

Office of the Prime Minister

Prime Minister

Minister for National Security and Intelligence
Minister for Child Poverty Reduction
Minister Responsible for Ministerial Services
Associate Minister for Arts, Culture and Heritage



Rav B
fyi-request-20211-20ccce10@requests.fyi.org.nz

Ref: PMO 2022-252

Tēnā koe Rav

Official Information Act request relating to for written complaints to the Prime Minister's office in December 2021

Thank you for your Official Information Act 1982 (the Act) request, transferred from the Department of the Prime Minister and Cabinet on 25 August 2022. You requested:

*"I) Are there any written complaints received by your office on December 18th 2021 from any MP or their office ? If yes, please receive all communications associated with it.
II) Total number of complaints received in December 2021."*

As has long been the case, information relating to Labour Party caucus matters are generally not considered official information as per section 2(1) of the Act. Accordingly, your request is refused under section 18(g) of the Act as the information requested is not held by a Minister of the Crown, public service agency or organisation subject to the Act.

It is important to note that section 2(1) of the Act defines official information as including any information held by a Minister of the Crown 'in his or [her] official capacity. As noted in this office's letter to the Ombudsman on 22 August 2022, publicly available here: <https://s3.documentcloud.org/documents/22165915/letter-to-ombudsman-re-oia.pdf>, the Ombudsman has made rulings in the past which have maintained the position that individuals who are Ministers of the Crown can hold information while acting in a number of capacities. Ministers of the Crown can hold information that is not 'official information' because it is held in their:

- private capacity;
- capacity as a Member of Parliament (e.g. electorate information); or
- capacity as a member of a political party (e.g. caucus information)

Information held in these capacities may become 'official information' only if it is subsequently used for official Ministerial purposes.

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

Ngā mihi nui,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Raj Nahna
Chief of Staff