

9 February 2024

John

fyi-request-25254-2b8b58b0@requests.fyi.org.nz

Tēnā koe John

Thank you for your request to Kāinga Ora – Homes and Communities, dated 20 December 2023, under the Official Information Act 1982 (the Act):

Please provide all information, including emails, memos, business cases, letters of expectation, et al related to steps that Kainga Ora may be taking to give effect to the policy of the new Government that public service organisations should have their primary name in English, and should communicate primarily in English.

I can advise that two documents were found to be within scope of the 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) 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 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