

30 November 2021

C137738

S 9(2)(a)

Tēnā koe S 9(2)(a)

Thank you for your email of 23 June 2021, requesting information about media requests for interviews over the last 10 years. Your request has been considered under the Official Information Act 1982 (OIA). I sincerely apologise for the delay in responding to your request.

Requests from media to interview people in prison are guided by the Corrections Regulations 2005. Decisions on whether to approve requests are made by the Deputy Chief Executive (DCE) People & Capability, a power which has been delegated to the DCE by the Chief Executive. The process for applying to film, photograph or interview a person in prison is outlined on our website, at: [https://www.corrections.govt.nz/news/information\\_for\\_the\\_media/make\\_a\\_request](https://www.corrections.govt.nz/news/information_for_the_media/make_a_request)

The Regulations state that when making a decision on whether to approve a request, consideration must be given to the need to protect the interests of people other than the individual concerned. This can include victims, Corrections' staff, the public, and other people in prison. Consideration must also be given to the need to maintain the security and order of the prison.

The person in prison must provide their written consent for an interview to take place, and the DCE must be satisfied that they understand the nature and purpose of the interview, and the possible consequences of the publication or broadcast to themselves and other people.

Please note that some of your questions have been re-ordered for ease of response.

You requested:

1. *The number of media requests to interview prisoners that your office has received per year.*
2. *The number of media requests to interview prisoners that have been granted and the number that have been declined.*

Below is a breakdown from 2013 to 2021 (as at 23 June 2021) of the number of prisoner interview requests received by Corrections, and the outcomes of these requests.

Year	Total number of interview requests	Approved	Prisoner did not provide consent	Did not proceed for other reasons	Declined	Currently being processed
2013	17	3	0	4	10	0
2014	17	2	3	6	6	0
2015	10	6	2	0	2	0
2016	11	3	8	0	0	0
2017	24	6	6	2	10	0
2018	14	1	4	7	2	0
2019	9	0	3	3	3	0
2020	16	2	9	2	3	0
2021 <sup>1</sup>	8	1	2	1	0	4

The “Did not proceed for other reasons” category can include situations such as the applicant withdrawing their request, or the prisoner being released from custody.

Corrections has only kept a centralised record of these requests since 2019. The information provided from 2013-2018 has been collated by manually reviewing historic records, so while we have made every effort to ensure it is accurate and comprehensive, we cannot confirm that this data represents every request received. We do not hold records for requests made prior to 2013. Therefore, your request for data prior to 2013 is refused under section 18(e) of the OIA, as the information does not exist, or despite reasonable efforts to locate it, cannot be found.

Please note that the information above only includes interviews where the prisoner is identified. It is not uncommon for people in prison to take part in interviews with media on an unidentified basis, and we do not apply the same consideration process, or actively keep records of these interviews taking place.

### 3. *The reason/s for declining each request.*

We do not keep centralised records of the reasons that requests are declined, as such, this part of your request is refused under section 18(e) of the OIA, as the information requested does not exist or despite reasonable efforts to locate it, cannot be found.

However, we do note that in making all decisions around media requests, the DCE balances the right to freedom of expression protected by section 14 of the Bill of Rights Act, with the mandatory considerations required by the Corrections Regulations. Specifically, this is the protection of interests of people other than the prisoner concerned, and the maintenance of the security and order of the prison.

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<sup>1</sup> As at 23 June 2021

4. *All correspondence to and from the media organisations relating to each of these requests.*
5. *All correspondence within Corrections and between other ministries relating to each request.*

To enable a considered decision on an interview request by the DCE, staff collect and collate detailed information from registered victims and relevant frontline staff. All applications are also subject to extensive consultation. This process can take some time, but it requires careful consideration due to the significant impact that the decision may generate, both for the prisoner themselves and others. Each request can generate many emails within Corrections. Consultation with other government agencies would occur on a case by case basis.

The information within scope of this part of your request is not all centrally collated. To extract all correspondence from 2013 onward would impair the effective administration of Communications and Government Services staff at Corrections' National Office, who would need to consult extensively across the organisation to collate and assess all information in scope of your request. As such, we are refusing this part of your request under section 18(f) of the OIA, as the information cannot be made available without substantial collation or research. In accordance with section 18A of the OIA, we have also considered whether fixing a charge or extending the time limit would allow us to respond. We do not believe this to be the case.

Pursuant to section 18B of the OIA, we have also considered whether consulting with you to amend your request would enable us to provide you with information which is sufficiently close to that which you have requested, for example by limiting your request to a specific case or cases. However, we do not consider that would be appropriate for the following reasons.

Any information collated would likely include significant personal information relating to registered victims and the people in prison and would likely need to be withheld in full under section 9(2)(a) of the OIA, to protect the privacy or natural persons, including that of deceased natural persons.

Further, much of the information within scope of this part of your request would consist of preparatory material and commentary from consulted parties. As you will appreciate, it is important that government employees tasked with considering a request of this type are able to consult relevant internal or external parties and seek free and frank comments from those people. The release of correspondence of this nature can impact on the free and frank nature of discussions around responding to requests. This would negatively impact the ability of government agencies to respond properly to requests, thereby prejudicing the effective conduct of public affairs.

As such, we also consider that there would be grounds to refuse this much of this material under section 9(2)(g)(i) of the OIA, as the release of the information would be likely to inhibit the future free and frank expression of opinions. The Ombudsman has made rulings on refusals of similar requests for information [here](#) and [here](#).

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. Should you have any concerns with this response, I encourage you to raise them 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



Richard Waggott  
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People and Capability