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Proactive Release Policy

Purpose

To promote open and transparent government and increase the availability of information.

Information held by the public sector often holds a high degree of public interest, especially when it concerns the decisions made by officials on their behalf. Proactively releasing official information promotes good government and accountability of officials, demonstrates our commitment to openness and transparency and fosters public trust. Proactive release is part of a wider move to improve the availability of official information across government.

This policy provides our underlying principles and guidance on how to conduct proactive releases of official information.

Scope

This policy applies to all Ministry of Disabled People - Whaikaha employees, contractors, and consultants.

The policy applies to all official information as defined under the Official Information Act 1982 (OIA). Personal or identifiable information is not subject to proactive release under this policy.

This policy does not cover Cabinet material. The Minister for Disability Issues is the final authority on approving release of Cabinet material relating to the Disability Issues portfolio. For more information about Proactive release of Cabinet Material, please see this Cabinet Officer circular: [Proactive Release of Cabinet Material: Updated Requirements \[CO \(23\) 4\]](#).

Policy

Information of public interest held by Whaikaha should be considered for proactive release on the Whaikaha website.

It is of public interest to release information that:

- Is useful or meaningful to the public that they may not know to ask for;
- Provides insight into the work we do; and
- Promotes the purposes of the OIA (transparency and openness; accountability of officials and Ministers; enables the public to participate in decision making).

The quality of the advice that is provided to Ministers must remain the priority and should not be compromised in anticipation of a proactive release.

Types of documents that could be considered for proactive release includes:

- OIA responses (refer to specific guidance below)
- titles of advice provided to the Minister (refer to specific guidance below)
- formal advice to the Minister
- any other information released by the Chief Executive, such as research reports or publications.

All parties involved in the creation of the document being considered for release should be consulted or informed of the intention to publish the information.

Whaikaha may choose to make redactions when proactively publishing information. 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 redaction point. Most commonly this will refer to the relevant section of the OIA.

The Ministerial and Executive Services team along with the Communications team manage the process for proactively releasing material on the Whaikaha website.

OIA responses

OIA responses containing information of public interest will be published on the website.

Responses that are not of public interest do not need to be published in order to lessen the administrative burden. This includes responses that are full refusals or contain information publicly available elsewhere. Other reasons not to publish an OIA response may include situations where publishing the response would:

- release personal information;
- release commercially sensitive information concerning the requester and/or third parties which is known to the requester but unlikely to be wider public knowledge.

OIA responses will be published after they have been released to the requestor. Publication of OIA responses should generally occur within a month of the response being given to the requestor but no sooner than one day after, to provide the requestor time to consider the response.

The response letter will notify the requestor that Whaikaha expects to proactively release the material with identifying details removed.

Titles of advice provided to the Minister

Titles should be released on a monthly basis. All teams will be consulted ahead of release, as will the Minister's office.

Titles may need to be withheld if there is good reason for doing so, for example, if it relates to advice currently under Ministerial consideration. If a title is withheld, the reference number should still be released, along with the relevant OIA withholding ground.

Considerations ahead of proactive release

Before material is released, it should be reviewed taking the following due diligence matters into consideration:

- the application of the principles in the [OIA](#), the [Privacy Act 2020](#), and the [Protective Security Requirements](#)
- whether the documents contain any information that must be withheld under the terms of any other legislation
- whether there is any potential liability, civil or criminal, that might result from the proactive release
- whether there are reasons to delay the proactive release of the information, for example where there are sensitivities around timing, and
- whether publication on the internet is the best means of release.

For further considerations, please refer to Appendix 1: Assessing information for proactive release (adapted from guidance developed by Te Kawa Mataaho Public Service Commission).

Accessibility

All documents released should be as accessible as possible. Documents should be machine readable, use consistent formatting, and include captions/alternative text for images.

Documents should meet the New Zealand Government Web Accessibility Standard, in line with the Accessibility Charter.

Relevant Legislation and Resources

[Official Information Act 1982 No 156 \(as at 05 April 2025\), Public Act Contents – New Zealand Legislation](#)

[Privacy Act 2020 No 31 \(as at 30 March 2025\), Public Act Contents – New Zealand Legislation](#)

[The Accessibility Charter - Ministry of Social Development](#)

[Proactive release - Te Kawa Mataaho Public Service Commission](#)

Appendix 1 Assessing information for proactive release

Considerations	Supporting guidance
OIA The withholding grounds in the Official Information Act (section 6, section 7, and section 9) need to be taken into account to ensure that proactive publication does not prejudice one of these interests.	The Ombudsman has published guidance relating to specific sections of the legislation: Official information act guides and resources Ombudsman New Zealand
Public Interest Test The public interest test still should be looked at with proactive releases where information is being considered for withholding. The public interest test involves three steps: • Identifying the relevant public interest factors for disclosure • Identifying any relevant public interest factors against disclosure • Assessing whether the public interest against disclosure outweighs the public interest in favour of disclosure	The Ombudsman has published guidance on the public interest test: Public interest: A guide to the public interest test Ombudsman New Zealand
Privacy When considering personal privacy in relation to the proactive release of information, the disclosure standards in the Privacy Act 2020 must be taken into account. Consider whether there is a need to redact information to protect personal privacy and/or whether the information should be released at all. If considering publishing personal information about officials (e.g. their name/email address/phone number), a risk assessment should be carried out and confirmation sought from the individuals concerned that they are comfortable with the publication of their personal information.	
Contractual obligations Consider whether there is a need to redact information to protect contractual obligations	

and/or whether the information should be released at all	
Copyright If the information proposed for release is the creative work of others, their trademarks, or certain confidential business information, the owner of the information must give permission before it can be published.	The New Zealand Government Open Access and Licensing framework provides guidance for releasing copyright works and non-copyright material for re-use by others: NZGOAL (New Zealand Government Open Access and Licensing) framework - data.govt.nz
Defamation Ensure that the risks of defamation are understood, and that the information is thoroughly assessed for this risk when considering information for publication. Seeking legal advice.	
Other legislation Other legislation may also need to be taken into account if the material contains information that must be withheld under the terms of that legislation. Seeking legal advice	

Note: This guidance was adapted from material developed by the Public Service Commission - Te-Kawa-Mataaho-Internal-Policy-Proactive-release-of-official-information.pdf

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