

OIA-2014-2111

10 November 2014

**J. D. Palatchie**

fyi-request-2081-433052bb@requests.fyi.org.nz

Dear J. D. Palatchie

I refer to your email of 3 October 2014 requesting, under the Official Information Act 1982 (OIA), *all information utilised to inform, advise, and execute the decision to partially fund NZDF MIBP insurance expenses from DFSS Reserve Accounts.*

In your request you asked for *any and all relevant information ... including but not limited to: Trustee Correspondence, Trustee Meeting Minutes, Advisory Trustee Meeting Minutes, Legal Advice Correspondence, NZDF Minutes, Letters, Notes, Memos, Briefings, Emails, Records of Discussion/Conversation, Benefit & Risk Analysis, Financial Forecasting Analysis, and any Employee/Member Official Correspondence on this subject.*

The table accompanying this letter lists the documents being released to you. Please note that deletions have been made to these documents under the following sections of the OIA:

- 9(2)(a) - *to protect the privacy of natural persons, including that of deceased natural persons;*
- 9(2)(g)(i) - *to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between officials in the course of their duty;*
- 9(2)(h) - *to maintain legal professional privilege; and*
- 9(2)(j) - *to enable a Minister of the Crown or any department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial negotiations).*

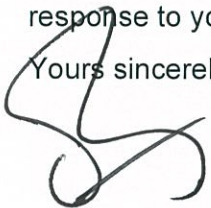
Public interest considerations do not outweigh the desirability of withholding personal information.

I must, however, decline to meet your requests for *Advisory Trustee Board meeting minutes* and *Legal Advice Correspondence*. The communications of the Board of Advisory Trustees are not official information as defined by the OIA, and legal advice provided to the Trustees and to the NZDF is legally privileged and is therefore withheld under section 9(2)(h) of the OIA.

Defence Force Superannuation Scheme members dissatisfied with Advisory Trustee Board decisions can raise concerns with their respective Service representative. Alternatively, members are able to submit a complaint to Financial Services Complaints Limited. You can contact Financial Services Complaints at PO Box 5967, Wellington 6145, or at [info@fscl.org.nz](mailto:info@fscl.org.nz).

You retain the right, under section 28(3) of the OIA, to ask that an Ombudsman review this response to your request.

Yours sincerely



**T.J. KEATING**

Lieutenant General  
Chief of Defence Force

<b>Enclosure</b>	<b>Date</b>	<b>Title</b>	<b>Redactions</b>
1	8 April 2014	Email: DFSS insurances	9(2)(a) 9(2)(j)
2	28 April 2014	Email: Enhancement of DFSS insurances	9(2)(a)
3	2 May 2014	Email: DFSS Reserve Accounts	9(2)(a)
4	29 April 2014	DPE Minute 21/2014: Proposed new staff insurance and charging arrangements to apply from 1 Jul 14	9(2)(a) 9(2)(j)
5	1 May 2014	Email: Use of DFSS Cat A and C Reserve Accounts to fund enhancement to Cat A and C insurances	9(2)(a) 9(2)(g)(i) 9(2)(h)
6	9 May 2014	Email: Letter of 7 May 2014	9(2)(a)
7	26 June 2014	DPE Minute 40/2014: Consultation with the DFSS advisory trustees on proposed use of the DFSS CAT A and C reserve accounts	9(2)(a)
8	30 June 2014	Email: Recommended use of DFSS Cat C reserve account – special AT sub committee meeting	9(2)(a) 9(2)(j)
9	August 2014	DPE Minute 45/2014: Proposed new staff insurance and charging arrangements to apply from 1 October	9(2)(a) 9(2)(h) 9(2)(j)
10	23 September 2014	Email: MBIP questions	9(2)(a)