

Our ref 585579

23 June 2022

Mr Thomas Beagle
By email: thomas@nzcccl.org.nz



Tēnā koe Mr Beagle

Your complaint against the Minister for COVID-19 response

Thank you for alerting me to your concerns about how your Official Information Act complaint has been handled by my office.

I have carefully reviewed all the correspondence and I wish to sincerely apologise for the way your complaint has been managed to date.

The response by my office has fallen short of my expectations and I have asked for your case to be immediately reopened and progressed without delay.

Following a Cabinet reshuffle, I expect my staff to continue to consider the circumstances as they were at the time of the request, consult the new Minister where appropriate, and consider that response when advising me on next steps. Where information has been released subsequent to a request, as it appears it was in your case, the inquiries of the new Minister might include whether there is further information within the scope of the request that has not been released. However, the material issue remains whether the former Minister's decision on the request was lawful at the time it was made.

In reality, the closure of complaints due to a ministerial portfolio reshuffle should be rare and, as you say, must align with section 17 of the Ombudsmen Act 1975. I want to assure you that I continue to investigate the vast majority of complaints against ministers received prior to a Cabinet reshuffle.

In your case, your complaint was closed in error. I have asked my senior staff to review this decision to make sure this does not happen again. I have also asked them to look at a very small number of other closed complaints of this nature to make sure no other errors have occurred.

Thank you again for bringing this matter to my attention. I will put this right.

Yours sincerely

Peter Boshier
Chief Ombudsman