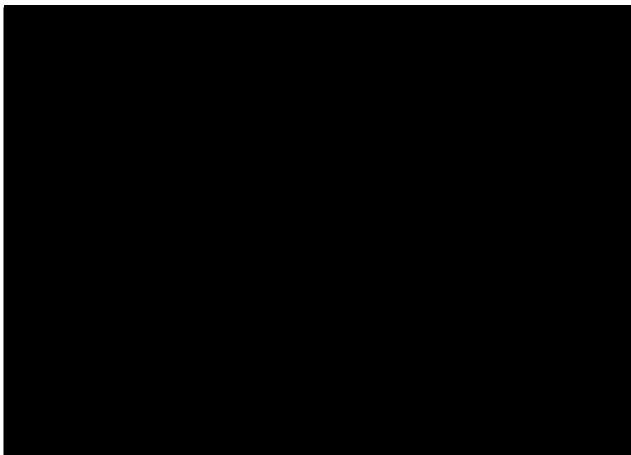


27 August 2018



**Re Official Information Request – Board documents in public excluded agenda**

I refer to your official information request dated 30 July 2018 for information about how DHBs make decisions about excluding the public from sections of the DHB Board and Committee meetings.

You asked for the following information:

- 1. Details of the process which is undertaken at your DHB to decide which items on an agenda are discussed with the public excluded**
- 2. Who is ultimately responsible for making the decision on the agenda**
- 3. Who makes the decision as to which clause of the OIA applies to a decision to exclude the public**
- 4. Copies of any written policies on the process for deciding which issues should be discussed with the public excluded**
- 5. I am also interested in the extent to which board members meet to discuss issues outside of the normal board/committee meeting structure. Does your board routinely meet in advance of the board/committee meeting and, if so, for how long?**
- 6. Does your board hold regular meetings aside from the mandated board and board committee meetings - if so, how often and for how long?**

The information you have requested is enclosed below.

Auckland DHB is guided by the governing rules set out in Clauses 32 and 33, Schedule 3 of the New Zealand Health and Disability Act 2000, and by the Archives New Zealand guidance on Access to Information under Part 3 of the Public Records Act 2005.

This is further supported by Section 3.5 of the Auckland DHB Boards Standing Orders (refer to Attachment 1 – Extract from Auckland DHB Standing Orders).

Items are assessed under the following criteria:

- By applying the ‘public interest’ test, determining whether the report contains any information that the disclosure of such would result in a breach of protecting the interests set out by section 6, 7 or 9 of the Official Information Act.
- Identifying whether there is a statutory requirement for restriction of the information set out in any other legislation governing a public office (for example the Ombudsman Act 1975, the Criminal Records (Clean Slate) Act 2004 or Adoption Act 1995 etc.).
- Assessing if there would be any potential risk to any third party if the information were to be released in public.

If there is any area of doubt as to whether items meet the criteria of the legislation for exclusion of the public or the issues are not straight-forward, the relevant Executive makes an initial decision with advice from the legal team as to whether there are grounds for the item to be placed on the public excluded agenda. Reference is also made to the Ombudsman’s Guidelines.

The ultimate decision on whether an item is considered with the public excluded section of the meeting rests with the Board or statutory committee, regardless of where it is placed on the agenda. If the Board or statutory committee are not convinced that there are grounds for considering an item with the public excluded it can determine that the item be considered in public session.

Auckland DHB follows the relevant legislative requirements for deciding what issues should be discussed with public excluded. The sections of the Official Information Act or Local Government Official Information and Meetings Act relied on for placing an item on the public excluded part of the meeting is always specified in the agenda.

The Board does not have written policies or processes for determining what items should be considered with public excluded because we are guided by and adhere to the associated legislative requirements and our Standing Orders. Each item is considered on its individual merits in terms of the legislation.

The Board does not hold any other regular meetings outside of the mandatory Board and Committee meetings scheduled for the year. (Those meetings are: the full Board, Hospital Advisory Committee, Disability Support Advisory Committee, Maori Health Gains Advisory Committee, Community and Public Health Advisory Committee, and the Finance, Risk and Assurance Committee).

The Auckland DHB Board does meet in a ‘Board Only’ session for 1 hour during each full Board meeting. The purpose of this meeting is for the Board Chair and Board members to have informal discussion.

On occasion the Board holds workshops for planning, training and to be briefed on various matters relating to its role and responsibilities.

During Annual Planning processes the Boards of the metro-Auckland DHBs may hold joint workshops where there is a need to plan collaboratively for service delivery.

I trust this information answers your questions.

Auckland DHB, like other state sector agencies, supports the open disclosure of information to assist the public in understanding how we are delivering publicly funded healthcare. Please note that this response or an edited version of it, with your personal details redacted may be published on the Auckland DHB website.

If you feel there are good reasons why our response to your request should not be made publically available we will be happy to consider this.

You are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Auckland DHB website.

Yours faithfully



Ailsa Claire, OBE  
**Chief Executive**

