

ACCESS TO FACILITY-SPECIFIC ENVIRONMENTAL INFORMATION



NEW ZEALAND

The basic law on access to government documents in New Zealand is the [Official Information Act 1982](#). This provides broad rights to access to information from the government. The exemptions include:

Conclusive reasons for withholding official information

Good reason for withholding official information exists, for the purpose of section 5, if the making available of that information would be likely—

(c) prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial. Part 1, Sec. 6(a).¹

This exemption follows general international law under the Aarhus Convention and thus should not affect access to past violations or to documents already provided to the target of the investigation or action.

Section 9 contains discretionary reasons for non-disclosure, including trade secrets, privacy rights, confidentiality of sources, attorney-client privilege, and other factors not likely to be involved in environmental information on permits and enforcement matters.

Requests for information are [centrally managed at the Ministry of Environment](#) and requests should be directed to ministerials@mfe.govt.nz.

¹ This language is basically the same as the Aarhus Convention and numerous other national laws. It has been construed to not cover previous enforcement actions or documents conveyed to the target of the enforcement proceeding. It has been normally interpreted to mean the internal documents of the enforcement agency that have not otherwise been turned over to the target of a criminal investigation or action.¹ There is also a major body of international law that the exclusion only applies to ongoing proceedings. See Banner, *The Aarhus Convention: A Guide for UK Lawyers*, (Bloomberg Pub.2015)p. 110 (citing [UN Implementation Guide](#)). After the matter is resolved by officials, the reason for the exemption is arguably no longer valid.¹ See [Flachglas Torgau GmbH v Germany](#), C-204-09, February 14, 2012

CONTACT INFORMATION:

Randy Mott JD, Director for Europe, the Middle East and Africa, CHWMEG, +48-607-339012, Europe@chwmeg.org.

To report dead links in the above, provide feedback, or to notify CHWMEG that updates to this information are necessary, click the link below to send an email to Randy Mott (type a brief note with your feedback before sending your email):

<mailto:europa@chwmeg.org?subject=-- New Zealand -- Feedback/Dead Link/Update Required for Accessing Facility Regulatory Info>

REV 0: January 15, 2021