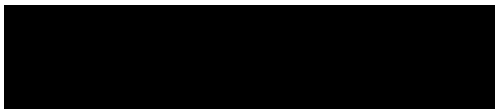




12 November 2020



Dear 

Thank you for your letter of 27 September 2020, which followed on from the Ministry of Education's explanation of changes to the ECE Funding Handbook sent to you on 25 September 2020.

In your letter, among other things, you ask for certain information relating to the Minister's decisions to amend the Funding Handbook.

Your request has been considered under the Official Information Act 1982 (the Act).

The following table details our decisions in relation to each part of your request.

Information requested	Document title(s)	Decisions on release
1. Copies of the Minister's signed agreements referred to in 25 <sup>th</sup> September email	<i>1. Clarification of kindergarten funding rate eligibility 14 August 2020, METIS 1238377</i>	Released in part with information withheld under sections 9(2)(a) and 9(2)(f)(iv) of the Act.
2. All supporting documentation provided to the Minister to support his decision	<i>1. Clarification of eligibility for kindergarten funding 3 July 2020, METIS 1230084 2. Legal status of kindergartens 6 December 2019, METIS 1215402</i>	Released in part with information withheld under sections 9(2)(a), 9(2)(b)(ii), 9(2)(f)(iv), 9(2)(g)(i), 9(2)(h) and 9(2)(i) of the Act.
3. All related Cabinet papers, regulatory impact statements and departmental disclosure statements	<i>Nil</i>	Refused under section 18(e) of the Act. There are no such documents relating to the Funding Handbook amendment.
4. Copies of all related legal opinions, in full	<i>Internal and external (Crown Law Office) legal advice</i>	Withheld in full under section 9(2)(h) of the Act to maintain legal professional privilege.

Information has been withheld under the following sections of the Act:

- 9(2)(a) *withholding of the information is necessary to protect the privacy of natural persons*
- 9(2)(b)(ii) *withholding of the information is necessary to protect information where the making available of the information 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) *withholding of the information is necessary 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) *withholding of the information is necessary 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) *withholding of the information is necessary to maintain legal professional privilege*
- 9(2)(i) *withholding of the information is necessary to enable a Minister of the Crown or any public service agency or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities.*

As required under section 9(1) of the Act, we have considered the public interest considerations favouring the disclosure of the information we are withholding. We have identified no public interest considerations favouring the release of this information.

Under section 28(3) of the Act, you have the right to refer this response to an Ombudsman. You can do this by emailing [info@ombudsman.parliament.govt.nz](mailto:info@ombudsman.parliament.govt.nz).

Nāku noa, nā



Dr Andrea Schöllmann  
**Deputy Secretary**  
**Education System Policy**