for each Minister's office. It is anticipated this will take between three and six hours per month, per office. This may be offset by a slight reduction in other requests for this material through the OIA or written parliamentary questions.

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48. Releasing this summary information may be perceived to have a chilling effect on what is included in ministerial diaries. There is also a risk that meetings will be accidentally left out, or will be included even though they did not in fact occur. Public release being a regular occurrence is likely to improve the overall accuracy of diaries as they will be checked more frequently, which will reduce the level of risk in release.

49. There is a risk that a meeting recorded in the diary as relating to one portfolio may end up also covering material in another portfolio area. This can be mitigated by a disclaimer included on the release, and/or the use of a "multiple portfolios" description where that risk can be foreseen.

50. Diaries are not currently written for public release, with individual offices using different methods of recording information. The provision of guidance and a template will assist Ministers' offices to format diary information so it can be exported for proactive release.

Legal liability

51. Proactive disclosure of official information can create a range of legal risks and liability under various statutes could arise, depending on the context. It may not always be clear what information should be withheld to minimise legal risk. As noted earlier, the protections in section 48 of the OIA will not extend to the information that is proactively released under this policy. The mitigation for this is the review process discussed in paragraphs 37 – 40 above.

Financial implications

52. There will be some initial work by Ministerial Services to develop the software application and website publication process. Ongoing costs are currently unknown. In addition, Ministerial Services will develop guidance for Ministers' offices on how to run the process. After that there will be up to an estimated half a day a month of staff time in each Minister's office. This may be mitigated by a reduction in volume of other requests. These costs will be absorbed within current funding.

Consultation

53. Department of Internal Affairs (Ministerial and Secretariat Services) and the Cabinet Office were consulted on the proposal, along with the Ministry of Foreign Affairs and Trade (paragraph 17). The Office of the Ombudsman and the Speaker of the House of Representatives were also consulted.

Human Rights

54. There are no implications for the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993.

Disability perspective

55. Some people require support to use the internet effectively. The New Zealand Government Web Accessibility Standard will be taken into account in developing the template for the releases.

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Publicity

56. The commencement of this policy will be publicised via press release and on the Beehive website.

Proactive release

57. This paper and the associated minute will be proactively released, subject to redactions as appropriate under the Official Information Act 1982.

Recommendations

The Minister of State Services/Minister responsible for Ministerial Services recommends that Cabinet:

1. **note** that other jurisdictions including the United Kingdom and New South Wales have regimes for quarterly disclosure of ministers' meetings with external parties, as a measure to promote transparency about lobbying;

2. **agree** that a summary of information from ministerial diaries be released proactively and published on the Beehive website, within 15 business days of the end of each calendar month;

3. **agree** that the summary for December of a calendar year be published by the 31st of the following January;

4. **agree** that the summary include the following information:

    4.1. date;

    4.2. time;

    4.3. brief description;

    4.4. location;

    4.5. who the meeting was with;

    4.6. portfolio;

5. **agree** that the summary exclude:

    5.1. material related to a Ministers' personal, party political, or parliamentary/constituency roles;

    5.2. incidental activities;

    5.3. meetings related to consultation between government parties, consistent with s9(2)(f)(iv) of the Official Information Act;

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5.4. meetings with other MPs relating to a constituency matter or other matter that might breach personal privacy;

5.5. travel and logistic information;

5.6. details of meeting locations that are a private home address.

6. **agree** that this policy apply for information contained in Ministers' diaries for the month of January 2019 onward;

7. **agree** that a proactive release of information covered by this policy contained in Ministers' diaries for the period 26 October 2017 to 31 December 2018 be made by 30 April 2019;

8. **note** that guidance will be provided to Ministers' offices including a template for the summary, instructions on how to extract and format the relevant information, and guidance on how to notify meeting attendees about the publication of details relating to the meeting;

9. **agree** that any increased costs as a result of this policy be absorbed in departmental or agency baselines.

Authorised for lodgement

Hon Chris Hipkins
Minister of State Services (Open Government)
Minister Responsible for Ministerial Services

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Item 40

Cabinet Office

Memo

27 September 2018

To Rob Carr, PMO

From Rachel Hayward

Subject **Proactive release of ministerial diary information**

Purpose

1 Attached to this note is a draft of a Cabinet paper that proposes a proactive release policy for information from ministerial diaries. This draft is provided to you for feedback from PMO's perspective. Cabinet Office is providing a draft to Ministerial Services in DIA at the same time, for their feedback.

2 Once feedback is incorporated, it is proposed that the draft is provided to Minister Hipkins for his comments. We note the following consultation will also need to occur:

- Consultation with the Ombudsman (particularly with respect to paragraph 33).
- Consultation with New Zealand First.
- Consultation with the Green Party, noting that this proposal differs from the current Green Party disclosure policy (see below).
- Consultation with MFAT re references to meetings outside New Zealand.
- Consideration by the PM prior to submission to Cabinet.

3 Ministerial Services will be asked to work on the technical solution for producing the information in parallel with the work on the Cabinet paper.

Green Party policy

4 The current Green Party policy is for quarterly disclosure of all meetings in their ministerial capacity and includes:

- the name of the Minister/Under-Secretary
- date of meeting
- name of organisation or individual (the name of an organisation will be used unless an individual is attending in a personal capacity and does not represent any organisation, in which case the individual's name will be recorded)

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- purpose of meeting

5 It does not include:

- Internal meetings with Ministerial staff or government officials
- Personal, electorate or party political meetings
- Meetings with other Parliamentarians
- Attendance at public social functions or events.

6 Particular details may also be withheld in exceptional circumstances. To determine whether such circumstances exist, the Green Party is being guided by the reasons for withholding information under the Official Information Act 1982, including section 9(2)(a) on protecting the privacy of natural persons.

7 The policy proposed in the draft Cabinet paper requires:

- More frequent reporting (monthly instead of quarterly)
- The inclusion of more meetings (particularly internal meetings and meetings with other Ministers)
- Attendance at public events.

Comments

8 I look forward to receiving any feedback you have on the paper, or on the consultation required. Catherine Parkin and I would be happy to meet with you in person to discuss.

Rachel Hayward
Deputy Secretary of the Cabinet

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Item 41

Angus Stewart [DPMC]

From: Michael Webster [DPMC]
Sent: Wednesday, 26 September 2018 4:44 pm
To: Catherine Parkin [DPMC]
Cc: Rachel Hayward [DPMC]
Subject: RE: Ministerial diaries paper

Will catch up with you on it tomorrow morning. I think it would be useful to include a worked up example showing what it could look like for a day.

From: Catherine Parkin [DPMC]
Sent: Wednesday, 26 September 2018 3:23 PM
To: Michael Webster [DPMC]
Cc: Rachel Hayward [DPMC]
Subject: Ministerial diaries paper

[IN-CONFIDENCE]

Hi Michael

We've been asked to get the draft Cabinet paper to Rob Carr to have a look at by the end of tomorrow, if possible. We'd also like to run it past Ministerial Services, probably at the same time Rob is looking at it. Have you had a chance to look at the paper yet? Happy to run through any of it if that's helpful.

Thanks

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Item 42

Angus Stewart [DPMC]

From: Rachel Hayward [DPMC]
Sent: Wednesday, 19 September 2018 6:03 pm
To: Catherine Parkin [DPMC]
Subject: RE: 280894_Draft Cabinet Paper release of ministerial diaries.nrl

Thanks Catherine – can't look at it tonight, but will have a look at it tomorrow afternoon.

Cheers

Rachel

From: Catherine Parkin [DPMC]
Sent: Wednesday, 19 September 2018 5:00 PM
To: Rachel Hayward [DPMC]
Subject: 280894_Draft Cabinet Paper release of ministerial diaries.nrl

[IN-CONFIDENCE]

Hi Rachel

Here's the draft paper for you to take an initial look at. I haven't put in the recommendations yet, but otherwise I think I've captured all the points we wanted to include. Please let me know if I've missed anything. I've tried to use the language of excluding things form release rather than withholding them, using that publication analogy we talked about. If you let me know what you'd like tweaked, I'll make those changes in the morning (and work on the recommendations).

Thanks

Catherine

Catherine Parkin
Senior Adviser
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand

s9(2)(a)
Email: catherine.parkin@dpmc.govt.nz

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Item 43

From: Anna Fleming [DPMC]
To: Catherine Parkin [DPMC]
Subject: FW: Diaries
Date: Wednesday, 19 September 2018 8:49:32 am

FYI

From: Rob Carr <Robert.Carr@parliament.govt.nz>
Sent: Wednesday, 19 September 2018 12:48 AM
To: Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: RE: Diaries

Kia Ora Anna,

Apologies for not replying to your email on this. The Minister of State Services had two meetings with the Chief Ombudsman in relation to proactive release of diaries and covered the OIAs in this as well, I was in the first and made the point you mention below but I was not in the second meeting. The Ombudsman's Office agreed that substantial research and collation could apply in respect of the requests we received from the National Party and subject to seeking a refinement we could decline the requests under substantial collation and research or provide a s16 summary for a shorter timeframe such as a month.

Out of scope

Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a)

Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

From: Anna Fleming [DPMC] [mailto:Anna.Fleming@dpmc.govt.nz]
Sent: Tuesday, 11 September 2018 8:32 AM
To: Rob Carr <Robert.Carr@parliament.govt.nz>
Cc: Rachel Hayward <Rachel.hayward@dpmc.govt.nz>
Subject: FW: Diaries

[IN-CONFIDENCE]

Mōrena Rob

s9(2)(g)(i)

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s9(2)(g)(i) [redacted]

[redacted]

[redacted]

Happy to discuss further. Let me know what you think.

Kia ora rawa atu,
Anna

s9(2)(a) [redacted]

From: Anna Fleming [DPMC]
Sent: Wednesday, 5 September 2018 5:15 PM
To: 'Rob Carr' <Robert.Carr@parliament.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: RE: Diaries

[IN-CONFIDENCE]

Hi Rob

Thanks very much for sending all the background material on diaries through. In terms of the OIA complaints, would you be free to have a catch up in the next day or so about the next steps?

Let us know what might suit.

Thanks,
Anna

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X9741

From: Rob Carr <Robert.Carr@parliament.govt.nz>
Sent: Wednesday, 29 August 2018 12:05 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>; Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>
Subject: Diaries

Kia Ora,

Please find attached what I hold on diaries.

Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a)

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Item 44

Angus Stewart [DPMC]

From: Rachel Hayward [DPMC]
Sent: Tuesday, 11 September 2018 5:46 pm
To: Michael Webster [DPMC]
Subject: FW: re: proactive release of diaries

Are you happy for me to send this on to Mr Hipkins' office?

From: Alexandra Marett
Sent: Tuesday, 11 September 2018 5:45 PM
To: Rachel Hayward [DPMC]
Subject: RE: re: proactive release of diaries

Hi Rachel,

Are you able to send through the advice that you sent to the PM on how the UK government does proactive release of their ministerial diaries?

Thanks so much
Alex

From: Rachel Hayward [DPMC] [mailto:Rachel.Hayward@dpmc.govt.nz]
Sent: Monday, 10 September 2018 5:29 PM
To: Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Cc: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: RE: re: proactive release of diaries

[IN-CONFIDENCE]

Hi Alex – yes, I'm free – if you could invite Catherine Parkin from the Cabinet Office too, that would be great.

Look forward to seeing you then,

Kind regards

Rachel

From: Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Sent: Monday, 10 September 2018 5:19 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: re: proactive release of diaries

Hi Rachel,

Are you free at midday on Wednesday to come to 6.3 and discuss the proactive release of ministerial diaries?

If you could also let me know who I need to invite from Cabinet Office as well, that would be ace.

Cheers
Alex.

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Ministerial Advisor
Office of Hon Chris Hipkins
s9(2)(a) | Email: alexandra.marett@parliament.govt.nz

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Item 45

Angus Stewart [DPMC]

From: Catherine Parkin [DPMC]
Sent: Tuesday, 11 September 2018 12:10 pm
To: Rachel Hayward [DPMC]
Subject: FW: re: proactive release of diaries

As discussed

From: Alexandra Marett
Sent: Monday, 10 September 2018 5:33 PM
To: Catherine Parkin [DPMC]
Subject: FW: re: proactive release of diaries

Hi Catherine,

The Minister wants to discuss the proactive release of diaries on Wednesday at midday in 6.3. Are you able to attend?

Cheers

Alex

Ministerial Advisor
Office of Hon Chris Hipkins
s9(2)(a) | Email: alexandra.marett@parliament.govt.nz

From: Rachel Hayward [DPMC] [mailto:Rachel.Hayward@dpmc.govt.nz]
Sent: Monday, 10 September 2018 5:29 PM
To: Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Cc: Catherine Parkin [DPMC] <Catherine.Parkin@dpmc.govt.nz>
Subject: RE: re: proactive release of diaries

[IN-CONFIDENCE]

Hi Alex – yes, I'm free – if you could invite Catherine Parkin from the Cabinet Office too, that would be great.

Look forward to seeing you then,

Kind regards

Rachel

From: Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Sent: Monday, 10 September 2018 5:19 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: re: proactive release of diaries

Released under the Official Information Act 1982

Hi Rachel,

Are you free at midday on Wednesday to come to 6.3 and discuss the proactive release of ministerial diaries?

If you could also let me know who I need to invite from Cabinet Office as well, that would be ace.

Cheers
Alex.

Ministerial Advisor
Office of Hon Chris Hipkins
s9(2)(a) | Email: alexandra.marett@parliament.govt.nz

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Item 46

From: Rachel Hayward [DPMC]
To: Anna Fleming [DPMC]
Subject: RE: Diaries
Date: Tuesday, 11 September 2018 7:39:30 am

I think it would be Mike who wrote - with that amendment, happy for that to go. Thanks!

Sent with BlackBerry Work
(www.blackberry.com)

From: Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>
Date: Monday, 10 Sep 2018, 7:24 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>
Subject: FW: Diaries

[IN-CONFIDENCE]
Since I haven't heard from Rob, I could send:
Hi Rob
s9(2)(g)(i)
[redacted]
Happy to discuss further. Let me know what you think.

From: Anna Fleming [DPMC]
Sent: Wednesday, 5 September 2018 5:15 PM
To: 'Rob Carr'
Cc: Rachel Hayward [DPMC]
Subject: RE: Diaries
[IN-CONFIDENCE]
Hi Rob
Thanks very much for sending all the background material on diaries through. In terms of the OIA complaints, would you be free to have a catch up in the next day or so about the next steps?

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Let us know what might suit.
Thanks,
Anna
s9(2)

From: Rob Carr <Robert.Carr@parliament.govt.nz>
Sent: Wednesday, 29 August 2018 12:05 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>; Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>
Subject: Diaries

Kia Ora,
Please find attached what I hold on diaries.

Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a)

Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

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Item 47

Angus Stewart [DPMC]

From: Martin Bell [DPMC]
Sent: Monday, 10 September 2018 4:05 pm
To: @Cabinet Users [DPMC]; Andrew Kibblewhite [DPMC]; Anneliese Parkin [DPMC]; ^Parliament: Mike Munro; ^Parliament: Heather Simpson; ^Parliament: Rajesh Nahna; ^Parliament: Jon Johansson
Subject: Cabinet debrief

[SEEMAIL][SENSITIVE]

Here is the debrief on the Cabinet meeting today:

Out of scope

Oral Items

Out of scope

Proactive release of Ministerial diaries – noted; Minister to work with Cabinet Office to develop guidance for Ministers

Out of scope

Please give me a call or come and see me if you have any questions about the items.

Martin

Martin Bell
Deputy Secretary of the Cabinet
Cabinet Office
Department of the Prime Minister and Cabinet

s9(2)(a)
email: martin.bell@dpmc.govt.nz

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Item 48

From: Rachel Hayward [DPMC]
To: Michael Webster [DPMC]
Subject: FW: Oral item request for Cabinet
Date: Friday, 7 September 2018 4:49:57 pm

See below - I tried to call Alex yesterday and messaged her this morning -no response.

Sent with BlackBerry Work
(www.blackberry.com)

From: Alexandra Marett <Alexandra.Marett@parliament.govt.nz>
Date: Friday, 07 Sep 2018, 4:37 PM
To: Cab Papers [DPMC] <cabpapers@dpmc.govt.nz>
Cc: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>, David Choat <David.Choat@parliament.govt.nz>, Rob Carr <Robert.Carr@parliament.govt.nz>, ^Parliament: Christina Connolly <Christina.Connolly@parliament.govt.nz>
Subject: RE: Oral item request for Cabinet

Oral Item at Cabinet Request [SEEMAIL]	
Name and portfolio of Minister:	Hon Chris Hipkins, Minister of State Services
Confirm that this request has been made by the Minister:	Check box to confirm
Subject	Proactive release of Ministerial Diaries
Intended Cabinet meeting date	17/09/2018
Description of the item	General discussion on the proactive release of ministerial diaries
Supporting documentation	An example will be tabled at Cabinet
Classification	
Comments (optional)	Click here to enter text.
Minister's office contact name and #	Alex Marett - #9217

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Item 49

From: Rachel Hayward [DPMC]
To: Catherine Parkin [DPMC]
Subject: FW: ministerial diaries
Date: Thursday, 6 September 2018 9:34:00 pm
Attachments: image001.png

Fyi – I'm a bit worried we're going to get left out of the loop on this, I haven't succeeded in having a substantive conversation with the Minister's office yet. I understand they are working off Rob Carr's draft.

From: Christina Connolly
Sent: Thursday, 6 September 2018 8:51 AM
To: Rachel Hayward [DPMC] ; Alexandra Marett
Subject: FW: ministerial diaries

Thanks Rachel – I'll ask Alex Marett, the Minister's advisor to give you a call on this, as she's been working with the Minister on this.

From: Rachel Hayward [DPMC] [mailto:Rachel.Hayward@dpmc.govt.nz]
Sent: Wednesday, 5 September 2018 5:23 PM
To: Christina Connolly <Christina.Connolly@parliament.govt.nz>
Cc: Anna Fleming <Anna.Fleming@dpmc.govt.nz>
Subject: ministerial diaries

[IN-CONFIDENCE]

Hi Christina

Could you please give me a call tomorrow when you have a moment – I just want to touch base about next steps on the ministerial diaries work.

Many thanks

Rachel

Rachel Hayward,
Deputy Secretary (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
s9(2)(a)
Email: Rachel.hayward@dpmc.govt.nz

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Item 50

Angus Stewart [DPMC]

From: Rachel Hayward [DPMC]
Sent: Wednesday, 5 September 2018 8:42 am
To: Anna Fleming [DPMC]; Michael Webster [DPMC]
Subject: RE: Catch up with Morag

Both excellent thoughts

From: Anna Fleming [DPMC]
Sent: Wednesday, 5 September 2018 8:41 AM
To: Rachel Hayward [DPMC] ; Michael Webster [DPMC]
Subject: RE: Catch up with Morag

Is it worth mentioning that the proactive release of ministerial diaries is an upcoming issue and that we'll loop them in at the appropriate time?

I'd be interesting in knowing whether they've had any approaches from Ministers' offices about how to treat diaries under the OIA too.

From: Rachel Hayward [DPMC]
Sent: Wednesday, 5 September 2018 8:24 AM
To: Michael Webster [DPMC] <Michael.Webster@dpmc.govt.nz>; Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>
Subject: RE: Catch up with Morag

[IN-CONFIDENCE]

Out of scope

From: Michael Webster [DPMC]
Sent: Wednesday, 5 September 2018 8:21 AM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>; Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>
Subject: Catch up with Morag

I have one this morning; thought I would talk about Out of scope

Anything else? And what would you like me to say; let's discuss.

Thanks

Sent with BlackBerry Work
(www.blackberry.com)

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Item 51

Angus Stewart [DPMC]

From: Rachel Hayward [DPMC]
Sent: Friday, 31 August 2018 7:12 pm
To: Catherine Parkin [DPMC]
Subject: FW: Diaries
Attachments: Release of diary information.docx; 4062378 Out of scope [redacted]

[IN-CONFIDENCE]

From: Rob Carr <Robert.Carr@parliament.govt.nz>
Sent: Wednesday, 29 August 2018 12:05 PM
To: Rachel Hayward [DPMC] <Rachel.Hayward@dpmc.govt.nz>; Anna Fleming [DPMC] <Anna.Fleming@dpmc.govt.nz>
Subject: Diaries

Kia Ora,

Please find attached what I hold on diaries.

Rob Carr | **Senior Ministerial Advisor**
Office of the Prime Minister
s9(2)(a) [redacted]

Authorised by Jacinda Ardern, Parliament Buildings, Wellington.

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In confidence: Release of diary information

28 August 2018

Rob Carr

1. The Minister of State Services wishes to raise an oral item at Cabinet on Monday relating to the proactive release of ministerial diaries. He would like to propose that there is a fortnightly release of the attendees, location, and a brief description of the meetings Ministers attend. The Minister intends to further develop this over the coming days. Following Cabinet he intends to seek advice from the Ombudsman about how they would treat requests in light of this.

2. It appears all Government Ministers have received an OIA request for a calendar style export of their ministerial diary from the Opposition. We understand that members of Victoria University may also soon be making requests to Ministers for diary releases in the format of the Green Party's release.

3. The Prime Minister's Office had also done some initial thinking about how a proactive release of diaries could be done. Some options and considerations are set out below. The key issue is that this may take 3-4 hours of each Ministers Office's time per month but that release may end up needing to occur under the OIA anyway.

4. There are four main approaches the Government could use in releasing diary information:
    a. Release the attendees, location, and a brief description of the meeting (Minister Hipkins proposal)
    b. The key information about meetings with external parties (Green Party approach)
    c. Release the minimum information likely required under the OIA for a broad request of the same scale (example of Prime Minister's Office release attached)
    d. Expansive release of all information that could fall subject to specific requests.

5. There are three key ways the Government could release information:
    a. Utilize the system used for the current events calendar where Ministers invite one email to their events and there is then one document released with all Ministers diary entries together
    b. Each Ministers Office extracts the information from the diary and it is sent to a team who does the formatting and redaction of each diary (the Green Party approach for the first release)
    c. Each Ministers Office is responsible for extracting the information from the diary, formatting it and redacting it (the Green Party is moving to this approach).

6. There are obvious options for time period released:
    a. Quarterly (Green Party approach)
    b. Monthly (fits with OIA 20 working days period)
    c. Fortnightly (Minister Hipkins proposal).

7. There are a three key options in terms of consulting people before releasing that they met with a Minister:

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a. Providing a disclaimer that information will be released when they meet with the Minister (Green Party approach)
b. Checking whether named external individuals are publicly identified as connected with their organisation e.g. they have a bio on the website and if not withhold their names (approach taken for Prime Minister's Office OIA)
c. Individually consult every named person/organisation prior to release

8. Key considerations are:
    a. *Administrative workload created by release:* The Green Party estimates it will take approximately 3 hours per month checking the diary, and 3 hours in the final week before release of staff time for their format of quarterly releases per Minister. Most of this time is the SPSs. When the Prime Minister's Office did the release of 7 months of the Prime Minister's diary this was estimated to have taken 30 hours (approximately 4.3 hours per month) most of which was done by an advisor but had involvement of around 8-10 staff members from PMO/DPMC checking particular bits of information or doing redactions. A significant portion of time was consumed identifying whether the meeting fell within scope, this could be reduced if SPSs more clearly identified meetings when they were put in the diary as to their capacity using tags at the start of the entry such as ELECTORATE:, PARTY:, or PERSONAL:.
    b. *Reducing workload of OIAs:* The release could reduce the workload of OIAs and written questions about the diary as they could refer to the proactive release. Initial advice from the Ombudsman indicated they would not allow the use of the substantial research and collation ground to decline requests for Minister's diaries. For this to be effective the Government would need to release what would anyway be released under the OIA and probably use a monthly approach otherwise the Government would need to continue to respond to OIAs and WPQs about matters not yet released. The Green Party has received follow up OIAs for their internal meetings which they are now responding to as they did not include those in their original request.
    c. *Transparency:* By releasing the information publicly the Government will demonstrate transparency in a way that would not be recognised by releasing the information under the OIA.
    d. *Risk of errors:* Releasing this information carries an inherent risk that meetings will not be included or meetings will be included which in fact did not occur. Minister Curran recently lost two portfolios as a result of errors in diary management. Conversely public release being a regular occurrence is likely to improve the overall accuracy of diaries as they will be more frequently checked which will reduce the level of risk in release.
    e. *Impact on Minister's work:* Diaries are not currently written for public release, they contain a lot of additional detail for the Minister's reference which is not suitable for release. There is also a significant amount of personal information contained in them about external individuals who may expect their interactions with Ministers to remain private so it may have a chilling effect on Ministers ability to meet.
    f. *Consistency between parties:* As the Green Party has already started doing their release if the Government wishes to have consistency in approach the Coalition parties would either need to ask the Green Party to change their approach or adopt the Green Party's approach.

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9. The Prime Minister's Office produced a template of how a release could be done with all information done in a single release for all Ministers, monthly, releasing the minimum information that would be released under the OIA. This was consulted on with selected staff in Ministers Offices. The primary feedback was significant concern about the amount of administrative time required to fulfil the request.

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Appendix A: Advice the Prime Minister's Office sent out in May

We understand a number of Offices have received a request for a Calendar Details Style export of your ministerial calendar over a long time period (we have received it for Friday 27 October 2017 to Monday 30 April 2018). For some Offices this may not present a difficulty. However in PMO and other Offices we are aware of a lot of information and attachments are put into the diary which could lead to this request requiring hundreds of pages of information to be checked and reviewed. PMO/DPMC will be taking the approach to this particular request of providing a summary of this information namely the date, time, title, and location of the items in the diary. A description of the approach we are taking and why is provided below for your reference.

Requests for calendar entries, particularly for a number of months, encompass a substantial amount of information, as a large number of associated emails and notes will be stored in the electronic diary in relating for many calendar entries. Calendar entries are designed for an Office's internal use only and may not be an accurate representation of the meetings/events which have occurred. It can take substantial time to review and check the accuracy of information including consultation with other parties in some cases. There is likely to be good reason under the Official Information Act (the Act) to withhold information from these associated emails and notes consistent with the public interest and the preservation of personal privacy.

There is good reason under the Act to withhold all information relating to travel and accommodation arrangements under section 6 (c) & (d) of the Act. Although the timeframe is in the past, arrangements for security are often consistent, and the Prime Minister/Minister will often use the same hotels, thus publication of this information would be likely to endanger the Prime Minister's/Minister's personal safety and prejudice the maintenance of the law.

In order to meet the request in the form requested it would be necessary to assess all the associated notes and emails to consider whether good reason existed under section 6 or section 9 of the Act to withhold any information, and where it was considered that good reason existed under section 9 of the Act an assessment would then need to be made in relation to each instance whether the public interest outweighed the reasons for withholding. This assessment could only be made by a few senior staff, in conjunction with the Prime Minister/Minister. Accordingly, making the information available in the form requested would impair efficient administration (section 16(2) of the Act). In the circumstances, a more efficient approach would be to provide an excerpt or summary of the contents of the diaries in accordance with section 16(1)(e) of the Act.

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Appendix B: Email from Ombudsman's Office to a Minister's Office

16 April 2018 – section 18(f) refusal

On 15 March 2018, Mr Meager requested *'a Calendar Details Style export of your ministerial calendar from Friday 27 October 2017 to Sunday 31 December 2017'*. In making the request, Mr Meager provided details of the process to export the calendar and provided an example of a response he had received to a previous request for similar information. The Minister refused the request under section 18(f) of the OIA on the basis that *'even though the initial process of exporting the diary only takes a short amount of time, a substantial amount of research, collation, and consultation would have to be undertaken'.*

Mr Meager has made a complaint about the Minister's decision on the request. In making his complaint, Mr Meager has explained that he has made similar requests to Ministers in the past who have provided the information without the need to rely on section 18(f) of the OIA. Mr Meager has also referred to the Green Party who on 3 March 2018 stated that *'Green Party Ministers will soon proactively release their ministerial diaries, to show who they've met with and why'.*

In terms of reliance on section 18(f) of the OIA, I refer to this Office's guide to substantial collation or research, in which it states that:

> *Time required to make a decision on withholding or release of information that has already been found and brought together does not go toward establishing 'substantial collation or research'.*

In this case, from the information currently to hand, it appears that the exporting of the Ministerial calendar would only take a short amount of time. It therefore appears that the time required relates more to reading, reviewing and assessing the information to establish whether there is information that needs to be withheld under the OIA. As you will note, the guide does not consider decision making to form part of the collation or research aspect of a request.

On that basis, the purpose of this email is to make preliminary inquiries to determine whether an investigation into Mr Meager's complaint is necessary. Therefore, at this stage, I am inquiring as to whether, given the explanation on section 18(f) contained in this Office's guide, the Minister would reconsider his decision to refuse Mr Meager's request and release the information requested (with any necessary redactions under the OIA).

Alternatively, if the Minister maintains that section 18(f) of the OIA applies to the information requested, I would appreciate comments as to the reasons substantial collation and research is required in this case.

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Appendix C: Draft protocol for diary release prepared by PMO

In-confidence: Draft protocol for the pro-active release of ministerial diaries

25 May 2018

Rob Carr

Timing of release

1. It is recommended the release occur monthly for all Ministers in a single release two weeks into the following month on the Beehive website.

2. This means information from the beginning of the month would only just have fallen within the 20 working day limit of the OIA so the release of information through the OIA is unlikely to be delayed and requests could be declined on the basis the information is soon to be publicly available.

3. WPQs have a shorter 6 working day timeframe but members asking general questions about a Ministers diary could be pointed to the upcoming release in the answer.

Method of collation

4. It is recommended the current ministerial diary being done each week for internal use is also used for this release. This means Minister's Offices at the time of creating an event will invite the email MMAED@parliament.govt.nz and from that account's email the diary will be created.

5. At the end of each week Minister's Offices should review their calendar of the week just been. Check all entries are up to date and accurate and that MMAED has been invited. The diary should autoupdate so long as the Minister's own diary is correct.

6. At the end of the month each Minister's Office should review the entire ministerial diary before release to check any discrepancies or issues.

Information to be released

7. The release of information will include all items in a diary which would normally be subject to the Official Information Act.

8. The categories of information to be released would be standard so additional details the Minister's Office added to the item in the description or as attachments would not be released and could be separately requested. Releasing all of that information would require Ministers to change the way in which they kept their diaries substantially and could impose upon their ability to manage their work effectively. While individual requests for meetings of

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interest could be expected for this additional information in the event of blanket requests for this information there could be a potential argument for withholding.

9. The fields proposed for release are:
    a. Start time
    b. End time
    c. Subject
    d. Location.

10. The fields not proposed for pro-active release are:
    a. Notes/description – To enable effective management of the diary and to protect privacy
    b. Attachments – To enable effective management of the diary and to protect privacy
    c. To – This generally only has internal people and can include staff not attending so is not an accurate record of attendees to a meeting and would be misinterpreted if included in release
    d. Reminders – There is no public interest in the release of this information/it would clutter the release
    e. Recurrence – This will already be public from people being able to see each time the meeting reoccurs from its details being released individually/it would clutter the release
    f. Organizer – This doesn't actually who organised the meeting but is the account through which it was put in the Ministers diary so is not an accurate record and would be misinterpreted if included in release
    g. Category – Categorisation is not used consistently by each Minister's Office.

Ministerial Responsibility

11. It is proposed to only release diary items for which there is Ministerial responsibility. Items which are purely in an MP's personal or MP capacity are not subject to the Official Information Act.

12. Examples of what could be considered in a Ministers personal capacity and not subject to release but which may be included in the diary are: birthday parties, weddings, funerals, medical appointments, meal/drinks with a family member or friend. The Minister's Office can help make this clearer in the diary by using categories or marking these occasions as private.

13. Examples of what could be considered in a Ministers MP capacity and not subject to release but which may be included in the diary are: attending party events, constituent meetings/electorate clinics not relating to their portfolio, campaign activities such as door knocking, House roster time, caucus and caucus committee meetings.

14. Items may be in multiple capacities. If a Ministers friend is also a stakeholder or the MP event is also within a Minister's portfolio responsibilities and they discuss matters relating to the portfolio that will likely make the meeting also in the Minister's ministerial capacity and subject to release.

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Privacy Withholding

15. Most private information should appear within the notes/description section of the diary or in attachments and those parts are not proposed for release.

16. Names of individuals are expected to be released on a case by case basis. Generally where a person is a private individual Minister's Offices should avoid when creating the diary entry putting that person's name in the subject line of the meeting. The names of people who are not a senior staff member of an organisation or a public figure may be withheld for privacy grounds s9(2)(a). Where a name must be withheld the organisation they represent should still be included and depending on situation their job title could also be disclosed.

17. Names of organisations and companies are expected to be released.

18. Addresses are expected to be released unless they are for a private home address of the Minister or another individual.

19. Direct dial phone numbers and email addresses are generally expected to be withheld. If an email address/phone number is something already publicly available or is the primary contact for the organisation as a whole it should be released.

20. It is important to note additional scrutiny is required of the release of private information because this is a proactive release. Under the Official Information Act if private information is released in good faith there are legal protections in place. There are no legal protections in place if a Minister releases private information about a person through the proactive release of diaries so if unsure withhold.

21. Guidance from the Privacy Commission on releasing private information outside of the Act can be found here: https://www.privacy.org.nz/news-and-publications/guidance-resources/checklist-for-ministers-and-departmental-officials-2/

22. More guidance on the test to apply when withholding private information under the Act can be found in the Ombudsman's guide here: http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/1259/original/part_2c_other_reasons_for_refusing_official_information_-_privacy.pdf?1450324567

Scheduled Meetings

23. All meetings with external parties in the Minister's ministerial capacity are expected to be released. Individual details may be redacted/removed for privacy grounds s9(2)(a). Some meetings may be withheld where it relates to policy development for an item not yet determined by Cabinet under s9(2)(f)(iv).

24. Internal meetings with a Minister's department(s), internal staff, and other Ministers are expected to generally be withheld consistent with s9(2)(f)(iv). For a general release the public interest is likely to be outweighed by the need to enable Ministers to communicate effectively internally and many internal meetings would not be scheduled in the diary so it

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would be an incomplete record. OIA requests could still be made by the public for information about internal meetings on a specific topic which could be releasable.

25. Meetings related to consultation between Government parties are expected to generally be withheld consistent with s9(2)(f)(iv) to protect the ability of the coalition Government to negotiate policy issues effectively. Individual OIA requests on particular topics for this information are also expected to generally be withheld under s9(2)(f)(iv).

26. Meetings Minister's hold with other MPs will need to be considered on a case by case basis by Minister's Offices for whether they should be released. For example meetings Ministers hold with another MP for them to raise constituency matters such as resolving immigration cases may be withheld under s9(2)(a) and s9(2)(f)(iv).

Unscheduled Meetings

27. The proactive release is intended to be a record of scheduled meetings and a disclaimer will be put on the release to that effect. However whether a Minister has had an unscheduled meeting is something which can be requested under WPQs or the Official Information Act. The public interest for release of details of an unscheduled meeting is the same as that for a scheduled meeting but often the Office and the Minister may not recall details of chance meetings accurately.

28. In order to protect your Minister from potentially undisclosed meetings it is recommended on a weekly basis to check with your Minister if there are any stakeholders they met with which are not in the diary including any meetings they arranged themselves. If there are such meetings you may wish to record them.

29. Where a Minister happens to meet someone at an event or meeting which is already to be released that does not need to be included separately but you may wish to note it for your own records in the description/notes field of that event.

Announcements/Speeches/Events

30. It is generally expected all events a Minister attends in their ministerial capacity will be included in the diary. If an event was unscheduled but the Office becomes aware a Minister attended it after the fact it is recommended to retrospectively include that in the Minister's diary.

Travel/Accommodation

31. Travel and accommodation items will not be included. Release of all Ministers travel and accommodation records regularly creates a security risk particularly for more senior Ministers as it would identify for members of the public locations and times the Minister will routinely be without security protection which would fall under s6(c) of the Act.

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32. The main public interest surrounding release of this information is the cost of travel/accommodation and that is separately addressed with the expenses release. There may still be individual requests for details of a Ministers travel or accommodation which could be released as standalone requests are unlikely to create the same security issue.

Question time, Cabinet Committees, and Cabinet

33. As multiple Ministers attend question time, Cabinet Committees, and Cabinet and details of these are publicly available they should not be added by Minister's Offices for the proactive release.

Media Interviews

34. Media interviews should be generally included. There is not a clear ground under the Official Information Act under which media interviews could be withheld and generally that they have occurred will become public when the interview is published.

Notes about Staff

35. Notes put at the top of the diary for things like a staff member being on leave that day are expected to generally be withheld under s9(2)(a) and s9(2)(f)(iv). This would not be different in the case of individual OIA requests.

Preparation Time

36. Preparation/reading time items should be considered on a case by case basis. There is often likely to be limited public interest in release of this information but there may not be a withholding ground of the Official Information Act which applies to it.

Public holidays/sitting days/keep clear

37. It is not proposed to release entries which note that items should not be added to the diary for a particular period of time, this will generally be due to the Minister undertaking activities in a personal capacity during this time period.

38. It is not proposed to include items that note that it is a public holiday or a sitting day on that day because that information is already publicly available.

Meetings/events involving multiple Ministers

39. If it is known multiple Ministers attended the same meeting/event the Minister's Offices should check their diaries against each other for consistency. This will also be checked at the end of the month before release.

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Staff Diaries

40. It is not proposed to release entries from staff members diaries as part of the release. Theoretically these are able to be requested under the Official Information Act but the public interest would be much lower in release.

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Item 52

From: Rachel Hayward [DPMC]
To: Michael Webster [DPMC]
Subject: diaries
Date: Wednesday, 29 August 2018 12:19:00 pm
Attachments: image001.png

[IN-CONFIDENCE]

Will fill you in tomorrow re diaries – btw it was Morag McConville from SSC who had rung Anna, not Morag Ingram from DIA. We had a useful chat to Mike Munro and Rob Carr – turns out Rob has been very involved in work on this (and has just provided advice to the PM, which he has emailed to us) - a number of Ministers' offices have received for their calendar diaries, which are proving very time consuming to process.

I'm not sure where we are on who holds the pen on the oral item – Erik Koed at SSC is meeting with the Minister at 12.3, I'm not attending, but Rob is now going to go along. Mike agrees that it would be better for us to do the substantive work on any Cabinet paper. I'll check in with SSC again this afternoon and we'll certainly make sure that we have input into the oral item.

Rachel Hayward,
Deputy Secretary (Constitutional and Honours)
Cabinet Office, Executive Wing,
Parliament Buildings, Wellington 6011, New Zealand
s9(2)(a)
Email: Rachel.hayward@dpmc.govt.nz

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Item 53

{IMPROFILECUSTOM30DESCRIPTION}:

Cabinet Office

Memo

5 March 2018

To Prime Minister

From Michael Webster

Subject **Proactive release of some information in Ministerial diaries**

Purpose

1 This memo is for your information. It provides information about the recent announcement by Hon James Shaw that Green Party Ministers intend to proactively release some information from their ministerial diaries, in the interests of transparency about lobbying and political access, and to decline offers of gifts and hospitality. It also summarises the current guidance provided to Ministers about these matters.

Green Party proposal

2 Prior to the election the Green Party indicated that it wished to develop a disclosure regime modelled on that in the United Kingdom. The policy proposed:

2.1 a quarterly release of information about meetings with external organisations, including the date, organisation, names of attendees, and the purpose of the meeting

2.2 a quarterly disclosure of all gifts valued more than $500 received by Ministers and disclosure of gifts given by them

2.3 a quarterly disclosure of information about overseas travel (combining the information disclosed in the *Register of Pecuniary and Other Specified Interests* and in the quarterly expenses disclosure through the Department of Internal Affairs, itemised by trip)

2.4 a quarterly disclosure of hospitality received with a value of more than $500, and also tickets received, and dinners and lunches attended, regardless of their market value (but not including New Zealand or overseas Government-hosted functions, or minor refreshments at meetings, receptions, or conferences).

3 On 3 March 2018, Hon James Shaw announced that Green Party Ministers will proactively release their ministerial diaries on a quarterly basis, to show with whom they have met and why. In announcing the policy, Mr Shaw referenced the disclosure regimes in the United Kingdom and some Australian States.

4 Mr Shaw also announced that in future Green Party Ministers, MPs, and staff will not accept corporate hospitality, such as free tickets to events unrelated to their work.

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5 The remaining matters in the policy (quarterly disclosure of gifts and overseas travel) did not form part of Mr Shaw's announcement.

Quarterly disclosure by UK ministers

6 United Kingdom ministers make quarterly reports of their external meetings, overseas travel, gifts over a certain value that are received or given, and hospitality over a certain value that is received. The external meetings listed exclude conferences, receptions, media interviews, meetings with government departments or bodies, and meetings with the Royal Household, non-departmental public bodies, non-ministerial departments, agencies, external suppliers, or representatives of Parliament or any devolved or foreign governments.

7 The reporting is relatively high level (for example names of individuals who attended external meetings are not generally given). As the information is published quarterly on departmental websites, the format of the disclosure varies between departments. All Ministers supported by the department are included in a single disclosure.

8 An example of the external meetings part of a disclosure is attached at **Appendix 1**.

Quarterly disclosure by New South Wales ministers

9 A requirement to release a summary of ministerial diaries quarterly was introduced in New South Wales in 2014. The summary includes the date, name of the organisation (or, if an individual attended in a personal capacity, the name of the individual), and the purpose of the meeting. In practice, the purpose is often stated as "to discuss the work of [organisation]" or similar. Attendance by third-party lobbyists must also be disclosed, along with the name of their client.

10 The summary does not need to include information about:

- meetings involving Ministers, ministerial staff, Parliamentarians or government officials (whether from NSW or other jurisdictions);
- meetings that are strictly personal, electorate, or party political;
- social or public functions or events;
- meetings held overseas (which must be disclosed separately); and
- matters for which there is an overriding public interest against disclosure.

11 While the requirement to provide meeting summaries does not apply to social or public functions or events, if a non-public substantive discussion of issues occurs with the Minister at a function or event that concerns a matter that may be considered by the Minister in their role as portfolio Minister or as a member of Cabinet, then the meeting should be disclosed.

12 Ministerial staff are expected to obtain the consent of meeting attendees to disclose summary information about the meeting being attended

Current guidance for Ministers

13 There is no current requirement either in legislation or in the Cabinet Manual for the disclosure of ministerial diaries (although they could of course be requested under the

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Official Information Act). There is Cabinet Manual guidance for Ministers relating to lobbying, and gifts and hospitality.

Lobbying

14 When the Cabinet Manual was updated in 2017, a new section was added regarding ministerial interactions with non-government groups (paragraphs 2.82 - 2.83). This notes that it is a valid part of a Minister's role to engage with representatives of non-government and commercial organisations, but that Ministers should take care to avoid creating a perception that any one organisation or group enjoys an unfair advantage with the government.

15 s9(2)(f)(ii)

16 There are a number of practical steps that Ministers can take to protect themselves. The general principle is that all market participants should be treated fairly - they should all have the same information and the same access to decision-makers.

17 s9(2)(f)(ii)

18 There have been attempts at legislative measures in relation to lobbying. In 2012/13, the Government Administration Committee considered the Lobbying Disclosure Bill, a member's bill in the name of Green MP Holly Walker. The bill proposed establishing a register and code of conduct for lobbyists, including the publication of returns of lobbying activity. The proposed lobbying regime covered all members of Parliament.

19 The select committee concluded that the bill should not be passed because its ambit was too wide, and ran the risk of inhibiting communications between constituents and members of Parliament. The committee considered more thought needed to be given to confining any lobbying disclosure regime to executive government, the components of such a regime (such as a register, code of conduct, and/or reporting requirements), and how it would be administered.

20 We can provide more information about the Bill, and the committee's consideration, if you wish.

Gifts and hospitality

21 As you know, the Standing Orders require all MPs to disclose to the Registrar of Pecuniary and Other Specified Interests of Members of Parliament any gift received with an estimated market value of more than a prescribed amount (currently $500). This declaration includes hospitality and donations in cash or kind. Ministers must meet those obligations as MPs, and in addition must act consistently with the Cabinet Manual guidance relating to gifts (including hospitality), which is set out at paragraphs 2.84 – 2.93 and 2.120 of the Cabinet Manual:

22 Generally, Ministers who accept gifts worth more than $500 must not only disclose them to the Registrar, but must also relinquish them unless they obtain the express permission of the Prime Minister to retain them (para 2.85);

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23 To avoid creating or appearing to create an obligation gifts in cash or kind are not to be solicited or accepted from a commercial enterprise or any other non-government organisation (para 2.88). An exception would be the acceptance of some small unsolicited token. If a Minister wished to keep a gift from a commercial or non-government organisation that is worth more than $500 (assuming there is no perception of an obligation being created) he or she can either pay full value for it, or get the express permission of the PM to keep it.

24 The Cabinet Office met with all Ministers after their appointment to discuss the guidance relating to gifts and hospitality. In addition to the general guidance, we conveyed to all Ministers your expectation that accepting corporate hospitality would be the exception rather than the rule, and that hospitality from commercial organisations worth more than $500 in value should generally be declined.

25 On the basis of the Cabinet Manual guidance, if a Minister wished to accept hospitality worth more than $500 (assuming there is no risk of a perception of an obligation arising), he or she should seek the express permission of the Prime Minister before accepting. This is a useful way of focussing Ministers' minds on the question of any risks attached to accepting an offer of hospitality. It also ensures that PMO has a line of sight in relation to hospitality at this level. We propose to send a reminder to SPSes about gifts and hospitality generally, including the need to seek express permission to accept hospitality worth more than $500.

Recommendation

26 I recommend that you **note** the contents of this memo.

Michael Webster
Secretary of the Cabinet

NOTED / DISCUSS

Rt Hon Jacinda Ardern

Prime Minister _____

Date: / / 2018

Distribution:
Mike Munro, Chief of Staff

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Appendix 1

Home Office's ministerial meetings, July to September 2017

Published 14 December 2017

Minister	Date	Name of organisation or individual	Purpose of meeting
Amber Rudd	2017-07-10	Carolyn Fairbairn, CBI Director General, Ian Jones, UK General Manager for Intel, David Frankish, CEO of NFT Distribution, Paul Pomroy, CEO of McDonald's UK, Dr Adam Marshall, Director General of the British Chambers of Commerce, Ian Howells, Senior Vice President of Honda Europe, Ryan Scatterty, Managing Director of Thistle Seafoods, Mike Ashmead, Managing Director of Encocam Ltd	To discuss immigration
Amber Rudd	2017-07-12	The Brixton Recovery Centre	To attend a drugs roundtable hosted by the Lambeth Drug and Alcohol Treatment Consortium
Amber Rudd	2017-07-24	Migration Watch	To discuss immigration
Amber Rudd	2017-07-26	Trafficking Awareness Raising Alliance (TARA)	To discuss modern slavery/human trafficking
Amber Rudd	2017-07-28	Youtube; Susan Wojcicki,CEO, Juniper Downs,Global Head of Public Policy and Govt. Relations, Zayna Aston,Communications and Public Affairs Manager, EMEA, Google; Naomi Gummer, Public Policy Manager UK, Miriam Estrin,Public Policy Analyst UK, Ankur Vora, Public Policy Analyst UK,	To discuss terrorist/extremist content on Youtube
Amber Rudd	2017-08-07	Katie Piper Foundation	To discuss acid attacks/hate crime.
Amber Rudd	2017-08-29	Tower Hamlets Council & statuatory prevent partners.	To understand the local extremism and radicalisation picture.
Amber Rudd	2017-08-29	Parentzone, Somali Advice, Strive	Met with women's groups in Tower Hamlets to discuss radicalisation.
Amber Rudd	2017-08-30	Birmingham Council & Statuatory Prevent partners	To understand the local extremism and radicalisation picture.
Amber Rudd	2017-08-30	Amirah Foundation, Muslim Women's Network, Small Steps Network, KIKIT, WMP Advisory Group, University of Birmingham, Church of England	A discussion about radicalisation with civil society groups.
Amber Rudd	2017-08-30	Kirma Nirvana	To discuss the work of Kirma Nirvana and honour based violence .

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Minister	Date	Name of organisation or individual	Purpose of meeting
Amber Rudd	2017-08-30	Chickenley Community Centre Football Coaches	To discuss the work of a BSBT funded programme and its impact on the local community.
Amber Rudd	2017-08-31	Bradford Council & statuatory prevent partners	To understand the local extremism and radicalisation picture.
Amber Rudd	2017-08-31	Mothers Against Radicalisation	To discuss the work of Mothers Against Radicalisation.
Amber Rudd	2017-08-31	Trident Regeneration Board, Imam's Forum, Bangladeshi Education Action Project, Community Network, Community Worker, Frizinghall Community Partnership, Council for Mosques, Peace Museum, Bradford Hate Crime Alliance, Bradford Council	To understand the local extremism and radicalisation picture.
Amber Rudd	2017-08-31	Tees Valley Inclusion Project	To discuss the Building a Stronger Britain Together funded programme and the impact on the local community.
Amber Rudd	2017-08-31	Show Racism the Red Card	To discuss the Building a Stronger Britain Together funded programme and the impact on the local community.
Amber Rudd	2017-09-04	Dave Anderson QC, Brick Court Chambers	To discuss the Operational Improvement review
Amber Rudd	2017-09-06	Unicef	To discuss refugees
Amber Rudd	2017-09-11	Bear Grylls, Bear Grylls Ventures	To discuss community cohesion and engagement
Amber Rudd	2017-09-20	National Association for People Abused in Childhood (NAPAC)	A visit to the NAPAC
Bandon Lewis	2017-07-05	Thematic Meeting	Minister to open the event on people smuggling and trafficking the UK
Brandon Lewis	2017-07-05	Steve Swinford (Political Correspondent at The Daily Telegraph)	Introductory meeting
Brandon Lewis	2017-07-06	Calais/Dover visit	Observe the fencing and clandestine anti intrusion measures/observe the traffic flow and layout of the freight controls - Dave Smith
Brandon Lewis	2017-07-10	Mike Adamson - British Red Cross	Introdctory meeting
Brandon	2017-	Bishop of Croydon Jonathan Clark & Neil Jameson	Introdctory meeting Bishop

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Minister	Date	Name of organisation or individual	Purpose of meeting
Lewis	07-11		of Croydon Chair of Safe Passage
Brandon Lewis	2017-07-11	David Simmonds and Lord Porter	Introductory meeting
Brandon Lewis	2017-07-17	Community Sponsorship Roadshow	Speaking event, Community Sponsorship scheme one year -Lambeth Palace
Brandon Lewis	2017-07-18	Lily Caprani (UNICEF)	Introductory meeting
Brandon Lewis	2017-07-19	Kate Allen/Steve Valdez-Symonds (Amnesty International)	Introductory meeting
Brandon Lewis	2017-07-19	Roundtable discussion	The future of public services: Digital Borders
Brandon Lewis	2017-07-19	Stephen Hale & Maurice Wren (Refugee Council)	Introductory meeting
Brandon Lewis	2017-07-20	SERCO meeting - Rupert Soames, Kevin Craven	Discussion of contracts
Brandon Lewis	2017-07-27	Mr Gonzalo Vargas Llosa (UNHCR) United Nations High Commissioner for Refugees	Introductory meeting
Brandon Lewis	2017-07-27	Joint roundtable on access to talent - Fidelity Investments - Peter Horrell (CEO) Goldman Sachs - Sally Boyle, Head of HR in EMEA BNY Mellon - Michael Cole-Fontayn (CEO) AIG – Romaney O'Malley, Head of UK Regions & Industrial M&G Securities - William Nott (CEO) Barclays - Jonathan Harvey, Head of Talent	Roundtable discussion
Brandon Lewis	2017-08-03	Caroline Wheeler - Daily Mail	Introductory meeting
Brandon Lewis	2017-09-06	Dr Tim Bradshaw - Acting Director Russell Group	Discuss Internation Students
Brandon Lewis	2017-09-06	Stuart Corbridge - Vice chancellor of Durham University	Discuss Internation Students
Brandon Lewis	2017-09-07	Peter Neden - G4S	Discuss Brook House Immigration removal centre
Brandon Lewis	2017-09-07	Jerry Petherick -G4S	Discuss Brook House Immigration removal centre
Brandon Lewis	2017-09-12	Richard Scudamore - Executive Chairman Premier League	Discuss the impacts of the EU Exit, the ability of English football teams
Brandon Lewis	2017-09-12	William Bush - Executive Director Premier League	Discuss the impacts of the EU Exit, the ability of English football teams
Brandon Lewis	2017-09-12	Professor Jonathan Grant – Assistant Vice-Principal Kings College London	Discuss students from aboard
Brandon Lewis	2017-09-12	Professor Edward Byrne AC President & Principal Kings College London	Discuss students from aboard
Brandon	2017-	David Fleming -Chair of National Museums	Discuss the future of seized

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Minister	Date	Name of organisation or individual	Purpose of meeting
Lewis	09-12	Liverpool	
Brandon Lewis	2017-09-12	Sharon Granville (Exec Director, Collections and Estates,	Discuss the future of seized
Brandon Lewis	2017-09-12	National Museums Liverpool)	Discuss the future of seized
Brandon Lewis	2017-09-12	Nicky Guy (head of Museums)	Discuss the future of seized
Brandon Lewis	2017-09-13	Alexander Hitchocok - Senior Researcher Reform	Discuss Technology at the UK Border
Brandon Lewis	2017-09-13	Maisie Borrows - Reform	Discuss Technology at the UK Border
Brandon Lewis	2017-09-13	Andrew Haldenby - Reform	Discuss Technology at the UK Border
Nick Hurd	2017-07-04	Fire Safety Conference	Annual Conference Speaker
Nick Hurd	2017-07-04	Grenfell Coordinator	Residents Mtg
Nick Hurd	2017-07-05	PCC Roger Hirst	Introduction Mtg
Nick Hurd	2017-07-06	Cardiff Police Force	Visit
Nick Hurd	2017-07-07	Grenfell Meeting	Residents Mtg
Nick Hurd	2017-07-10	Criminal Justice Board	Attendee
Nick Hurd	2017-07-10	Commonwealth Summitt	Speaker
Nick Hurd	2017-07-11	David Spencer Police Now	Introduction meeting
Nick Hurd	2017-07-11	Grenfell United Meeting	Residents Mtg
Nick Hurd	2017-07-12	Police Supers National Conference	Introduction Mtg
Nick Hurd	2017-07-12	Police Reserves	Introduction Mtg
Nick Hurd	2017-07-12	Chief Constables Council	Attendee
Nick Hurd	2017-07-13	Kent Police	Visit
Nick Hurd	2017-07-13	Police Bravery Awards	Presenting Awards
Nick Hurd	2017-07-18	Dame Vera Baird	Introduction Mtg
Nick Hurd	2017-07-18	Joint Police Reform	Speaker
Nick	2017-	Greenfell Taskforce	Residents Mtg

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Minister	Date	Name of organisation or individual	Purpose of meeting
Hurd	07-18		
Nick Hurd	2017-07-19	APCC AGM	Speaker
Nick Hurd	2017-07-20	Grenfell MTGS	Residents Mtg
Nick Hurd	2017-07-25 - 2017-07-27	Essex and Bedford Police Station	Visit
Nick Hurd	2017-09-04	Police Supers Conference	Speaker
Nick Hurd	2017-09-06	Grenfell Tower Board	Residents Meeting
Nick Hurd	2017-09-07	Grenfell Meeting	Residents Meeting
Nick Hurd	2017-09-08	Grenfell Meeting	Residents Meeting
Nick Hurd	2017-09-12	Dame Anne Owers	Introduction Mtg
Nick Hurd	2017-09-13	Grenfell Meeting	Residents Meeting
Nick Hurd	2017-09-14	Grenfell Meeting	Residents Meeting
Nick Hurd	2017-09-15	Grenfell Meeting	Residents Meeting
Nick Hurd	2017-09-18	PCC CUMBRIA	Introduction Mtg
Nick Hurd	2017-09-18	FBU Industrial Action	Speaker
Nick Hurd	2017-09-18	Dr Korzinski	Trauma expert for Grenfell
Nick Hurd	2017-09-18	ASCCO	Speaker
Nick Hurd	2017-09-19	Herts Police Station	Visit
Nick Hurd	2017-09-21	Grenfell Meeting	Residents Meeting
Nick Hurd	2017-09-27	Norfolk And Suffolk Police Force	Visit
Nick Hurd	2017-09-28	Lincoln Police Force	Visit
Nick Hurd	2017-09-29	Grenfell Surgery	Residents Meeting
Susan Williams	2017-07-18	Manchester Community Roadshow with Caritas Salford and the Salvation Army	Celebrate the one year anniversary of a scheme enabling communities to

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Minister	Date	Name of organisation or individual	Purpose of meeting
			support the resettlement of refugees fleeing the war in Syria.
Susan Williams	2017-09-15	Luton and Leeds Council	Special Interest Group on Counter Extremism
Susan Williams	2017-09-20	Bolton Council of Mosques	To discuss Building a Stronger Britain Together project
Susan Williams	2017-09-20	Roundtable with Building a Stronger Britain Toegther applicants (All Arts and Media, Blackburn with Darwen Healthy Living, Blackburn Youth Zone, Greatre Manchester Youth Network, Inter Madrassah Organisation, Rethink Rebuild and Strawberry Fields Training)	Meeting representatives from Building a Stronger Britain Together project
Sarah Newton	2017-07-03	Finsbury park Mosque	2 week anniversary after the terror attack - a service of hope
Sarah Newton	2017-07-05	Neighbourhood & Homes Network	Speak at the event - focusing on Cyber cime and older people and vulnerable people
Sarah Newton	2017-07-11	EGVE Forum - ending Gang Violence & Exploitation	Speak at the event on ending gang Violence
Sarah Newton	2017-07-11	we love manchester fund	Discussion on funding for the Manchester fund following the terror attack
Sarah Newton	2017-07-13	marie collins foundation	speak at the Marie Collins Foundation path to perfection event - on child abuse
Sarah Newton	2017-07-19	New Scotland Yard	Breakfast event for business leaders to discuss business Crime
Sarah Newton	2017-07-13	Modern Crime Prevention Forum	Meeting with Stakeholders - Crime Prevention
Sarah Newton	2017-09-07	corporate alliance against domestic abuse	Domestic Violence Abuse Bill
Sarah Newton	2017-09-07	Domestic Abuse Employer's Network	Domestic Violence Abuse Bill
Sarah Newton	2017-09-07	Surviving Economic Abuse	Domestic Violence Abuse Bill
Sarah Newton	2017-09-11	Paladin National Stalking Advocacy Service	Domestic Violence Abuse Bill
Sarah Newton	2017-09-11	Women's Aid	Domestic Violence Abuse Bill
Sarah Newton	2017-09-12	St Giles Trust, Assoc of British Insurers, Morocycle Action Group, Motorcycle Industry Assoc., secured	Motorcycle Crime Crisis Meeting

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Minister	Date	Name of organisation or individual	Purpose of meeting
		by design, motor insurance repair research, the princes trust, MOPC, Thatcham Research, British insurance Brokers, Leap confronting Conflict, National Motorcycle Dealers Assoc, Motorcycle Crime Prevention Community	

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