

9 February 2024

David Aubergier Rico  
[fyi-request-25258-dd99b3cc@requests.fyi.org.nz](mailto:fyi-request-25258-dd99b3cc@requests.fyi.org.nz)

Tēnā koe Mr Rico

Thank you for your request to Kāinga Ora – Homes and Communities, dated 28 November 2023, under the Official Information Act 1982 (the Act):

*I am writing to request information under the Official Information Act 1982. My request pertains specifically to the consideration and processes related to changing the name of Kainga Ora – Homes and Communities to its English equivalent.*

*Comprehensive Information and Advice: I seek all information and advice, whether in final or draft form, regarding the potential renaming of Kainga Ora. This should include, but not be limited to, analyses, reports, memos, and briefings that discuss the implications, rationale, and processes for such a change.*

*Various Means of Communication: Please include information conveyed through various means of communication, including emails, letters, meeting minutes, and any other relevant forms of correspondence related to this matter.*

*Internal Documents at Kainga Ora: I request access to all internal documents within Kainga Ora pertaining to this issue. This should encompass discussions, decisions, and considerations made within the organization regarding the name change.*

*Information Shared with Ministers: I am interested in any and all information, including communications and documents, that have been shared with Ministers regarding the name change of Kainga Ora in the two months leading up to and including the date of this request.*

*Organization of Information Provided: I request that the information provided be organized with a summary, including a cover page that notes the title of each document, its date, and a brief description. This will aid in efficiently reviewing and understanding the material provided.*

*I understand that under the Act, my request should be responded to within 20 working days. If any part of my request is unclear, or if the information is held by another department or agency, I would appreciate your assistance in directing this request to the appropriate party.*

*you can limit your response to document and information created in the 12 months to 20th December.*

I can advise that two documents were found to be within scope of the request, falling into the 'Internal Documents at Kainga Ora' aspect of your request. The first document is an email chain where a Kāinga Ora senior manager sought legal advice from our in-house legal team about how a name change could be implemented, should the Government propose a name change. I am refusing your request for this document under section 9(2)(h) of the Act to maintain legal professional privilege.

Kāinga Ora also considered the public interest in releasing the full email thread under section 9(1) of the Act, and has determined that the public interest does not outweigh the need to protect confidential communications between a solicitor and their client. However, in considering public interest on this issue, we have decided to provide the following summary of that legal advice:

- Our legal name is “Kāinga Ora – Homes and Communities”, which is set out in our establishing legislation (the Kāinga Ora – Homes and Communities Act 2019).
- This is in contrast to many other Crown entities, whose establishing legislation only contains an English name.
- There is nothing preventing Kāinga Ora – Homes and Communities from using a ‘trading name’ to refer to itself in general communications (as some other Crown entities do), but it must use its legal name in formal documents such as contracts.

The second document is an email from a Kāinga Ora legal advisor to the Chief Legal Advisor at the Ministry of Housing and Urban Development. This email is being released to you with some information withheld under section 9(2)(g)(i) of the Act to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.

As at 31 January 2024, Kāinga Ora has not received any communication from the Minister of Housing regarding a potential name change.

You have the right to seek an investigation and review by the Ombudsman of my decision on your request. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or Freephone 0800 802 602.

Please note that Kāinga Ora proactively releases its responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests/>, with your personal information removed.

Nāku noa, nā



Greg Groufsky  
**Deputy Chief Executive – Sector Engagement**