



09/85607

21 May 2009

Hon Dr Jonathan Coleman, Minister of Immigration

DEPARTMENT OF LABOUR INVESTIGATION INTO OFFICIAL INFORMATION ACT REQUEST PROCESSES

Purpose

1. To provide an update on the Department's investigation into current Official Information Act (OIA) processes.

Internal investigation of OIA release re Mr Bakshi

2. The Department initiated an internal investigation of the process surrounding this OIA release on Friday 15 May 2009. Terms of Reference were agreed and a three person investigation team drawn from Internal Audit in Wellington and Auckland began work immediately.
3. All interviews are now complete and an interim report prepared for final sign-off. The report highlights several key areas where current policy or processes have not been followed or complied with. This includes the request not being signed off at the appropriate management level and no adherence to the Department's long-standing 'no surprises' policy.

Next Steps

4. The draft investigation report will now be put to the affected parties (this will occur early next week).
5. On receipt of the final report, the Department will then consider any further appropriate action.

Official Information Act request processes

6. The Department's current policy for handling official information requests includes a "quick guide", as well as comprehensive information on how to approach OIA requests, processing steps and refusal of requests.
7. Decisions to withhold or release information or to extend the time on OIA requests must be authorised by a person in either a second, third or fourth tier management position.
8. Immigration NZ has recently put in place a further OIA triage process. This includes a panel to decide how and by which workgroup each OIA should be dealt with and to provide advice.

Further Action Taken

9. The Chief Executive has now put in place further processes, outlined below:
- 2nd or 3rd tier managers only can make decisions on OIA requests
 - All OIA requests, including those received in regional offices, must be registered centrally in the Government, Executive and Ministerial Unit (GEMS)
 - GEMS will allocate all OIA's to the relevant 3rd tier manager
 - GEMS will provide advice, assistance and monitor timeliness
 - The Department's OIA Policy has been updated to reflect these changes and has been posted on the Department's internet intranet.

Further questions raised by Mr Patrick Gower

10. The Department has received a further six requests for information from Mr Patrick Gower since 15 May 2009.

Recommendations

11. I recommend that you **note** the contents of the briefing.

Noted

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Secretary of Labour

Hon Dr Jonathan Coleman
Minister of Immigration