



**Te Kawa Mataaho**  
Public Service Commission

# Official Information Forum

## 7 December 2021:

### OIA New Practitioners

*Microphones off please,  
cameras optional*



# Agenda

**1.00pm Welcome & housekeeping**

**1.05pm Introduction**

Stephen Moore, Te Kawa Mataaho Public Service Commission

**1.10pm An introduction to the resources and networks available**

Office of the Ombudsman and Te Kawa Mataaho

**2.00pm-3.00pm - Expert panel**

Office of the Ombudsman, experienced OIA practitioners from the Ministry of Education, NZ Defence Force and Waka Kotahi NZTA



# Public Service Act 2020

## PURPOSE

The Public Service supports constitutional and democratic government, enables both the current Government and successive governments to develop and implement their policies, delivers high-quality and efficient public services, supports the Government to pursue the long-term public interest, facilitates active citizenship, and acts in accordance with the law.

## MĀORI CROWN RELATIONSHIPS

The role of the Public Service includes supporting the Crown in its relationships with Māori under the Treaty of Waitangi/Te Tiriti o Waitangi

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## PRINCIPLES

Foundational principles of the Public Service acting in our constitutional role

**politically neutral** **free and frank advice** **merit-based appointments**  
**open government** **stewardship**

## VALUES

The behaviours needed to deliver the purpose of the Public Service

**impartial** **accountable** **trustworthy** **respectful** **responsive**

## Spirit of Service

The fundamental characteristic of the Public Service is acting with a spirit of service to the community.

# Official Information Forum

Ombudsman's guidance and resources for agencies

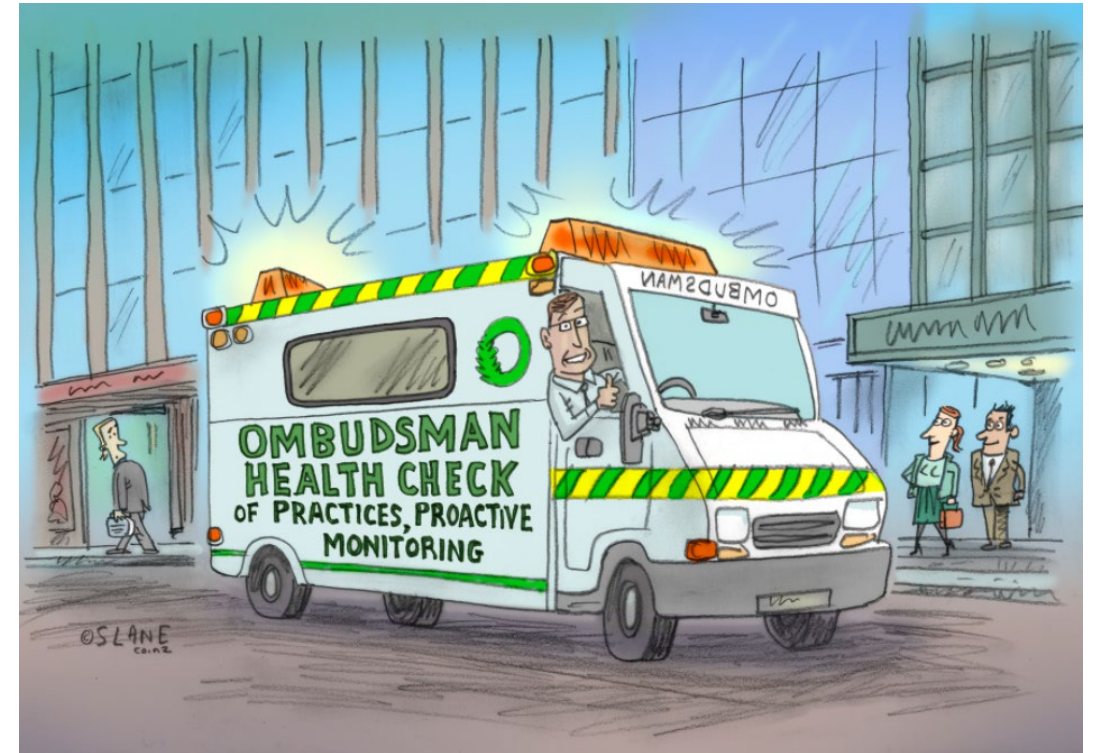


 **Ombudsman**



# How can the Ombudsman assist?

- The Ombudsman's compliance role
- Ombudsman's training and guidance functions



# Ombudsman's compliance role under the OIA

The OIA grants the Ombudsmen authority to investigate:

- **refusals** of requests
- **delays** (which are deemed to be refusals)
- **charges for supply**
- **manner of release**
- **conditions** on use, communication, publication of information
- **extensions** of time limits for responding to the request

Other procedural issues may be looked at under the OA



# Ombudsman's involvement in OIA complaints

The Ombudsman's inquiries and investigations into OIA decisions:

- naturally happen in the course of working with the OIA.
- shouldn't be seen as an adverse or oppositional process.
- are an opportunity to learn and evolve practices and processes, especially with Ombudsman opinions sustaining a complaint against the agency.
- Inquiries may resolve a situation, by having the Ombudsman communicate between the parties where communications may have broken down.
- Investigations not sustaining a complaint helps to confirm the agency's OIA decision - provides an external eye on the matter.

# Ombudsman's training and guidance functions

The Ombudsman assists agencies on the OIA by producing:

- Guides
- Opinions and case notes
- OIA working day calculator

The Ombudsman's Learning and Agency Development team is available to:

- discuss issues and/or tricky cases
- provide training on request

Phone: 0800 802 602. Email: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Website: <http://www.ombudsman.parliament.nz>



# OIA Guides

## Published guides include:

- The OIA for Ministers and agencies
- Consulting third parties
- Substantial collation and research
- Free and frank opinions
- Confidential advice to government
- Frivolous or vexatious requests
- The public interest test

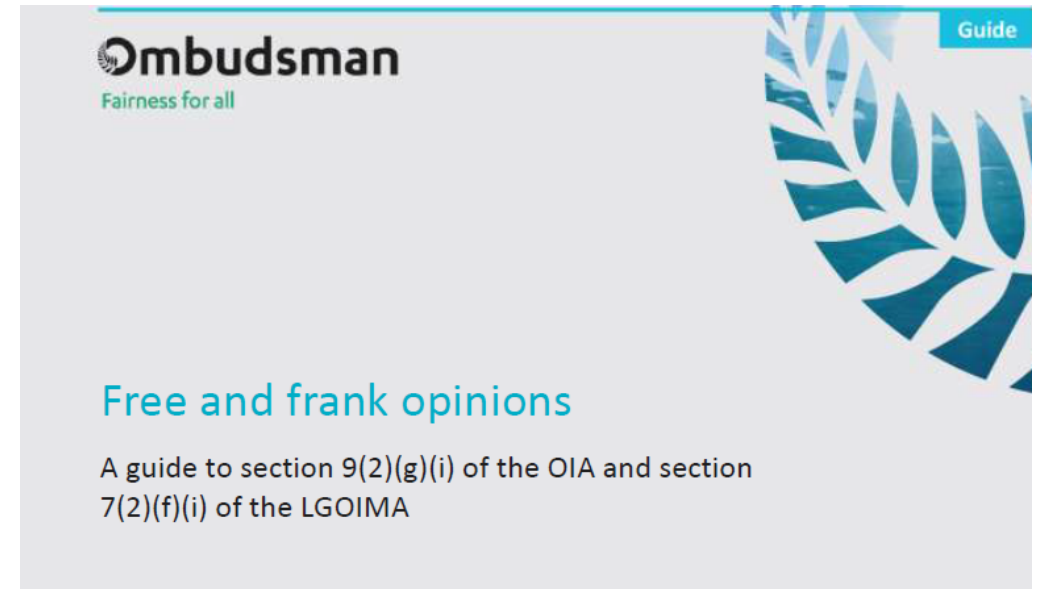


*The purpose of this guide is to assist Ministers and government agencies in recognising and responding to requests for official information under the [Official Information Act 1982 \(OIA\)](#). This guide focuses on processing requirements. Separate guidance is also available on making a decision whether or not to grant a request and release information, and in relation to particular subject areas, [here](#).*

# OIA Guides

The guides typically:

- Explain the subject matter
- Provide:
  - Case studies
  - Step-by-step worksheets
  - Template letters
- Point to any other related guides or opinions and case notes



*One reason for withholding official information is to maintain the effective conduct of public affairs through the free and frank expression of opinions—section 9(2)(g)(i) of the OIA.<sup>1</sup>*

*This section applies where release of the information at issue would inhibit the future exchange of free and frank opinions that are necessary for the effective conduct of public affairs.*

*This guide explains how section 9(2)(g)(i) applies, and includes a step-by-step worksheet and case studies of actual complaints considered by the Ombudsman.*

*There are some related guides that may help as well. Section 9(2)(g)(i) is subject to a **public interest test**. More information about how to apply that test can be found [here](#).*

# OIA Guides – case studies

The guides contain relevant **case studies**:

## Appendix 2. Case studies

These case studies are published under the authority of the [Ombudsmen Rules 1989](#). They set out an Ombudsman’s view on the facts of a particular case. They should not be taken as establishing any legal precedent that would bind an Ombudsman in future.

### Index

Case number	Year	Subject
172023	2005	<a href="#">Father’s immigration file</a> <i>Private interests gave rise to a public interest—pursuing legal rights and remedies</i>
167380	2003	<a href="#">Photo of offender</a> <i>Private interest gave rise to a public interest—opportunity to inspect on conditions</i>
175789	2008	<a href="#">Identities of contractors</a> <i>Transparency</i>
173160	2005	<a href="#">Treasury costings of interest-free student loans policy</a> <i>Participation—significance of the subject—level of disquiet, speculation or controversy—extent of information in the public domain—need to provide the ‘full picture’</i>
318858, 319224 and 319684	2011	<a href="#">Information about the Government’s proposed mixed ownership programme</a> <i>Participation</i>

### Case 172023 (2005)—Father’s immigration file

A woman requested her father’s immigration file in order to make an application for citizenship in another country. Her request was refused on privacy grounds (section 9(2)(a) of the OIA), and she complained to the Ombudsman.

The Ombudsman gave an initial indication that withholding may not be necessary to protect the father’s privacy, given he had died quite some time ago (in the 1960s). He also considered the public interest in release. He found that, quite apart from the requester’s own private interest in obtaining the information, there was a strong public interest in the release of historical information about family members to assist people in pursuing their legal rights, including the right to apply for citizenship in other countries.

Back to [index](#).

### Case 167380 (2003)—Photo of offender

The victim of a sexual assault requested a photo of the offender from the Police. The Police refused the request in order to protect the offender’s privacy (section 9(2)(a) of the OIA). A support group complained on the victim’s behalf to the Ombudsman. The group explained that the victim had never seen the offender’s face, and that not knowing what he looked like was seriously affecting her recovery.

The Ombudsman accepted that the privacy withholding ground applied. However, he also recognised the public interest in assisting victims of crime to recover from the trauma and move on with their lives.

The Ombudsman considered that a reasonable balance between the competing considerations favouring withholding and disclosure could be achieved by providing the

# OIA template letters and worksheets

**Template letters** and **worksheets** available on the website:

## Template letters

Use our template letters for OIA and LGOIMA requests.

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### Template letter 1: Acknowledgement letter

Use this letter to acknowledge receipt of a request for official information.

[Download PDF](#) 317 KB | [Download DOC](#) 29.7 KB

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### Template letter 2: Letter seeking clarification or amendment of request

Use this letter if you need to seek clarification or amendment of a request for official information.

[Download PDF](#) 333 KB | [Download DOC](#) 30.4 KB

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### Template letter 3: Transfer letter to requester

Use this letter to inform the requester that you have had to transfer some or all of their request to another agency subject to the OIA or LGOIMA.

[Download PDF](#) 318 KB | [Download DOC](#) 29.6 KB

## Work sheets and other resources

Use the step-by-step work sheets we've developed to help agencies process OIA and LGOIMA requests.

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### Commercial information work sheet

This summary work sheet is about the most commonly used grounds for withholding commercial information—unreasonable prejudice to a third party's commercial position (section 9(2)(b)(ii) OIA / 7(2)(c)(ii) LGOIMA), and prejudice or disadvantage to an agency's commercial activities (section 9(2)(i) OIA / 7(2)(i) LGOIMA).

[Download PDF](#) 503 KB | [Download DOC](#) 56.8 KB

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### Negotiations work sheet

This summary work sheet will help you to decide whether there is good reason to withhold official information under section 9(2)(j) of the OIA / 7(2)(i) of the LGOIMA, because it is necessary to enable a Minister or agency to carry on negotiations, without prejudice or disadvantage.

[Download PDF](#) 494 KB | [Download DOC](#) 55.9 KB

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# Ombudsman's opinions and case notes

- The Ombudsman publishes:
  - Opinions
  - Case notes
- Case notes a way to publish without revealing all details
- No strict doctrine of precedent. However Ombudsmen often consider previous cases to be highly persuasive.
- Published case notes often inform the Ombudsman's early resolution approach to complaint handling

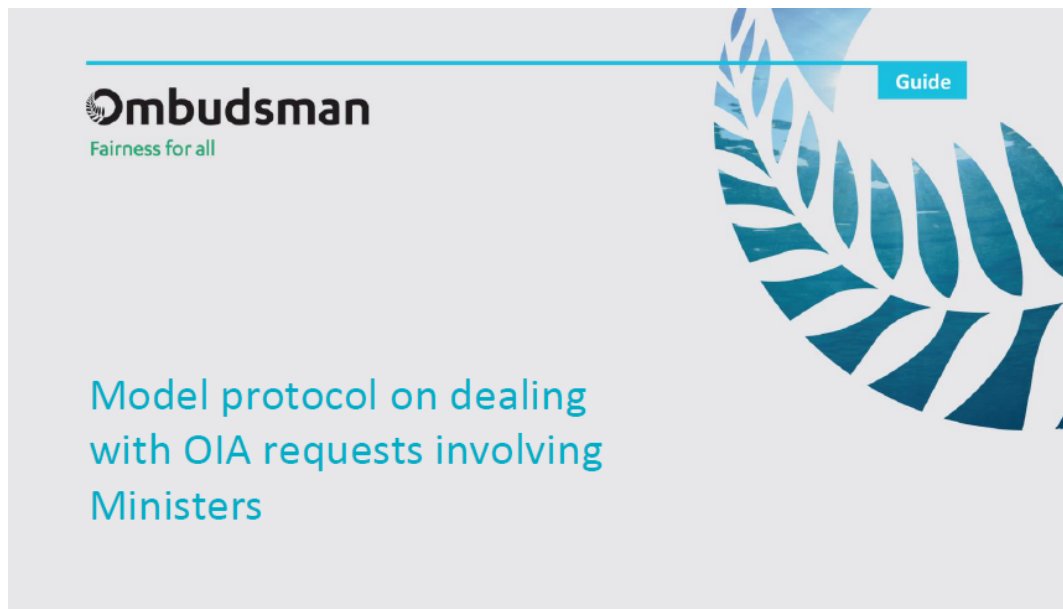
## Request for political consultation emails

Legislation	Official Information Act 1982, ss 9(2)(f)(ii), 9(2)(f)(iv), 9(2)(g)(i) (see <a href="#">appendix</a> for full text)
Agency	Minister of State Services
Ombudsman	Peter Boshier
Case number(s)	483129
Date	21 June 2019

## Contents

Summary	1
Complaint and investigation	2
Analysis and findings	2
Free and frank expression of opinions—section 9(2)(g)(i)	2
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Other withholding grounds considered	5
Confidentiality of advice to Government—section 9(2)(f)(iv)	5
Collective and individual ministerial responsibility—section 9(2)(f)(ii)	7
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# Model protocol for dealing with Ministers



*Some OIA requests received by agencies need to involve the responsible Minister. It is important for agencies to have clear and transparent processes for dealing with such requests. It is also important that these processes are both lawful and reasonable.*

*This model protocol is intended to provide a useful starting point for agencies and their Ministers to discuss and agree upon clear criteria for managing OIA requests involving the Minister. It should be read in conjunction with our detailed guide to [Dealing with OIA requests involving Ministers](#).*

## Model protocol on dealing with OIA requests involving ministers

### 1. Contents

[Background and purpose](#)  
[Context and principles](#)  
[Notification of requests](#)  
[Transfer](#)  
[Consultation](#)  
[Notification of decisions](#)  
[Record-keeping](#)  
[Disputes](#)  
[Assistance](#)

### 2. Background and purpose

- 2.1 The parties to this protocol are [agency] and the [portfolio Minister].
- 2.2 This protocol is effective from [date]. It expires when the present [portfolio Minister] no longer holds that position.
- 2.3 The purpose of this protocol is to set out how [agency] and the [portfolio Minister] will deal with *OIA requests involving the Minister* made to [agency].
- 2.4 *OIA requests involving the Minister* are ones where there is the potential for the [portfolio Minister] to be affected by release of the requested information because:
  - it relates to their functions or activities as a Minister; or
  - they may be required to prepare for the possibility of public or political commentary.
- 2.5 The operative version of this protocol will be published on [agency's] website at [URL].

### 3. Context and principles

- 3.1 [Agency] and the [portfolio Minister] acknowledge the principle of availability which underpins the OIA and means that official information must be made available on request unless there is good reason, in terms of the Act, for withholding it.<sup>1</sup>
- 3.2 [Agency] and the [portfolio Minister] will apply this protocol in a way that does not interfere with their statutory obligations to make and communicate decisions on requests for official information as soon as reasonably practicable and within 20 working

# Calculating time frames

Website includes the OIA calculator, which:

- Indicates the maximum response deadline for responding to a request
- Automatically excludes statutory holidays and the Christmas break
- (Note: does not necessarily work for LGOIMA requests)



## OIA calculator

Government agencies must generally answer official information requests within 20 working days.

This tool calculates the latest date that an agency must send a response.

Please note that recent statutory changes to LGOIMA response times haven't been built into this calculator.

For more information about the [changes to LGOIMA](#), please see our guide.

Enter the date the agency received the request:



Calculate latest date

Close calculator ^

# OIA complaints data






Published in six-monthly tranches, detailing:

- **Complaints received:**
  - Number per agency
  - Nature of the complaint
  - Type of complainant
- **Complaints completed:**
  - Outcome of the complaint
  - Opinion formed
  - Identified deficiencies

OIA and LGOIMA complaints  
January - June 2020

Issue date: Tuesday, 8 Sep 2020

Available formats and related files

-  [OIA complaints received January to June 2020](#) (XLSX, 3.04 MB)
-  [OIA complaints completed January to June 2020](#) (XLSX, 640 KB)
-  [OIA complaints received without outcome July 2016 - June 2020](#) (CSV, 929.36 KB)
-  [LGOIMA complaints received January to June 2020](#) (XLSX, 83.72 KB)
-  [LGOIMA complaints completed January to June 2020](#) (XLSX, 498.74 KB)

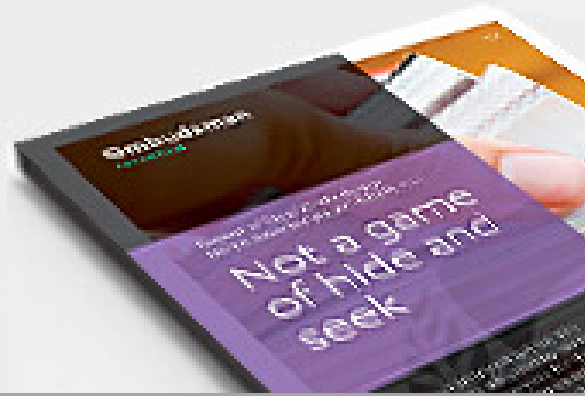


# OIA 'Own Motion' Investigation

REPORT

## Review of government OIA practices

[Read >](#)



Key areas the report considered:

1. Leadership and culture
2. Organisation structure and capability
3. Policies systems and resources
4. Performance monitoring and learning
5. Current practices

# Official Information Practice Investigations

- Official Information Practice Investigations team:
  - Assists the Ombudsman with self-initiated investigations into agency official information structures, practices and procedures.
  - Has investigated and published reports on 16 agencies.
  - Presently is revisiting the original 12 investigations
- Will inform development of agency self-assessment tools

Ombudsman  
Fairness for all



Office of the Ombudsman  
Tari o te Kaitiaki Mana Tangata

# Perception of New Zealand's transparency

## CORRUPTION PERCEPTIONS INDEX

2020

### Index 2020 Results table

Search

Select years to compare

Rank	Country	2020	2019	2018	2017	2016	2015	2014	2013	2012
1	New Zealand	88	87	87	89	90	91	91	91	90
1	Denmark	88	87	88	88	90	91	92	91	90
3	Finland	85	86	85	85	89	90	89	89	90
3	Switzerland	85	85	85	85	86	86	86	85	86
3	Singapore	85	85	85	84	84	85	84	86	87
3	Sweden	85	85	85	84	88	89	87	89	88
7	Norway	84	84	84	85	85	88	86	86	85
8	Netherlands	82	82	82	82	83	84	83	83	84
9	Luxembourg	80	80	81	82	81	85	82	80	80
9	Germany	80	80	80	81	81	81	79	78	79
11	Canada	77	77	81	82	82	83	81	81	84
11	United Kingdom	77	77	80	82	81	81	78	76	74
11	Australia	77	77	77	77	79	79	80	81	85
11	Hong Kong	77	76	76	77	77	75	74	75	77

Source: Transparency International <https://www.transparency.org>



**Official information  
resources and networks**



# Official information work programme

Our aim – to lift agency performance in three areas

- Compliance with the letter and spirit of the Act
- Proactive release of information
- Building capability

Expectation: Chief Executives of agencies covered by the OIA drive the changes needed to improve compliance with the letter and spirit of the Act.

Strong, coordinated leadership from the Public Service Commissioner and the Chief Ombudsman, supported by CEs, is critical for driving up system performance.



# Why a focus on proactive release?

A global trend of falling trust in government and its institutions.

Reasons to proactively release information can include:

- Supporting greater openness and transparency in government
- Enabling the public to understand decision-making
- Strengthen the accountability of decision makers and advisors
- Increase participation to keep our democracy strong.

*Consistent with the spirit of the OIA which states that information should be made available unless a good reason exists for withholding it.*



# Open government in New Zealand



**2011** **Declaration on Open and Transparent Government**  
Open Government Data and Re-use programme



**2013** **New Zealand joined the Open Government Partnership**, created to promote transparent, participatory, inclusive and accountable governance



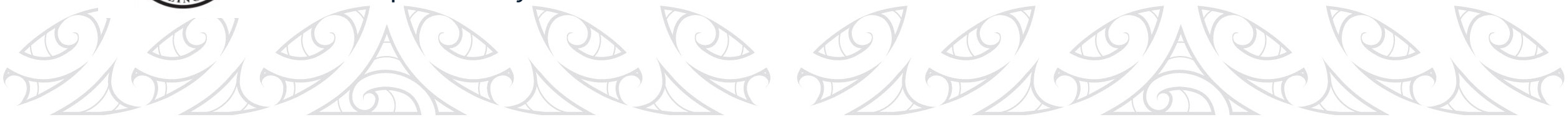
**2016** **New Zealand's National Action Plan 2016-18** Commitment 2: Improving official information practices



**2017** **SSC guidance** on proactive release of official information to assist agencies to develop internal policies and practices in relation to proactive release, including responses to requests for information under the OIA



**2017** **Cabinet Manual** Generally expected that Cabinet material (Cabinet and Cabinet committee papers and minutes) on significant policy decisions will be released proactively.



# Open government in New Zealand



**2017** **Increasing proactive release** For example some Ministers, are proactively releasing their weekly reports, and including proactive release recommendations in all advice papers



**2018** **Third National Action Plan 2018-2020** Commitment 7: Official Information, includes commitments to increase publication of OIA responses and implement a policy to proactively publish Cabinet papers, and to test the merits of a review of the OIA



**2019** **New policies on the proactive release of Cabinet material and Ministerial diaries** in effect from 1 January 2019



**2020** **Principle of open government** established as one of the five principles in the Public Service Act 2020



**2021** **Development of the Fourth National Action Plan** based on themes of active citizenship and partnership, responsiveness and transparency and accountability





# Public Service Act 2020

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The Public Service supports constitutional and democratic government, enables both the current Government and successive governments to develop and implement their policies, delivers high-quality and efficient public services, supports the Government to pursue the long-term public interest, facilitates active citizenship, and acts in accordance with the law.

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## Spirit of Service

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# Official Information homepage

[Home](#) [About Us](#) [Our work](#) [Resources](#) [Contact us](#)

[Home](#) / [Our work](#) / [Official Information](#)

## Official Information

Official Information Guidance.

Being open and transparent supports New Zealanders' trust and confidence in their government agencies. When New Zealanders ask for information, government agencies need to be responsive.

The State Services Commission has a lead role in providing advice and assistance to agencies on the management of official information and is committed to improving agency practices in this area through a major work programme that was established in late 2016.

We are looking to chief executives of all agencies covered by the Official Information Act (1982) to drive the changes needed in their organisations to improve compliance with the letter and spirit of the Act.

If you are looking for information on how to make an OIA request to the State Services Commission, please refer to [Official Information Act Requests](#).

[OIA guidance for agencies](#)

[OIA Statistics](#)

[Proactive Release](#)

[Capability development toolkit](#)

[Official Information Forum](#)

[Other resources](#)

# OIA guidance for agencies

## OIA guidance for agencies

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The guiding principle of the Official Information Act is that information must be made available if requested, unless a reason exists under the Act for withholding it.

The Commission is progressively developing a suite of guidance to help agencies meet their obligations under the Act in terms of:

- [Managing OIA requests](#)
- [Managing agency OIA systems and processes.](#)

The Commission is also available to provide advice and assistance to agencies subject to the OIA. [Click here to send us an email.](#)

## Managing OIA requests

### Guidance for practitioners

The guidance for practitioners covers different aspects of responding to a request for official information with hints and tips to help agencies manage and respond to these. It complements the guidance published by the [Office of the Ombudsman](#).

- [📄 Processing an Official Information Act Request](#)
- [📄 Contacting requesters](#)
- [📄 Minister and Agency Official Information Requests](#)
- [📄 Extensions and the Official Information Act - Section 15A](#)
- [📄 Information Requests Requiring Substantial Collation or Research](#)
- [📄 Transferring Information Requests - Section 14](#)

[OIA guidance for agencies](#)

[OIA Statistics](#)

[Proactive Release](#)

[Capability development toolkit](#)

[Official Information Forum](#)

[Other resources](#)

# OIA guidance for agencies (cont.)

## Managing agency OIA systems and processes

The Commission also provides the following guidance on OIA systems and processes:

- [Agency website guidance](#) outlines how agencies can structure their websites to make it easy for New Zealanders to request information. The guidance includes webpage structure and content, and provides links to [tips for requesting official information](#) and [how agencies will respond to information requests](#) on the Commission's website for agencies to link to.
- [Proactive release of official information](#) provides guidance on developing internal policies and practices in relation to the proactive release of official information, including responses to requests for information under the Official Information Act. See also [Proactive release](#).
- [OIA statistics guidance](#):
  - encourages agencies to publish their OIA statistics with relevant commentary on their websites
  - clarifies which OIA requests should be logged for the purposes of consistent statistics collection and performance reporting
  - encourages agencies to consider and report a range of statistics internally and publicly, beyond those published by the Commission.

For more information on the OIA statistics regularly published for agencies in the State services see [Official Information Act statistics](#).

# OIA Statistics

## OIA statistics

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Government agencies are committed to openness and transparency in the provision of public services to New Zealanders. The OIA gives New Zealanders the right to access information and is important for ensuring government is open and transparent.

This is why Te Kawa Mataaho Public Service Commission publishes Official Information Act (OIA) statistics covering Crown entities and government departments subject to the OIA every six months. The Commission is working with the Office of the Ombudsman and government agencies to make more information publicly available and improve compliance with the OIA.

The Commission and the Office of the Ombudsman have published information on different aspects of compliance with the OIA.

## OIA statistics for the State services

Te Kawa Mataaho Public Service Commission publishes OIA statistics covering government agencies that are subject to the Act every six months. Statistics for New Zealand Police and New Zealand Defence Force are shown separately, and are not included in the overall statistics summary.

The statistics capture five elements:

- the number of requests completed by agencies in the six month reporting period
- the number and proportion of these requests where legislative timeliness requirements were met
- the number of responses proactively published on an agency's website
- OIA complaints to the Ombudsman that were notified to the agency
- final views issued by the Ombudsman where a deficiency was identified.

OIA guidance for agencies

OIA Statistics

Proactive Release

Capability development  
toolkit

Official Information Forum

Other resources



# OIA Statistics (cont.)

## Official Information Act (OIA) statistics by agency

### Official Information Act (OIA) statistics by agency Public Service Departments

Agency Type: Public Service Departm...  
Collection Period: June 2021

Agency Type	Agency Preferred Name	OIA requests completed (1)	OIA requests completed within legislative...	Percent of OIA requests completed within le..	OIA request responses published on agenc..	Ombudsman complaints notified..	Final opinions by Ombudsman
Public Service Departments	Crown Law Office	65	64	98.5%	6	2	0
	Department of Conservation Te Papa Atawhai	325	319	98.2%	23	9	1
	Department of Corrections	3,983	3,886	97.6%	22	8	3
	Department of the Prime Minister and Cabinet	227	213	93.8%	22	5	0
	Education Review Office	30	30	100.0%	7	0	0
	Government Communications Security Bureau	18	16	88.9%	0	1	0
	Inland Revenue	101	101	100.0%	7	2	0
	Manatū Taonga the Ministry for Culture and Heritage	68	67	98.5%	5	1	0
	Manatū Wāhine Ministry for Women	15	15	100.0%	10	0	0
	Ministry for Pacific Peoples	18	17	94.4%	11	0	0
	Ministry for Primary Industries	745	731	98.1%	8	4	0
	Ministry for the Environment	107	101	94.4%	24	2	0
	Ministry of Business, Innovation and Employment	1,308	1,176	89.9%	8	22	3
	Ministry of Defence	54	53	98.1%	0	0	0

Data going back to the initial 2015/16 collection period can be downloaded as a CSV file below. Please note the first two OIA collections covered an annual period (July 2015 to June 2016 and July 2016 to June 2017). The data below shows a six month cut of the annual information for comparability purposes.

[OIA Statistics All Data CSV \(121 KB, CSV\)](#)

## Proactive release

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Proactive release of information promotes good government, openness and transparency and fosters public trust and confidence in agencies.

Te Kawa Mataaho Public Service Commission has published guidance on [Proactive release of official information](#) to assist agencies to develop internal policies and practices in relation to proactive release, including responses to requests for information under the OIA. We have also developed some [practical tips](#) to help agencies put in place the processes needed for publishing completed OIA requests.

The Commission's reports on [OIA Statistics](#) now include statistics on agencies' proactive publication of responses to official information requests.

### Locations for the publication of proactively released material

Te Kawa Mataaho Public Service Commission encourages agencies to proactively release responses to Official Information Act requests. Agencies are also required to proactively release Cabinet papers on behalf of their ministers, where the minister has authorised them for publication.

This resource captures the publishing location of both types of information, where agencies use a centralised publication model i.e. all releases of these types are published to, or available via, a single location on their websites.

Note if an agency does not appear in this resource, it does not necessarily mean that agency is not publishing this information. They may publish the information, but in a decentralised way. To see which agencies publish OIA responses, refer to the [Official Information Act statistics](#) dataset.

[Proactive release locations as at March 2021 \(35 KB, CSV\)](#)

### Proactive release of Cabinet papers calculator

**This calculates the 30 business days within which Cabinet papers are expected to be released and published online. The period between Christmas Day and 20 January doesn't count as business days.**

Enter date final Cabinet decisions were made:

OIA guidance for agencies

OIA Statistics

Proactive Release

Capability development  
toolkit

Official Information Forum

Other resources

Official Information

- Dataset
- Groups
- Activity Stream

Organisation




**Te Kawa Mataaho**  
Public Service Commission

Public Service Commission

The Public Service Commission is the Government's advisor on New Zealand's public management system and works with government agencies to support the delivery of quality...  
[read more](#)

Social




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# Official Information

Te Kawa Mataaho Public Service Commission has a lead role in providing advice and assistance to agencies on the management of official information and is committed to improving agency practices in this area. This includes improving compliance with the letter and spirit of the Official Information Act 1982 when requests are made and promoting the proactive release of information by agencies.

## Data and Resources

 [Proactive release locations for government ...](#) [Explore](#)

Te Kawa Mataaho Public Service Commission encourages agencies to proactively...

 [Official Information Act statistics](#) [Explore](#)

Te Kawa Mataaho Public Service Commission publishes OIA statistics covering...

- official information
- transparency

# Proactively releasing responses to OIA requests

## OFFICIAL INFORMATION

### PUBLISHING RESPONSES TO OFFICIAL INFORMATION ACT REQUESTS ON AGENCY WEBSITES



#### The principle of availability underpins the proactive release of responses to OIA requests

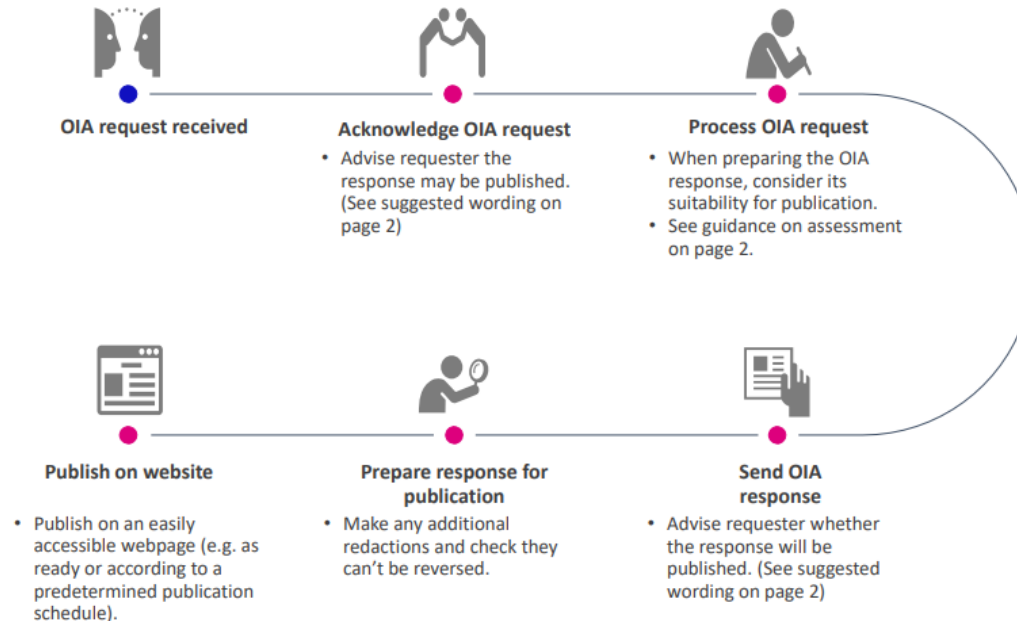
One of the key purposes of the Official Information Act is to make information more freely available, which promotes good government and trust and confidence in the State services. Proactively releasing completed OIA requests that may be of interest to the wider public is easy to do. It helps reduce the need for individuals to make requests for information and it can reduce the work for agencies in responding to requests.

This information sheet is to help you get ready to publish information that has already been released to an individual requester under the OIA. It supports the high level [guidance](#) we issued in 2017.



Did you know the SSC website has information for OIA requesters that your agency website can link directly to?

<http://www.ssc.govt.nz/official-information-act-requests>



#### Reduce time and effort by preparing for proactive release in the processing of the OIA request

- If considering proactive release separately from processing the OIA request**
  - Assess the response for any risks of releasing it more widely (see page 2).
  - Good record keeping is important, particularly for any additional redactions as this makes it easier to verify what was done and why in the future. Also remember to update the security classification of any documents and internal records where the classification has changed.
- Remember**
  - Also consult with agencies on any information that relates to them as they will need to do their own assessment.
  - If a complaint to the Ombudsman has changed the OIA response, update the information that was proactively released.

## Assessment:

A response to an OIA request will have already taken into account the withholding grounds in the OIA. However, the protections in section 48 of the OIA do not extend to the proactive publication of information, even if the information has previously been released to a requester under the OIA. Before publishing the same information, the following questions should form part of your assessment process, in addition to any other considerations relevant to the types of information your agency manages:

	KEY QUESTION	WHAT TO CONSIDER
<b>Suitability for publication</b>	Is there likely to be public interest in the information released to the requester?	Consider whether there is wider interest in the topic, and its suitability for publication more generally. Consider whether it is appropriate to charge a requester for the information if it is likely to be proactively released.
<b>Privacy</b>	Is there a privacy interest in the information proposed for release?	Consider whether there is a need to redact information to protect personal privacy and/or whether the information should be released at all.  Consult with all individuals/companies named on any documents proposed for release (even if it is not proposed to release their name).  Refer to <a href="#">Section 6</a> and <a href="#">Part 4</a> of the Privacy Act 1993, the Office of the Privacy Commissioner <a href="#">Codes of practice that become law</a> and other guidance including <a href="#">A quick tour of the privacy principles</a> .
<b>Contractual obligations</b>	Is there a contractual interest in the information proposed for release?	Consider whether there is a need to redact information to protect contractual obligations and/or whether the information should be released at all.
<b>Copyright</b>	Is any of the material proposed for release subject to copyright?	If the material proposed for release is the creative work of others, their trademarks, or certain confidential business information, the owner of the information must give permission before it can be published.  <a href="#">New Zealand Government Open Access and Licensing framework</a> (NZGOAL) provides guidance for releasing copyright works and non-copyright material for re-use by others.
<b>Defamation</b>	Does the information proposed for release say or do something that may harm the reputation of another person, group, or organisation?	Ensure that the risks of defamation are understood and that material is thoroughly assessed for this risk when considering information for publication. Seek legal advice.
<b>Other contextual information</b>	Does any other information need to be released with the OIA response to place it in the proper context?	Consider linking the response to other related information already on your agency website, or proactively releasing additional information.

## Sample wording for template letters:

### Acknowledgement template

*Our letter notifying you of our decision on your request will confirm if we intend to publish the letter (with your personal information removed) and any related documents on the [name of agency]'s website.*

**Consultation correspondence** (amend based on whether the response is intended to be published or not)

*Please note that we intend to publish our response to this official information request (with the requestor's personal information removed) on the [name of agency]'s website. OR*

*Please note that we do not intend to publish our response to this official information request.*

**Response template** (amend based on whether the response is intended to be published or not)

*Please note that we intend to publish this letter (with your personal information removed) [and enclosed documents] on the [name of agency]'s website. OR*

*Please note that we do not intend to publish our response to your official information request.*

## Recording decisions for withholding information:

Recording reasons helps to ensure that all relevant factors have been taken into account, the decision is soundly based, and to enable future verification of what was done and why. It should include:

- ✓ The name and position of the decision-maker.
- ✓ The decision made.
- ✓ The date of the decision.
- ✓ A reference to any legislative authority under which the decision was made.
- ✓ A reference to any relevant legislative, policy or procedural requirements for the decision making process, and the relevant steps taken by the decision maker in that respect.
- ✓ A reference to the evidence considered and the key facts taken into account.
- ✓ An explanation of why the decision was made.

See the Ombudsman's guidance on [Good decision making](#).



# Capability development toolkit

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The official information capability development toolkit was developed to help agencies review their capability to manage official information and comply with the letter and spirit of the Official Information Act.

It is based on five domains of capability which together build and strengthen commitment to the principles of openness and transparency.



The tool is designed to encourage conversations about what good looks like in an agency's particular context, and the current state of the agency's official information capability, including its strengths, weaknesses and improvement strategies.

Different versions of the tool have been designed to be used in a number of ways and with different audiences.

The choice of which version of the tool to use will depend on the situation and the specific agency's context, including the volume and complexity of OIA requests it receives.

OIA guidance for agencies

OIA Statistics

Proactive Release

Capability development toolkit

Official Information Forum

Other resources

# Case studies and other resources

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## Case studies

A series of case studies is being developed to highlight the different approaches agencies take to organising how they manage OIA requests. Links to these are provided below.

- [📄 Ministry of Education – Centralising the OIA function \(162KB, PDF\)](#)  
With Supporting Documents
  - [📄 Ministry of Education OIA Process diagram \(1.4MB, PDF\)](#)
  - [📄 RASCI Matrix \(153KB, PDF\)](#)
- [📄 Electricity Authority - Proactively releasing extensive industry data and information \(213 KB, PDF\)](#)

## Training resources

This introductory training resource provides a basic introduction to the Official Information Act (OIA) for agencies' internal use.

- [OIA training presentation \(600 KB, PPT\)](#)
- [📄 OIA training workbook \(959 KB, DOCX\)](#)

## Other resources

- [Official Information Act 1982](#)
- [Open Government Partnership New Zealand](#)
- [Office of the Ombudsman](#)

[OIA guidance for agencies](#)

[OIA Statistics](#)

[Proactive Release](#)

[Capability development toolkit](#)

[Official Information Forum](#)

[Other resources](#)

# Official Information Forum

The Official Information Forum provides an opportunity for agency leaders and practitioners to come together to discuss official information practices, issues and to learn from each other.

The Official Information Forum is open to staff from all State sector agencies subject to the Official Information Act 1982.

Official Information Forum agendas can range from introductory sessions for those new to working with the Act, to the day-to-day implementation of the Act, to driving agency process and practice improvement.



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A timetable of Forum events for the year is published below. This will be updated as dates and agendas are confirmed.

- [📄 Schedule of Forum events 2021 \(as at February 2021\) \(70KB PDF\)](#)
- [📄 Final schedule of Forum events 2020 \(updated December 2020\) \(88KB PDF\)](#)

### Documents from previous Forums

Information is published here after each meeting.

- [📄 24 May 2017 – Practitioners' forum](#)
- 14 August 2017 – Leaders' forum on proactive release
  - [📄 Agenda and speaking notes \(243KB | PDF\)](#)
  - [📄 Presentation on proactive release of information \(452KB | PDF\)](#)
  - [📄 Summary of feedback from the forum \(593KB | PDF\)](#)
- 23 November 2017 – Practitioners' forum on new OIA guidance and the capability development toolkit

OIA guidance for agencies

OIA Statistics

Proactive Release

Capability development  
toolkit

Official Information Forum

Other resources

# Here to help

If you need advice or assistance, contact the team on  
[OIAForum@publicservice.govt.nz](mailto:OIAForum@publicservice.govt.nz)

Or check out the online resources:  
<http://publicservice.govt.nz/official-information>





## **Panel Discussion**

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**Office of the Ombudsman  
Ministry of Education  
NZ Defence Force  
Waka Kotahi NZTA**





**Pātai?**

**Final questions?**

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**Ngā mihi nui**

**Ka kite anō**