



25 March 2025

OIAD-1524

9(2)(a)

Tēnā koe 9(2)(a)

Thank you for your email of 17 March 2025 requesting the following under the Official Information Act 1982 (the Act):

*The documents proactively released relating to NDC2 at this link:  
<https://environment.govt.nz/assets/publications/Mfe-NDC2.pdf> without any redactions  
bar those applied under s9(2)(a) of the OIA.*

*In particular, please consider that redactions under s9(f)(iv) and s9(g)(i) are unlikely to be justified for final drafts of documents where decisions have already been made and announced.*

I am withholding the information that you have requested under the grounds of the Act cited in the proactive release that you have referenced:

- 6(a) to not prejudice the international relations of the Government of New Zealand.
- 6(b)(i) to not prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government.
- 6(b)(ii) to not prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by any international organisation.
- 9(2)(a) to protect the privacy of natural persons.
- 9(2)(b)(ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
- 9(2)(f)(iv) to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.
- 9(2)(g)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.
- 9(2)(h) to maintain legal professional privilege.

The proactive release was published on the Ministry's website on 13 March 2024, following robust internal and external consultation on the information in scope. We have carefully considered each ground used to withhold information within the context of the broader work programme and against the public interest test in section 9(1) of the Act.

Some information in Page 120 of the proactive release has been refused under section 18(d) of the Act. I consider that this ground was used incorrectly and that it should have been withheld under section 9(2)(g)(i) of the Act. I am withholding this section in your request under section 9(2)(g)(i) of the Act.

Some information in this request has been withheld under sections 6a and 6b of the Act. I consider that this continues to be necessary to maintain the international relations of the Government of New Zealand.

Some information in this request has been withheld under section 9(2)(b)(ii) of the Act to not prejudice the commercial position of the person or entity that supplied the information. I consider that this continues to be necessary at this time.

Although New Zealand's second Nationally Determined Contribution has now been announced, there remain a series of decisions to be made by Ministers relating to other climate mitigation policies and targets. Releasing the information withheld under sections 9(2)(f)(iv) and 9(2)(g)(i) of the Act could prejudice the ability of Ministers to make upcoming policy decisions and impact the ability of officials to provide free and frank advice.

Some information in this request has been withheld under section 9(2)(h) of the Act to maintain legal professional privilege. The Ministry considers the need to withhold this information outweighs the public interest and therefore does not intend to apply for legal privilege to be waived.

I therefore consider that the information withheld continues to meet these grounds under the Act as it did at the time of proactive release, other than the section that was refused under section 18(d) of the Act. In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of this information is not outweighed by other considerations that render it desirable to make the information available in the public interest.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decisions relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found at: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Please note that due to the public interest in our work the Ministry for the Environment publishes responses to requests for official information on our [OIA responses page](#) shortly after the response has been sent. If you have any queries about this, please feel free to contact our Ministerial Services team: [ministerials@mfe.govt.nz](mailto:ministerials@mfe.govt.nz).

Nāku noa, nā



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Ministry for the Environment | Manatū Mō Te Taiao