

VISA PAK ISSUE 385 — 18 JANUARY 2019

“DO NOT RELEASE COMMANDS” IN AMS

Immigration Resolutions is responsible for answering most correspondence from the Office of the Privacy Commissioner about complaints made under the Privacy Act 1993 (PA) and from the Office of the Ombudsman about complaints made under the Official Information Act 1982 (OIA).

In the course of this work it has been noted that staff from time to time enter notes in AMS that include a “DO NOT RELEASE” command. This command is often entered before any assessment by a Privacy Officer or other staff member is undertaken regarding whether the information can be released under the PA or OIA.

All information requests under both the OIA and the PA must be processed in accordance with the relevant policies. Under these policies, legal advice must be sought if it is proposed that there is good reason to withhold information. Each request for information is considered from a starting position that the information is to be released, and if appropriate any withholding grounds may then be considered.

It is not appropriate to use blanket commands or statements that INZ should not or does not release certain information.

Amendment to AMS entry for information warnings and/or alerts

Staff must not enter a “DO NOT RELEASE” command or other similarly worded instruction.

Staff should instead begin any notes in an information warning or alert with:

“Care should be taken before releasing the following information. Please contact the writer of this warning in the first instance”.

This is to ensure the language of these reminders reflect the approach taken by INZ in assessing information requests, and in particular that each case is considered in accordance with our obligations under the OIA and/or PA.

If the writer of an information warning or alert is approached for comment regarding the release of information, any comment provided by the writer will be considered in accordance with the obligations under the relevant Act.

In addition, any previous “DO NOT RELEASE” (or other similar) commands will be read and considered for release in accordance with the obligations under the relevant Act.