

# Proactive Release of Information Policy

*Mā te kimi ka kite, Mā te kite ka mōhio, Mā te mōhio ka mārāma.  
Seek and discover. Discover and know. Know and become enlightened.*

## Purpose

1. This policy sets down the principles to be followed when considering proactively releasing information. Information considered for proactive release includes:
  - information that has previously been released by Te Whatu Ora, Health New Zealand to an individual requester under the Official Information Act 1982 (OIA)
  - any other information released by the Chief Executive and/or Board, such as research reports, weekly reports, Board minutes or information published in response to public interest, and information that is regularly requested from Te Whatu Ora under the OIA.
  - formal advice to the Minister, which has been approved for release.

## Application

2. This policy applies to all staff in Te Whatu Ora, including permanent, seconded, contracted and temporary employees.
3. If a person requests their own personal information, this is a request under the Privacy Act 2020. These requests should be managed under Te Whatu Ora's Privacy Policy.

## Definitions

4. Official information generally means any information held by Te Whatu Ora, or their employees as per [section 2 of the OIA](#). This is defined under the OIA policy

## Key Principles

5. Proactive release of information is predicated on the principle of availability. The key purposes of proactive release are the same as in the OIA:
  - to progressively increase the availability of official information to the people of New Zealand
  - enable more effective public participation in the making and administration of laws and policies.
  - promote the accountability of Ministers and officials; and enhance respect for the law and promote good government; and
  - protect official information to the extent consistent with the public interest and the preservation of personal privacy.

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6. Information of public interest that Te Whatu Ora should be considered for proactive release on the Te Whatu Ora's website in accordance with the timeframes established in this policy.
7. Information that is regularly requested under the OIA should be considered for proactive release.
8. Te Whatu Ora may choose to make redactions when proactively publishing information. Where appropriate, these redactions will be identified with the relevant sections of the OIA.
9. Te Whatu Ora may decide to release information in addition to what has been requested, and the rationale for withholding some information, so that the information can be placed in the proper context.

## Due diligence

10. Proactive release is different from releases under the OIA. It is a decision of the Board, Chief Executive, or the Minister to release the information in the interest of transparency, to enable the public to understand decision making and to strengthen the accountability of decisions makers and advisors. It therefore does not have the same protections from sanctions that apply to information released under the OIA ([section 48](#)).
11. The normal assessments for releasing official information are to be followed. This is supplemented by a risk assessment to address the issue that protections from civil or criminal liability are not available when proactively releasing official information, including:
  - assessing the potential effect of releasing the information in good faith.
  - reviewing the information by applying the principles of the OIA, the Privacy Act 2020, and the Protective Security Requirements to the information.
  - considering the requirements of the Health Information Privacy Code 2020
  - considering whether the documents contain any information that would be withheld if it was requested under the OIA.
  - considering whether the documents contain any information that must be withheld under the terms of any other legislation.
  - considering any potential liability (civil or criminal) that might result from the proactive publication of any official information (for example, defamation, copyright, privacy, or breach of contract)
  - considering if any other contextual information is required to make sense of the information.
  - Details of the possible considerations are found in the Cabinet Office circular on [Proactive Release of Cabinet Material](#).
12. Cabinet Material and Briefings to Incoming Ministers are excluded from proactive release under this policy. Only Ministers may approve the proactive release of Cabinet material. Further information on the expectations, processes and responsibilities regarding a Minister's decision to proactively release Cabinet material and for it be published online

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can be found in [Cabinet Office Circular \(18\) 4](#). The process for proactively releasing Cabinet Papers is set out in a separate document.

13. The decision on whether Briefings to Incoming Ministers (BIMs) will be proactively released is a matter for Ministers, not the department or agency ([Cabinet Manual 3.19](#)).

## Consultation

14. All parties involved in the creation of the document being considered for release should be consulted or informed of Te Whatu Ora's intention to publish the information.
15. Consultation with third parties who are named should occur (where possible).
16. Te Whatu Ora will consult with Te Aka Whai Ora on any material which relates to its functions before publication.
17. The board may delegate any decisions relating to the proactive release of information to the Chief Executive.

## No surprises

18. If release of the information is likely to attract public comment, the relevant Minister will be informed of the release at least five working days before the information is due to be released. In the case of formal advice, the Minister will have the opportunity to agree or disagree to the information being proactively released.
19. Te Whatu Ora will make every effort to advise all other parties involved in the creation of the information, or any stakeholders potentially impacted by the information being released, in advance of the release.

## Officials' names

20. Te Whatu Ora releases its officials' names and work email addresses unless there is good reason not to. Cell phone numbers are generally withheld as they are often used for both personal and work purposes.
21. However, when considering publishing personal information about an official they should conduct a thorough risk assessment, including consulting the official to check whether they are comfortable with publication of their personal information.
22. If it is considered in the public interest to publish the name of an official from another agency (for example a document relating to a cross-agency work programme), consultation with the relevant agency must occur.
23. See the [guidance from the Office of the Ombudsman](#) on names and contacts details of public sector employees.

## Timing of publication

24. Publication of OIA responses should generally occur within a week of the response being given to the requestor but no sooner than one day after, to provide the requestor time to consider the response.
25. Other information released by Te Whatu Ora will be released at a date determined by the Board.

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26. Formal advice to Ministers which has been approved for release will be published at the earliest opportunity, but no later than the end of the month following that during which it was approved by the relevant Minister (subject to a final risk assessment).
27. There will be some material that may not be appropriate for proactive release within the above timeframe, given timing sensitivities. For example:
  - advice that is still under active consideration
  - advice that relates to other decisions that are to be publicly announced, but where the announcement is scheduled to take place outside the policy timeframe.

### Location of publication

28. OIA responses and other information released by the Board will be published on the appropriate section of the websites of Te Whatu Ora.

### Watermarks, redactions, and publication

29. Redactions and watermarks should be made using Adobe Pro DC.
30. Where information is being withheld reference to the legislative authority or other reason under which the decision to withhold was made should be stated in the body of the text at each deletion point.
31. Formal advice to Ministers should also be released with a watermark identifying that the material has been proactively released by Te Whatu Ora. The watermark should state Information proactively released by Te Whatu Ora.
32. Publication will be actioned by the Communications team at the request of the Government Partnership and Risk team.

### Accessibility

33. Te Whatu Ora will ensure that the information released is in an accessible format and conforms to obligations under the [United Nations Convention on the Rights of Persons with Disabilities](#) (the Convention), to ensure disabled people have equal access to information, including by providing information in accessible formats. Te Whatu Ora will follow the guidelines of the [New Zealand Disability Strategy](#) for government agencies.

### Update of information published online

34. If redactions have been made to documents which have been proactively released and it is determined at a later date that more information can be made available, Te Whatu Ora may revise and update the published information.
35. When an OIA response is successfully challenged with the Ombudsman a new version of the response will be published.
36. This policy is owned by Government Partnership and Risk and will be reviewed annually and updated if necessary.

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## Non-compliance with policy

37. Failure by staff to fully comply with this policy may result in Te Whatu Ora taking disciplinary action in accordance with the Code of Conduct.

## Further Information

### Related Policies and Procedures

Delegation Policy

Official Information Act Policy

### Related Legislation

[The Official Information Act 1982](#)

[The Privacy Act 2020](#)

[The Ombudsmen Act 1975](#)

### Related Guidance

[Cabinet Manual](#)

[Ministry of Justice Guidelines on Charging](#)

[Making official information requests: A guide for requesters](#)

[Proactive release: Good practices for proactive release of information](#)

## Contacts

Processing and handling issues contact [Government Partnership and Risk](#)

Complaints about official information – [Office of the Ombudsman](#)

Freephone: 0800 802 602

Email: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz),

Postal address: PO Box 10152, Wellington 6143

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