



# Kaupapa Here Tuku Whakaoho

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## Proactive Release Policy



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# Section 1. Policy | Kaupapa Here

## 1.1 Why we have this policy | Ko te pūtake o tēnei Kaupapa Here

- 1.1.1 The Public Service Commission requires Government agencies to take a proactive approach to the release of official information that creates a more open and transparent public service that will lead to higher levels of trust and confidence in the wider public sector.
- 1.1.2 Te Puni Kōkiri is committed to supporting the principles of the [Public Service Act 2020](#) and [Official Information Act 1982](#) (OIA) by promoting open government and increasing the availability of information and the internal processes used to prepare information for publication.
- 1.1.3 It is vital Te Puni Kōkiri has a culture of transparency and accountability that meets the expectations of Māori and the wider public of Aotearoa regarding timely access to official information as a core principle of a thriving democracy.

## 1.2 Values & Ethics | Ngā uara me ngā tikanga

- 1.2.1 Our policies comply with legal requirements and also reflect the essence of manaakitanga and kaitiakitanga.
- 1.2.2 We are guided and embody our core values of Manaakitanga (we value our people and relationships), Te Wero (we pursue excellence), and He Toa Takitini (we work collectively). These values are integral to our commitment to creating a transparent and accountable environment.
- 1.2.3 We recognise that transparency, accountability, and ethical conduct are essential for upholding the mana and aspirations of Māori and all New Zealanders.
- 1.2.4 By adhering to these values, we empower our employees, officials, and community to effectively contribute to thriving whānau and the advancement of Māori and all New Zealanders.

## 1.3 Purpose | Ko te pūtake o tēnei kaupapa here

- 1.3.1 The purpose of this policy is to enable and support Te Puni Kōkiri in the proactive release of official information through website publication.
- 1.3.2 Proactive release makes information more available and assists in public understanding of Māori Development and the role of Te Puni Kōkiri. It promotes good governance, openness and transparency, and fosters public trust and confidence in government agencies and departments.
- 1.3.3 Te Puni Kōkiri guiding principles on proactive release include:
  - i. Publishing details and information that is released in response to requests for official information made under the OIA
  - ii. Where appropriate, publishing Cabinet material in accordance with the Cabinet Office guidance [CO \(23\) 4 – Proactive Release of Cabinet Material: Updated Requirements](#)
  - iii. Publishing general information of public interest to assist the public's understanding of Māori Development and the role of Te Puni Kōkiri
  - iv. Applying due diligence when proactively publishing information and making any necessary redactions including setting out the rationale and grounds for withholding any information.



## 1.4 Scope | Whānuitanga

- 1.4.1 The policy applies to the proactive release of official information by Te Puni Kōkiri whether it is a statutory requirement, a Cabinet Office requirement, or a discretionary activity.
- 1.4.2 All people working for, or on behalf of Te Puni Kōkiri are covered by this policy. This includes permanent, temporary or casual employees, employees on overseas deployment, contractors, consultants, volunteers, interns and secondees from other agencies, any of whom have access to Te Puni Kōkiri's facilities, systems or information.
- 1.4.3 This policy sets out the principles for the proactive release of information by Te Puni Kōkiri and should be read in conjunction with Ministerial Services' proactive release guidelines (Proactive Release of Cabinet Papers and related material).
- 1.4.4 Information considered for proactive release includes:
  - i. Titles of advice received by the Minister for Māori Development, Associate Minister for Māori Development and the Minister for Whānau Ora
  - ii. OIA responses and information released by Te Puni Kōkiri to a requester under the OIA
  - iii. Cabinet material (in accordance with the Cabinet Office guidance [CO \(23\) 4 – Proactive Release of Cabinet Material: Updated Requirements](#))
  - iv. Other information released by the Secretary for Māori Development, such as briefings or correspondence
  - v. General information published in response to public interest and information that is regularly requested from Te Puni Kōkiri under the OIA such as reports or publications.

## 1.5 Policy details | Ngā tai pitopito kaupapa here

- 1.5.1 Te Puni Kōkiri will consistently and regularly proactively release information as itemised in section 1.4.4.
- 1.5.2 Any information to be proactively released will be subject to due diligence as outlined in section 2.3.
- 1.5.3 Any information to be proactively released by Te Puni Kōkiri must be approved at Deputy Secretary level or above.

## 1.6 Responsibilities & Accountabilities | Te kawenga me te kawenga tako hanga

- 1.6.1 All Kaimahi:
  - i. **Must** have awareness and understanding of Te Puni Kōkiri's proactive release policy and act in a manner that may reasonably be expected to support openness and transparency.
- 1.6.2 Directors/Managers/Team Leads:
  - i. **Must** ensure they are aware and understand how to appropriately engage with their kaimahi to discuss and take appropriate action in respect of proactive release of information
  - ii. **Responsible** for considering and reviewing information for proactive release.



### 1.6.3 Deputy Secretaries:

- i. **Must** ensure kaimahi within their respective puni are aware of their obligations, responsibilities and importance of proactive release of information. Promote expectations of kaimahi within the organisation to embrace a transparent and open approach and work accordingly
- ii. **Responsible** for approving proactive release of information for their respective puni.

### 1.6.4 Ministerial Services Tīma

- i. **Responsible** for leading the process to proactively release information including compilation and review of information for release, submission to Deputy Secretary level or above for approval and arranging for the information to be published on Te Puni Kōkiri's website.

### 1.6.5 Secretary

- i. **Must** support awareness, model open and transparent behaviour and ensure senior leadership actively promote expectations of kaimahi in this regard
- ii. **Responsible** for oversight of proactive release of information within Te Puni Kōkiri.

## 1.7 Compliance | Tau tukunga

1.7.1 Where non-compliance is identified or suspected, the kaimahi involved will meet with their manager and Manager Ministerial Services to discuss what has happened.

1.7.2 If the non-compliance is considered to be the result of a lack of awareness and/or the consequences of the non-compliance are not serious, then the following remedial measures may be applied which includes but is not limited to:

- i. Additional training
- ii. Changes to process and protocols
- iii. Mentoring
- iv. Role review.

1.7.3 If there are concerns that the conduct of a kaimahi has fallen below expected standards the non-compliance will be treated in accordance with [Te Puni Kōkiri's Disciplinary Process Policy](#).

1.7.4 Repetitive non-compliance will also be treated in accordance with Te Puni Kōkiri's Disciplinary Process Policy.

## 1.8 Review & Approval | Arotake me te Whakaaetanga

1.8.1 This policy shall be subject to periodic review to ensure its continued effectiveness and relevance.

1.8.2 The policy will be reviewed as required from the date of approval.

1.8.3 Until a new version is approved, this current version shall remain in effect and govern the relevant operations and procedures.

### 1.8.4 Version control

Version	Date	Author	Description	Approved By
1.0	13/09/2023	Shane Egan Manager, Ministerial Services	Final	Executive Leadership Team



# Section 2. Procedures & Guidelines | Ngā Tikanga

## 2.1 How to Publish or Release Official Information

- 2.1.1 Contact the Ministerial Services Tīma at [ministerials@tpk.govt.nz](mailto:ministerials@tpk.govt.nz)
- 2.1.2 All communications regarding the publication or release of official information must be centralised through the Ministerial Services Tīma.

## 2.2 Publication

- 2.2.1 Information for proactive release is prepared for publication by the Ministerial Services Tīma.
- 2.2.2 Titles of advice provided to Ministers which have been approved for release will be published monthly at the earliest opportunity, but within five weeks of the last day of the month following approvals by the respective Ministers. Lists of Advice will be published on Te Puni Kōkiri's "[Our Ministers](#)" webpage.
- 2.2.3 Publication of OIA responses or associated details on Te Puni Kōkiri's [OIA webpage](#) approved for release by a Deputy Secretary should generally occur no sooner than 10 days after the requester has received the response in order to provide the requester time to consider the response.
- 2.2.4 Other information released by the Secretary for Māori Development will be released at a date determined by the Secretary for Māori Development.
- 2.2.5 Where information is being withheld reference to the legislative authority or other reason under which the decision to withhold was made should be stated in the body of the text at each redaction. Most commonly this will refer to the relevant section of the OIA.
- 2.2.6 Publication will be actioned by the Web Administrator at the request of Ministerial Services.

## 2.3 Due Diligence and Risk Assessment

- 2.3.1 Where information is released under the OIA, Te Puni Kōkiri is protected from criminal or civil proceedings (reference [section 48 of the OIA](#)).
- 2.3.2 Where information is proactively released by Te Puni Kōkiri, these protections do not apply. Consequently, it is essential that all material proposed for proactive release undergoes a considered, reliable, robust, and thorough review process.
- 2.3.3 Prior to submitting information to be released for Deputy Secretary approval the Ministerial Services Tīma will undertake a review of the information to the necessary level of due diligence required. This review may include some or all of the following items based on assessed or perceived risk and sensitivity:
  - i. Review by Legal Services to assess liability if any for the agency or Crown
  - ii. Review by the Risk and Audit Tīma
  - iii. Review by the Communications Tīma
  - iv. Review by other Tīma as deemed appropriate
  - v. Review by Director.



- 2.3.4 The following due diligence matters should be considered before approval to proactively release information is given:
- i. Whether the documents contain any information that would have been withheld if the information had been requested under the OIA
  - ii. Whether the documents contain personal information that require consideration of the principles of the [Privacy Act 2020](#)
  - iii. Whether there are any matters that could compromise national security including the protection of classified information
  - iv. Application of [Te Puni Kōkiri's Protective Security Requirements \(PSR\) information and personnel requirements](#) to ensure information is handled according to Te Puni Kōkiri's protective security standards (although these may change if the paper is subsequently declassified), in which case the [New Zealand Government Classification System](#) will be applied.
  - v. Whether the documents contain any information that must be withheld under the terms of any other legislation
  - vi. Whether there is any potential liability, civil (for example, defamation, intellectual property, privacy or breach of contract) or criminal (for example, knowingly or recklessly communicating or disclosing classified information or disclosing information subject to the secrecy provisions of the [Serious Fraud Act 1990](#)) that might result from the proactive release of information
  - vii. Whether there are good reasons to delay the proactive release of the information, for example where there are sensitivities around timing, where a particular action needs to occur prior to publication, or in the case of an extended policy process where release of Cabinet material may be premature while advice remains under active consideration and further decisions are pending
  - viii. Whether, in the circumstances, online publication is the best means of public release.
- 2.3.5 If kaimahi have any questions or concerns about whether information should be proactively released, they should talk to Ministerial Services. Advice can also be sought from Legal Services. More detail about due diligence considerations is set out in the Cabinet Office circular [CO \(23\) 4 – Proactive Release of Cabinet Material: Updated Requirements](#).

## 2.4 Consultation

- 2.4.1 If the document proposed for release includes information relating to another agency, organisation, entity or individual, Te Puni Kōkiri will consult to allow it to conduct its own risk assessment.
- 2.4.2 When considering publishing official information, consultation with, or notification to, relevant Ministers may be required.
- 2.4.3 At the time an OIA response is due to be published, Te Puni Kōkiri will endeavour to inform the associated requester that the response is to be published online. This will be done as a courtesy and not for consultation purposes.



## 2.5 Cabinet Papers

- 2.5.1 Only Ministers may approve the proactive release of Cabinet material. Cabinet papers and minutes must be proactively released within 30 business days of final decisions being made by Cabinet, unless there is good reason not to publish all or part of the material, or to delay the release. This policy applies to all papers lodged from 1 January 2019, excluding Cabinet Appointment and Honours Committee papers.
- 2.5.2 Te Puni Kōkiri will comply with these guidelines where appropriate. These guidelines must be referred to when preparing Cabinet material for proactive release.
- 2.5.3 Further information on the expectations, processes and responsibilities regarding a Minister's decision to proactively release Cabinet material and for it to be published online can be found in [CO \(23\) 4 – Proactive Release of Cabinet Material: Updated Requirements](#).

## 2.6 Briefings to Incoming Ministers

- 2.6.1 Briefings to Incoming Ministers (BIMs) are excluded from proactive release.
- 2.6.2 The decision on whether BIMs will be proactively released is a matter for Ministers, not the department or agency (refer to the [Cabinet Manual 3.21](#)).

## 2.7 Information about Employees

- 2.7.1 There may be instances where Te Puni Kōkiri considers that it is in the public interest to include the name of Te Puni Kōkiri kaimahi (typically a key decision maker) as part of a proactive release.
- 2.7.2 When Te Puni Kōkiri is considering publishing the name of kaimahi, it will conduct a thorough risk assessment, including consulting the kaimahi to check whether they are comfortable with publication of their name.
- 2.7.3 If Te Puni Kōkiri considers it is in the public interest to publish the name of kaimahi from another agency (for example a document relating to a cross-agency work programme), it will consult with that agency.
- 2.7.4 See the [guidance](#) from the Office of the Ombudsman on names and contact details of public sector employees

## 2.8 Related Guidelines

- 2.8.1 [Proactive Release of Cabinet Papers and related material](#).

## 2.9 Further Information

- 2.9.1 Related Legislation: [www.legislation.govt.nz](http://www.legislation.govt.nz)
  - i. [Official Information Act 1982](#)
  - ii. [Privacy Act 2020](#)
  - iii. [Ombudsmen Act 1975](#)
  - iv. [Intelligence and Security Act 2017](#)
  - v. [Serious Fraud Act 1990](#)
- 2.9.2 [Public Service Commission website](#)







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