

27 January 2023

C161778



Tēnā koe 

Thank you for your email of 22 November 2022 to the Department of Corrections – Ara Poutama Aotearoa, requesting information about external communications received by Corrections relating to face-to-face visits at prisons. Your request has been considered under the Official Information Act 1982 (OIA). Please accept my apologies for the delay in responding to your request.

Information has previously been provided to you on 28 October 2022 and 22 November 2022 (ref. C158033 and C158598) relating to the network rebalancing plans and face-to-face visits.

Face-to-face visits were first temporarily suspended when the country entered Alert Level 4 lockdown in March 2020 and remained suspended throughout Alert Level 3, in line with the COVID-19 guidelines. Face-to-face visits resumed at all prisons under Alert Level 2 in May 2020 and remained in place until August 2021, with the exception of the Auckland Region, which spent periods of time in and out of Alert Level 3.

As COVID-19 cases in prisons have now dropped considerably across the country, we are now looking at how best manage the prison population across the entire prison estate to ensure the best use of our units and staff resources.

You requested:

*My request included external communications received by Corrections.  
This was specific as I was aiming to pick up letters/communication received by Corrections from the Human Rights Commission, Ombudsman, Law Society, and so on, which I understand has been sent to your department.*

In our previous response to you, we noted that we had carried out a search to identify all email communication within scope of a similar OIA request using the keywords 'network configuration' 'network consolidation' and 'balancing plan'. The different options for these plans begun around 18 July 2022 and this search located over 33,000 emails, which is likely

to be over 60,000 pages. These results would require manual assessment to establish what was within scope of your request and assess them in accordance with the OIA.

Accordingly, your request for *'internal and external communications'* relating to visit restrictions, including *'any communications sent to and received from any of the 18 prisons across the country regarding face-to-face visits'* was refused under section 18(f) of the OIA, as it would require substantial collation or research.

In accordance with section 18A and 18B of the OIA we considered whether fixing a charge, extending the time limit or asking you to refine or amend your request would enable us to provide a response.

Correspondence received from external agencies and regulatory bodies, such as the Ombudsman, Privacy Commissioner, Human Rights Commission, or Law Society, can be received throughout the Department. While the majority are centrally logged within Ministerial Services, due to the manner that Corrections logs items in our correspondence tracking system, the information requested is recorded in a free text title field. Requests can contain a number of queries that may not be captured in the free text field and there is no standardised method for recording the subject of a piece of correspondence.

In order to respond to your request, Corrections would be required to carry out an email search for each agency or regulatory body, by keyword, and manually review each file. As such, an email search for one agency was completed to determine the potential scope of your request. A search for the words 'Ombudsman' and 'visits' from 6 July 2022 to 22 November 2022 was completed and yielded 57,746 emails that could fall within the scope of your request. This search alone is likely to result in over 100,000 pages of information.

Additionally, any external communications in relation to investigations into Corrections actions conducted by the Ombudsman and the Privacy Commissioner are not subject to the OIA, as they are not considered to be official information, therefore, any correspondence relating to an investigation would be withheld, as noted in section 2(1)(i) of the OIA and section 206(3)(c) of the Privacy Act, respectively.

Accordingly, your request for external communications relating to face-to-face visits, is refused under section 18(f) of the OIA, as it would require substantial collation or research.

In accordance with section 18A and 18B of the OIA we have considered whether fixing a charge, extending the time limit or asking you to refine or amend your request would enable us to provide a response. If you are able to refine your request to a specific time period or other key search words, we may be able to consider your request further.

However, Corrections would like to provide you with as much information as possible. We have collated correspondence that has been able to be located based on institutional knowledge. Please see attached as Appendix One, correspondence relating to in-person visits. Some information is withheld under section 9(2)(a) of the OIA, to protect the privacy of natural persons, including that of deceased natural persons.

In accordance with section 9(1) of the OIA, we have considered whether there are countervailing public interest consideration that outweigh the need to withhold the information, including transparency and accountability. We consider that public interest considerations do not outweigh the need to withhold the information, in this case.

Please note that this response may be published on Corrections' website. Typically, responses are published quarterly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

I trust the information provided is of assistance. I encourage you to raise any concerns about this response with Corrections. Alternatively, you are advised of your right to also raise any concerns with the Office of the Ombudsman. Contact details are: Office of the Ombudsman, PO Box 10152, Wellington 6143.

Ngā mihi



Ben Clark

National Commissioner (acting)