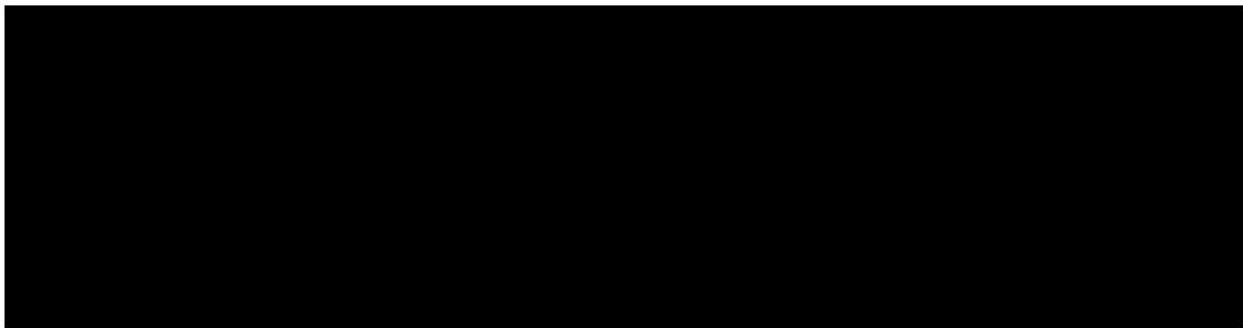


3 October 2025



Official information request regarding the Privacy Act and the Official Information Act

Our Ref: OIA-2526036

1. I refer to your official information request dated 10 September 2025, specifically:

"i note attorney-general is not subject to the oi act. is the attorney-general subject to the privacy act which includes ipp6. i know a ipp6 withholding [sic] ground is legal privilege. request to crown law office chief executive. crown law is subject to oi act. accordingly under section 22 oi act--- not section 12 oi act, i request a hard copy of crown laws policy, rule guidelines or practice about legal professional privilege withholding [sic] ground in respect of both oi act and privacy act including ipp6."

Is the Attorney-General subject to the Privacy Act (including IPP 6 requests)

2. The definition of 'agency' in section 9 of the Privacy Act 2020 excludes members of Parliament in their official capacities. Therefore, the Attorney General is subject to the Privacy Act in relation to ministerial duties and responsibilities, but not when acting in her capacity as a member of Parliament.
3. In addition, please note that the Attorney-General is subject to the Official Information Act 1982 except when acting in the constitutional role as senior law officer of the Crown.¹ There is no such law officer exemption for the Privacy Act.

Hard copies of Crown Law policy, rules, guidelines or practice about legal professional privilege as a withholding ground in respect of the Official Information Act and Privacy Act

4. We have enclosed the relevant sections of the following internal Crown Law policy and guideline documents that relate to your request:

¹ Sir Brian Elwood Request for legal advice provided to the Attorney-General by Ministry of Justice—Attorney-General not subject to Act (January 2019, Case No W41067). This can be accessed by visiting: Request for legal advice provided to the Attorney-General | Ombudsman New Zealand.

Crown Law Privacy Policy

Requests for information

[OUT OF SCOPE]

26. Part 4 of the Privacy Act provides some exceptions to providing individuals with access to personal information about themselves, for example:

[OUT OF SCOPE]

- if disclosure of the information would breach legal professional privilege

[OUT OF SCOPE]

27. If Crown Law identifies information that is to be withheld, the requester needs to be advised of the reasons for withholding the information, a reference to the relevant sections of the Privacy Act and that the requester can seek a review of the decision from the Office of the Privacy Commissioner.

Crown Law: Responding to OIA Requests policy and processes (including proactive release)

Application to Crown Law of the Official Information Act 1982

[OUT OF SCOPE]

20. In terms of both release under the OIA and proactive release, information created and/or held by Crown Law while providing legal advice and representation services usually also engages the application of legal privilege.

Key Principles

21. Crown Law will:

[OUT OF SCOPE]

- bear in mind, that information created and/or held by Crown Law while:

[OUT OF SCOPE]

- ii. providing legal advice and representation services to the Government in matters affecting the Executive, usually engages the application of legal privilege (including as a withholding ground).

[OUT OF SCOPE]

Process map: Proactively release responses to OIA requests

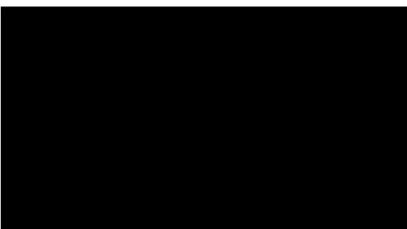
[OUT OF SCOPE]

The nature of Crown Law's work means that most of the information and documents produced are not within the scope of the OIA as they relate to Law Officer functions and/or attract legal privilege.

5. Please note that we may publish this response (with your personal details redacted), and any related documents, on Crown Law's website if we decide proactive release of this information is or may be in the public interest. If you have any concerns about this, please let us know within 10 working days of the date of this letter.
6. You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.
7. If you wish to discuss this decision with us, please feel free to contact oia@crownlaw.govt.nz.

Nāku noa, nā

Crown Law



Rob Glennie

Chief Finance & Performance Officer