

Proactive Release 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

This policy sets out the principles for the proactive release of information by Te Aka Whai Ora and is supported by Ministerial Services' guidance to staff on proactive release. Information considered for proactive release includes:

A variety of Te Aka Whai Ora produced documents (e.g., Board minutes and agendas, Annual Reports, and Statements of Intent).

- Cabinet material (in accordance with the Cabinet Office guidance [CO \(18\) 4 – Proactive Release of Cabinet Material: Updated Requirements.](#))
- Information that has previously been released in response to a request for information under the Official Information Act 1982 (the Act).

All proactively released information will be published on the Te Aka Whai Ora website.

Guiding principles

Te Aka Whai Ora will proactively publish information on its website to make information more available and to assist in public understanding of Māori health issues and the role of Te Aka Whai Ora. Proactive release of information promotes good government, openness and transparency, and fosters public trust and confidence in government agencies and departments. Te Aka Whai Ora will:

- Publish some responses to requests for official information made under the Act.
- Where appropriate, publish Cabinet material in accordance with the Cabinet Office guidance [CO \(18\) 4 – Proactive Release of Cabinet Material: Updated Requirements.](#)
- Consider publishing information of public interest to assist the public's understanding of Māori health issues and the role of Te Aka Whai Ora.
- Apply due diligence when proactively publishing information and make any necessary redactions.
- Set out the rationale and grounds for withholding any information.

Proactive release of Cabinet material

Under the Cabinet Office guidelines [CO \(18\) 4 – Proactive Release of Cabinet Material: Updated Requirements](#), Cabinet papers and minutes must be proactively released within 30 business days of final decisions being taken by Cabinet, unless there is good reason not to publish all or part of the material, or to delay the release. This policy applies to all papers lodged from 1 January 2019, excluding Cabinet Appointments and Honours Committee papers.

Te Aka Whai Ora will comply with these guidelines where appropriate. These guidelines must be referred to when preparing Cabinet material for proactive release.

Due diligence

Unlike information released under the Act, there is no protection from criminal or civil proceedings that may arise as a result of proactively released information. It is, therefore, important that all material proposed for release must undergo a considered, reliable, robust, and thorough review process.

The following due diligence matters should be considered before approval to proactively release information is given:

- Whether the document contains any information that would have been withheld if the information had been requested under the Act.

- The application of the principles in the Privacy Act 1993.
- Consideration of national security. The application of the Protective Security Requirements (PSR) information and personnel requirements to ensure information is handled according to the PSR, the agency's protective security standards (although these may change if the paper is subsequently declassified), and the application of the New Zealand Government Classification System.
- Whether the document contains 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 of information.
- Whether there are good reasons to delay the proactive release of the information, for example where there are sensitivities around timing, where a particular action needs to occur prior to publication, or in the case of an extended policy process where release of Cabinet material may be premature while advice remains under active consideration and further decisions are pending.
- Whether, in the circumstances, online publication is the best means of public release.

Careful consideration will be given as to whether such responses should be released, or whether some or all of the information might need to be withheld. Te Aka Whai Ora will consider any potential liability, whether civil or criminal, that might result from the proactive publication of any official information, (for example, defamation, intellectual property, privacy or breach of contract) before deciding to publish the information. More detail about due diligence considerations is set out in the Cabinet Office circular [CO \(18\) 4 – Proactive Release of Cabinet Material: Updated Requirements](#).

Consultation

If the document proposed for release includes information relating to another agency, Te Aka Whai Ora will consult with that agency to allow it to conduct its own risk assessment.

When considering publishing official information consultation with, or notification to, relevant Ministers may be required.

Information about employees

There may be instances where Te Aka Whai Ora considers that it is in the public interest to include the name of a Te Aka Whai Ora official (typically a key decision maker) as part of a proactive information release.

When Te Aka Whai Ora is considering publishing personal information about a Te Aka Whai Ora official it will conduct a thorough risk assessment, including consulting the official to check whether they are comfortable with publication of their personal information.

If Te Aka Whai Ora considers it is 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), it will consult with that agency.

Decisions to delay release or not proactively release information

There will be some material that may not be appropriate for proactive release. For example:

- Advice that is still under active consideration.
- Advice that relates to other decisions that are yet to be publicly announced.

Accessibility

Te Aka Whai 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 Aka Whai Ora will follow the guidelines of the [New Zealand Disability Strategy](#) for government agencies.

Non-compliance with policy

Failure to comply with this policy may result in Te Aka Whai Ora taking disciplinary action in accordance with the Code of Conduct.

This policy will be reviewed at least annually.