



25 May 2022

Sebastian

fyi-request-18760-bab60b63@requests.fyi.org.nz

Ref: OIA-2021/22-1337

Dear Sebastian

Official Information Act request relating to DPMC's consultation with Police on OIA-2021/22-1067

Thank you for your Official Information Act 1982 (the Act) request received on 13 May 2022. You requested:

1. *"If DPMC consulted IPCA before making the decision to withhold this information*
2. *If DPMC has been told by IPCA that there is any obligation of confidence between DPMC and IPCA relating to their investigation*
3. *If IPCA has advised DPMC that they may require DPMC to provide documents to assist their investigation*
4. *How decision makers at DPMC believe IPCA's investigation would be affected by the release of this information, and how this would damage the public interest*
5. *How decision makers at DPMC took the public interest considerations in section 9(1) of the Act into account in deciding to withhold this information*
6. *Copies of all internal correspondence generated in processing my request of 3 March*
7. *Copies of all external correspondence generated by DPMC relating to my request of 3 March."*

In making our decision on how to respond to your request (OIA-2021/22-1067 refers) the Department of the Prime Minister and Cabinet (DPMC) consulted with New Zealand Police on the Minutes from the 17 February 2022 ODESC meeting and the accompanying briefing to the Prime Minister.

As part of this consultation, New Zealand Police, having also consulted with the Office of the Ombudsman, advised DPMC that there was a good public interest in withholding information relating to issues under investigation and review by the Independent Police Conduct Authority (IPCA). This includes the IPCA's investigation of the policing of the occupation on and around Parliament grounds in Wellington during February and March 2022. The public interest considered was in allowing the IPCA's review to be completed without earlier predetermination of the matters the Authority is considering.

Upon reflection, it may have been more appropriate to refuse your request, in so far as it related to information under investigation and review by the IPCA, under section 18(c)(i) of

the Act, as the making available of the information would be contrary to the provisions of the IPCA Act 1988. Section 33(3) of the IPCA Act states:

Anything said or any information given or any document or thing produced by any person in the course of any investigation by or proceedings before the Authority under this Act shall be privileged in the same manner as if the investigation or proceedings were proceedings in a court.

As the IPCA review is still ongoing, release of this information would be in breach of the protection afforded to the relevant information.

Regarding your request for all correspondence generated during the processing of OIA-2021/22-1067, I am refusing this information under section 9(2)(g)(i) of the Act as disclosure would inhibit advisors or officials from expressing or recording free and frank advice on requests made under the Act in the future.

In making my decision, I have taken the public interest considerations in section 9(1) of the Act into account.

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.

Yours sincerely

Marika Hughes
Acting Deputy Chief Executive
National Security Group