



19 February 2024

9(2)a

Tēnā koe 9(2)a

Thank you for your email of 12 December 2023 to the Ministry for the Environment (MfE) requesting the following under the Official Information Act 1982 (the Act):

1. *All briefings, memos or similar provided by the Ministry to the Ministers of Energy, Resources and Climate Change related to COP28.*
2. *Any correspondence sent or received by any electronic means (including but not limited to text, email, phone, Signal, any other messaging apps) between the Ministry and the offices of the Minister of Energy; Resources; Climate Change, including with political staff, departmental secondees and with the Minister directly*

As per our letter of 17 January 2024, we advised you that the Ministry of Foreign Affairs and Trade (MFAT) would be responding to Part 1 of your request directly, as the information requested was held by MFAT and more closely related to their functions.

In response to Part 2 of your request, MfE has identified four emails and five attachments in scope of your request, as listed in the attached document schedule. Some information within these documents has been redacted as out of scope of your request, refused or withheld under the following sections of the Act, as outlined in the document schedule:

- 18(d) as the information requested is or will soon be publicly available
- 6(a) to protect information that would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.
- 6(b)(i) to protect information that would be likely to 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 protect information that would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by any international organisation
- 9(2)(a) protect the privacy of natural persons, including that of deceased natural persons.
- 9(2)(ba)(i) protect information which is subject to an obligation of confidence where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied
- 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 and employees of any public service agency or organisation in the course of their duty
- 9(2)(j) enable a Minister of the Crown or any public service agency or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

In terms of section 9(1) of the Act, I am satisfied that, in the circumstances, the withholding of information under section 9 is not outweighed by other considerations that render it desirable to make the information available in the public interest.

Regarding your request for information held within texts, phone records, Signal and messaging apps, MfE has undertaken a thorough search and determined that we hold no information in scope of this part of your request. Ministry officials who travelled to Dubai took temporary devices with them in the interest of information security. If information in scope of your request was held on these devices, the Ministry no longer has access to it.

Therefore, I am refusing Part 2 of your request as it relates to texts, phone records, Signal and messaging apps under section 18(g), as the information requested is not held by the Ministry and we have no grounds for believing that it is held by another department.

You have the right to seek an investigation and review by the Office of the Ombudsman of my decision to withhold information relating to this request, in accordance with section 28(3) of the Act. The relevant details can be found on their website at: 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.

Yours sincerely



Jacqueline Ruesga
Manager – International Markets
Ministry for the Environment | Manatū Mō Te Taiao

Document schedule

Doc no.	Document date	Document title	Decision on release	OIA sections applied
1	4 Dec 2023	Email: MCC meeting update: leadership update 4 th Dec	Released in part	6(a), 9(2)(g)(i)
2	7 Dec 2023	Email: COP28 – flexible draft schedule for James Palmer	Released in full	
2a	7 Dec 2023	Attachment: Draft COP28 Schedule	Released in part	9(2)(a), 18(d), 6(b)(i)
2b	7 Dec 2023	Attachment: DRAFT MCC Programme	Withheld in full	18(d)
2c	7 Dec 2023	Attachment: Email: COP 28 update	Released in part	6(a), 9(2)(ba)(i), 9(2)(f)(iv), 9(2)(g)(i), 9(2)(j),
3	8 Dec 2023	Email: RE: COP28 – flexible draft schedule for James Palmer	Released in full	
3a	8 Dec 2023	Attachment: Draft COP28 Schedule 8.12.23	Released in part	9(2)(a), 18(d), 6(b)(i)
3b	8 Dec 2023	Attachment: Email: GGGI meeting at COP28 – supporting material for James Palmer	Released as part of document 4 email chain	
4	8 Dec 2023	Email: FW: GGGI meeting at COP28 – supporting material for James Palmer	Released in part	6(b)(ii), 9(2)(j), 9(2)(f)(iv)