

Appendix C

Out of scope

From: Paul Delahunty <Paul.Delahunty@regulation.govt.nz>
Sent: Thursday, 5 February 2026 12:37 pm
To: Nicola Chapple <Nicola.Chapple@regulation.govt.nz>
Cc: Alex McMinn <Alex.McMinn@regulation.govt.nz>
Subject: AI Guidance

Kia ora Nicola

Firstly, apologies for not getting my feedback to you earlier, Out of scope and this is something I wanted to review in detail.

General Comments

It is a good read with a lot valuable and practical information which I think will land positively, so well done. You will have seen some of my comments directly in the electronic document but the rest are mocked up on a physical version. Out of scope

Other comments

- I do not believe Māori data sovereignty is well understood across the public service yet and we do not want to try and define it in the document. However, I suggest we add some links to the authoritative source on Māori data sovereignty as the crown have defined it.
- Out of scope
- There are other communities (not just Māori) where ownership accessibility and accuracy of private information remain a concern, as well as understanding how that information is used eg the health sector, i.e. Disabled and people accessing mental health services. It would be good to expand a little on what is in the document around vulnerable communities.
- Out of scope

Once you’ve updated the document and before we go live there will be value in having this externally reviewed. The document has the potential to be very well used and referenced as it is fulling a significant gap (in my opinion) in the regulatory landscape, and you’ve done a good job. While I’m not expecting it to come under a lot of scrutiny there is the possibility we will be challenged on some things, so it helps to say this has been external reviewed by XXX. This is good practice which is why

we have done something similar with each of our sector review reports and the economic analysis we released. I'll have a chat to Alex about this i.e you focus on the content and he and I will figure out who we can get to review it.

I'll come and have a chat, but wanted to send a quick email.

Nga mihi

Paul

Out of scope

Out of scope

From: Paul Delahunty <Paul.Delahunty@regulation.govt.nz>
Sent: Thursday, 16 April 2026 5:59 pm
To: Alex McMinn <Alex.McMinn@regulation.govt.nz>
Cc: Georgia Huisman <Georgia.Huisman@regulation.govt.nz>
Subject: RE: AI Guidance – Peer Review Summary and Next Steps

Kia or Alex

Sounds good, I'm still keen to share my picture. I acknowledging people all consume information differently. I think we could have the 30 pager and potentially the 7 digestible modules (I don't think it is much work), the 4 pager is one of the modules.

Out of scope

Talk next week

Ngā mihi

Paul

From: Alex McMinn <Alex.McMinn@regulation.govt.nz>
Sent: Tuesday, 14 April 2026 12:58 pm
To: Paul Delahunty <Paul.Delahunty@regulation.govt.nz>
Cc: Georgia Huisman <Georgia.Huisman@regulation.govt.nz>
Subject: RE: AI Guidance – Peer Review Summary and Next Steps

Kia ora Paul,

Thanks for the thoughtful response and for the steer. I'll continue updating the main AI guidance draft and will share a live link with you later this week for review.

On **Te Tiriti o Waitangi**, I'll start work on a focused section setting out what it means, in practice, for regulators to meet their obligations to Māori when considering AI adoption. This will be framed to support alignment with Te Tiriti and good regulatory practice, without going deep into Māori data sovereignty at this stage. I'll engage with TPK to test and strengthen this content as it develops.

On **transparency**, I plan to address this briefly by clarifying expectations around accountability and existing mechanisms (including the OIA). The suggestion of a standardised auditing process feels beyond the intended high-level nature of this guidance, so I won't progress that here, but we can continue to signal that more work may follow in this space.

In terms of **format**, I had confirmed with Comms in March that the agreed approach is still the best fit: a single core guidance document (around 25–30 pages), supported by a concise 4-page summary. This keeps

everything in one place so leaders get the full picture, why AI should be used, how to deploy it well, and how to keep processes and data safe, while still offering a more accessible entry point.

That's the approach I've been working to, knowing that once published the guidance will continue to evolve as feedback and sector needs emerge. Out of scope

On **timing**, given the further edits required, consultation with TPK, and sign-off, it won't be possible to deliver this in April. With that in mind, can you let me know how you'd like me to proceed, on involving the Ministers office and finalising the first draft.

Kia pai tō rā,
Alex

Alex McMinn

Head of Regulatory System Capability

Ministry for Regulation | Te Manatū Waeture

īmēra: alex.mcminn@regulation.govt.nz | waea pūkoro: S 9(2)(a)

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From: Paul Delahunty <Paul.Delahunty@regulation.govt.nz>

Sent: Monday, 13 April 2026 5:21 pm

To: Alex McMinn <Alex.McMinn@regulation.govt.nz>

Cc: Georgia Huisman <Georgia.Huisman@regulation.govt.nz>

Subject: RE: AI Guidance – Peer Review Summary and Next Steps

Hi Alex

Based on the peer view it looks like the guidance is hitting the mark, so well done. I've noted below the areas you intend to update based on feedback so I won't comment on these things and I can see how the suggestions will primarily strengthen the document further.

The specific question you had for me was around Te Tiriti o Waitangi, Māori Data, and Māori Data Sovereignty.

Guidance on Crown obligations to Māori, Te Tiriti o Waitangi (TPK), Māori data (GCDO - PSC), and Māori data sovereignty (GCSO - Stats) sit across a few organisations. Technically MfR are not responsible for these things. However, I would like to see us providing some practical guidance for regulators around their obligations to Māori that help them align with Te Tiriti o Waitangi when considering AI adoption, I wouldn't go into too much detail around Māori data at this time. We should not just direct them to another agency. Sorry I can not find the AI Guidance and can not remember exactly what is in it on this topic. We should be bold and put our best foot forward around what we think is practical. A lot of agencies are hesitant to do this, as they worry about being wrong. The reality is there is no right and wrong in this space as this is all very new and whatever guidance we provide will evolve and facilitate conversation which will in turn result in us all building a collective understanding i.e. let's lead. I admit this will require a little consultation with TPK.

Other comments noting I have not reread the AI Guidance

- section 4.5 (peer review doc) Transparency raised some valid points and I see you haven't noted below any changes in that area, keen to discuss.

- I like the CBA comment below, but again, being practical we could add a high level statement in the overarching doc and signal more to come in this space.

When you've updated the guidance please send me a link. I'm still keen to see the guidance as a series of documents rather than one document, where has you thinking got to on this? I have some ideas (I've drawn a picture). If we do this it means we can provide a high-level overview with case studies and then provide clear guidance on specific topics eg guidance for regulators around there obligations to Māori. If we take this approach we can get this out later this month, launch it and add other topics/components as standalone docs that bolt into the big picture.

Like you I am keen to get this out, at the same time want it to add value and be easy to digest and navigate so lets put some effort into to getting some products out the door by the end of the month.

Ngā mihi

Paul

From: Alex McMinn <Alex.McMinn@regulation.govt.nz>
Sent: Sunday, 12 April 2026 10:31 pm
To: Paul Delahunty <Paul.Delahunty@regulation.govt.nz>
Cc: Georgia Huisman <Georgia.Huisman@regulation.govt.nz>
Subject: AI Guidance – Peer Review Summary and Next Steps
Importance: High

Author	Alex
Priority	High (AI guidance due to Mins office and sector end of April)
Due date	COB Tuesday 14 April
Links to live documents	Document attached
Notes	The external expert peer review of the AI guidance is attached. TLDR; The review is positive on direction and usefulness, but recommends a small number of targeted changes to strengthen credibility, clarity, and defensibility before wider release. A key question on guidance scope around Te Tiriti and Māori data is asked of you.

Kia ora Paul,

I've now received the independent peer review of the AI guidance from LensenMcGavin AI.

TLDR: The review is positive on direction and usefulness, but recommends a small number of targeted changes to strengthen credibility, clarity, and defensibility before wider release.

What the review says (high level)

The guidance is seen as:

- timely and relevant for regulatory leaders
- well positioned as practical, principles-based guidance (not technical or prescriptive)
- strong on human judgement, accountability, and safe experimentation

The main areas to strengthen are:

- **Reframing adoption** – current “high adoption, low transformation” framing overstates maturity; adoption is still early and uneven
- **AI literacy** – needs to be more central, with slightly stronger emphasis on baseline understanding (including how AI works and its limitations)
- **Technical grounding** – light additions (e.g. generative vs predictive AI, hallucinations) to improve practical understanding
- **Risk and accountability** – make these more explicit and visible (particularly statutory accountability and explainability)
- **Human-in-the-loop** – strengthen to address risks like over-reliance and automation bias

Overall, the feedback is constructive and aligns with the intent of the guidance. It does not require a change in direction, but rather a tightening of key sections.

What I will do next

Over the coming days I will incorporate changes to ensure the guidance is:

- **More grounded in the NZ context**
(reframing adoption as early/uneven rather than widespread)
- **Clearer on AI literacy expectations**
(adding light technical grounding and strengthening the role of judgement)
- **More explicit on accountability and risk**
(including clearer links to legal obligations and decision-making responsibility)
- **Consistent in tone and purpose**
(maintaining the focus on small, low-risk experimentation to build capability and trust)

I will also:

- test feasibility with the Econ team on whether a **simple cost-benefit prompt** can be included, noting this may sit better as a future capability product rather than within this guidance
- incorporate other practical improvements from the review where they add value without overcomplicating the document

The aim is to have a refined draft ready for Minister’s Advisors review, followed by inclusion in the Minister’s weekend bag with a short covering memo ahead of publication.

Key question for you

One area where I’d appreciate your steer. The review suggests strengthening content on Te Tiriti o Waitangi, Māori data, and Māori data sovereignty. My initial view is that:

- this is important, but
- more appropriately sits with PSC/GCDO guidance (with Te Puni Kōkiri support) rather than within this document, which is focused on practical regulatory use of AI. AI use by government in a Te Tiriti o Waitangi, Māori data, and Māori data sovereignty context is an all public sector matter better suited to the GCDO who has the all of government AI mandate.

We could:

1. Keep this guidance high-level and refer to system guidance (preferred and as currently drafted), or
2. Expand this section further within this document, recognising that further expansion is outside our skillset and would require consultation by GCDO and TPK adding delay to publication of this guidance.

Happy to take your direction on how far we should go here.

Kia pai tō rā,
Alex

Alex McMinn

Head of Regulatory System Capability

Ministry for Regulation | Te Manatū Waeture

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From: LensenMcGavin AI S 9(2)(a)

Sent: Wednesday, 8 April 2026 2:32 pm

To: Alex McMinn <Alex.McMinn@regulation.govt.nz>

Cc: S 9(2)(a)

Subject: Re: FW: Engagement – Peer Review of AI in Regulatory Practice Guidance

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Kia ora Alex,

Thank you again for engaging LensenMcGavin AI in the external review of your draft AI guidance for regulators. We have now completed our review and attach our report.

As the report indicates, we support much of the guidance but also highlight a few key areas for improvement. We remain available to assist further in this workstream as needed.

Best,

S 9(2)(a)