



Te Kawa Mataaho
Public Service Commission

Official Information Forum

19 October 2022:

OIA New Practitioners

*Microphones off please,
cameras optional*



Agenda

1.00pm Welcome

1.05pm Introduction

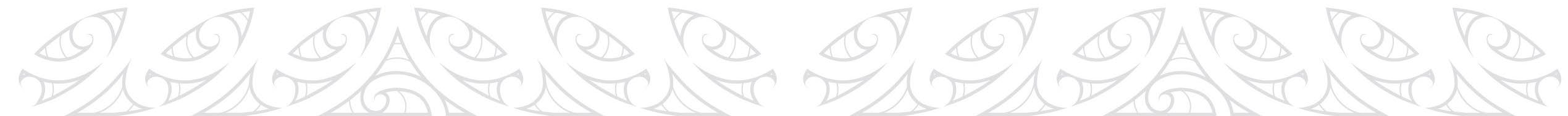
Stephen Moore, Te Kawa Mataaho Public Service Commission

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 Ministry of Foreign Affairs and Trade, Environmental Protection Authority



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

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 October 2022

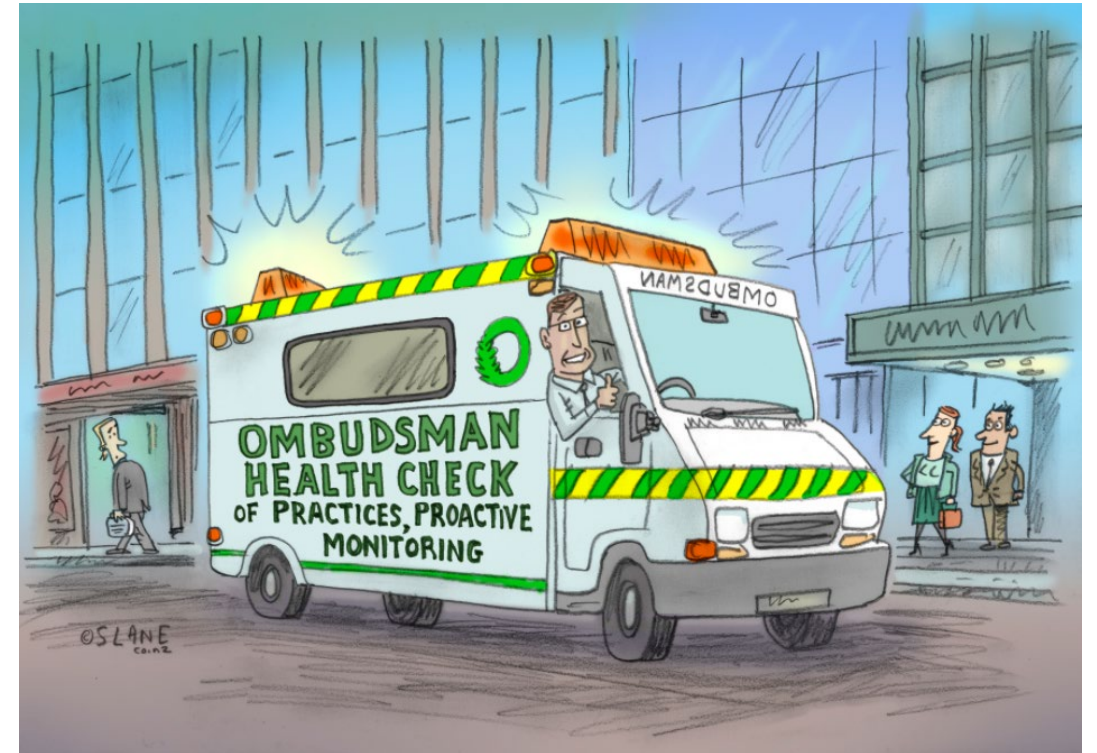
Ombudsman's guidance and resources for
agencies

The logo for the Ombudsman, featuring a stylized leaf icon to the left of the word "Ombudsman" in a bold, sans-serif font.

Ombudsman

Ombudsman role

- The Ombudsman's compliance role – investigation and review
- Ombudsman's training and guidance functions



The Official Information Act 1982

Agencies have a responsibility to ensure that official information requests are handled in accordance with OIA requirements.

- This OIA is an important constitutional document and one of the primary vehicles for promoting transparency and open government. It flipped the Official Secrets Act presumption on its head.
- When considering an OIA request, agencies should always start from the premise that *'information shall be made available unless there is good reason for withholding it'*. The OIA also provides for the protection of information when there are specific grounds for withholding information.
- The Privacy Act 1993 deals with personal information – the OIA deals with body corporate personal information

Public Records Act 2005

Part 2

Recordkeeping requirements

Subpart 1—Key duties

17 Requirement to create and maintain records

- (1) Every public office and local authority must create and maintain full and accurate records of its affairs, in accordance with normal, prudent business practice, including the records of any matter that is contracted out to an independent contractor.
- (2) Every public office must maintain in an accessible form, so as to be able to be used for subsequent reference, all public records that are in its control, until their disposal is authorised by or under this Act or required by or under another Act.
- (3) Every local authority must maintain in an accessible form, so as to be able to be used for subsequent reference, all protected records that are in its control, until their disposal is authorised by or under this Act.

Official Information Act 1982

Part 5

Review of decisions

Decisions under Part 2 and section 10

28 Functions of Ombudsmen

- (6) If an Ombudsman receives a complaint that a department or venture or Minister of the Crown or organisation has refused to make official information available for any of the reasons specified in section 18(e) to (g), the Ombudsman may notify the Chief Archivist appointed under the Public Records Act 2005.

Agency obligations and resources for OIA

- Five public service principles of the Public Service Act 2020 include fostering open government
- Public are entitled to understand what government does on behalf
- Where possible, agencies should facilitate the involvement of public in policy-setting and decision-making
- This can be done by proactive release of information and release of information in response to OIA requests
- Agencies need to have sufficient capacity and capability for OIA
- This requires appropriate resourcing, staffing and resilience measures.

Categories of official information



Part 2

requests for official information (three refusal categories)

Part 3

requests for **policies, guidelines and rules**; and
requests for **reasons why a decision was made**

Part 4

a request by a **corporate entity** for information **about itself**

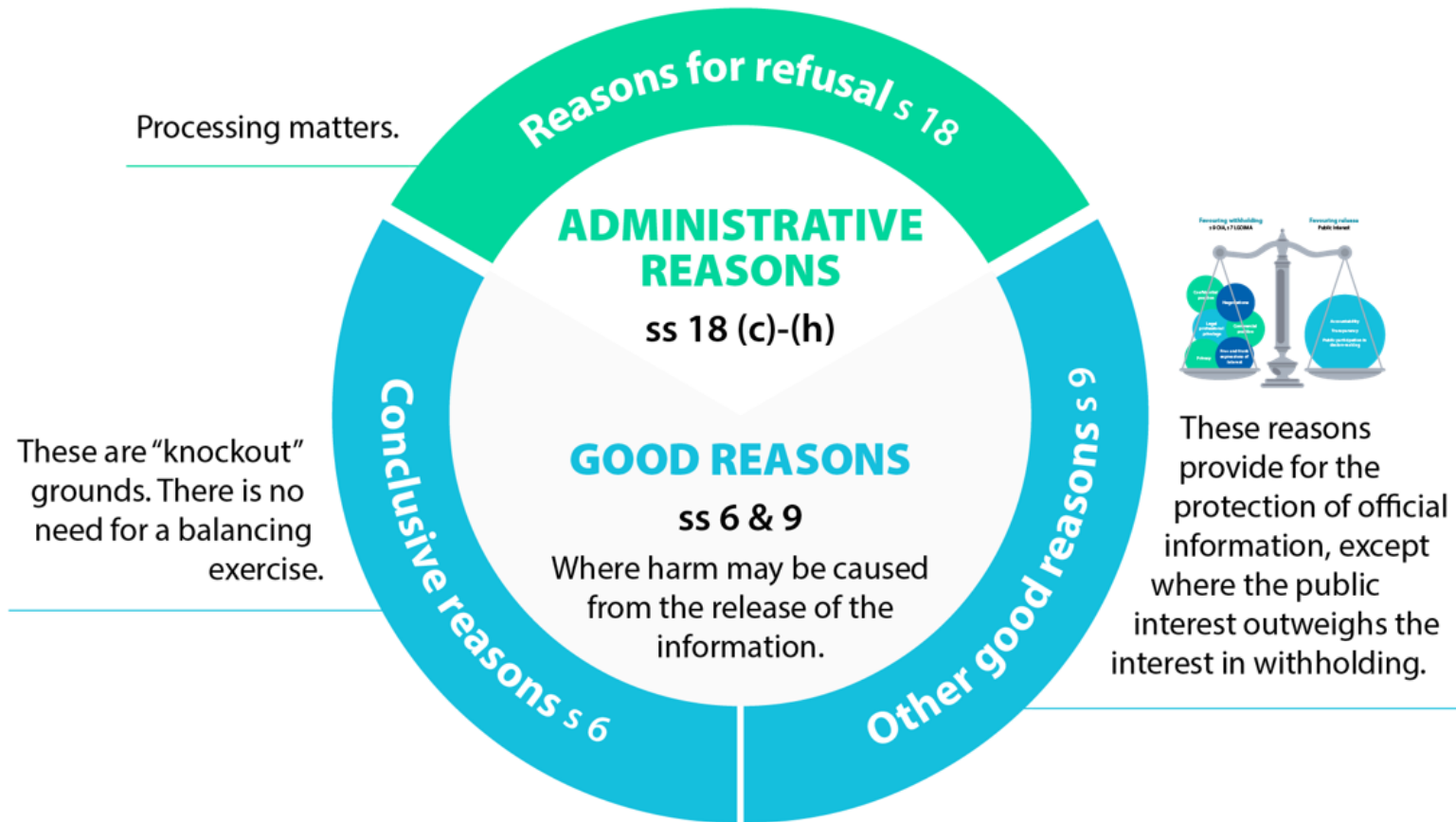
Refusing requests

- **Administrative** reasons – s 18
 - Contrary to the terms of another enactment, contempt of court, information is or will soon be publicly available, information isn't held, doesn't exist or can't be found, substantial collation or research
- **Conclusive** reasons – s 6
 - Security or defence, international relations, maintenance of the law, serious damage to the New Zealand economy, endanger the safety of any person etc
- **Good** reasons (public interest test) – s 9
 - Privacy, commercial prejudice, confidentiality, effective conduct of public affairs, negotiations, commercial activities

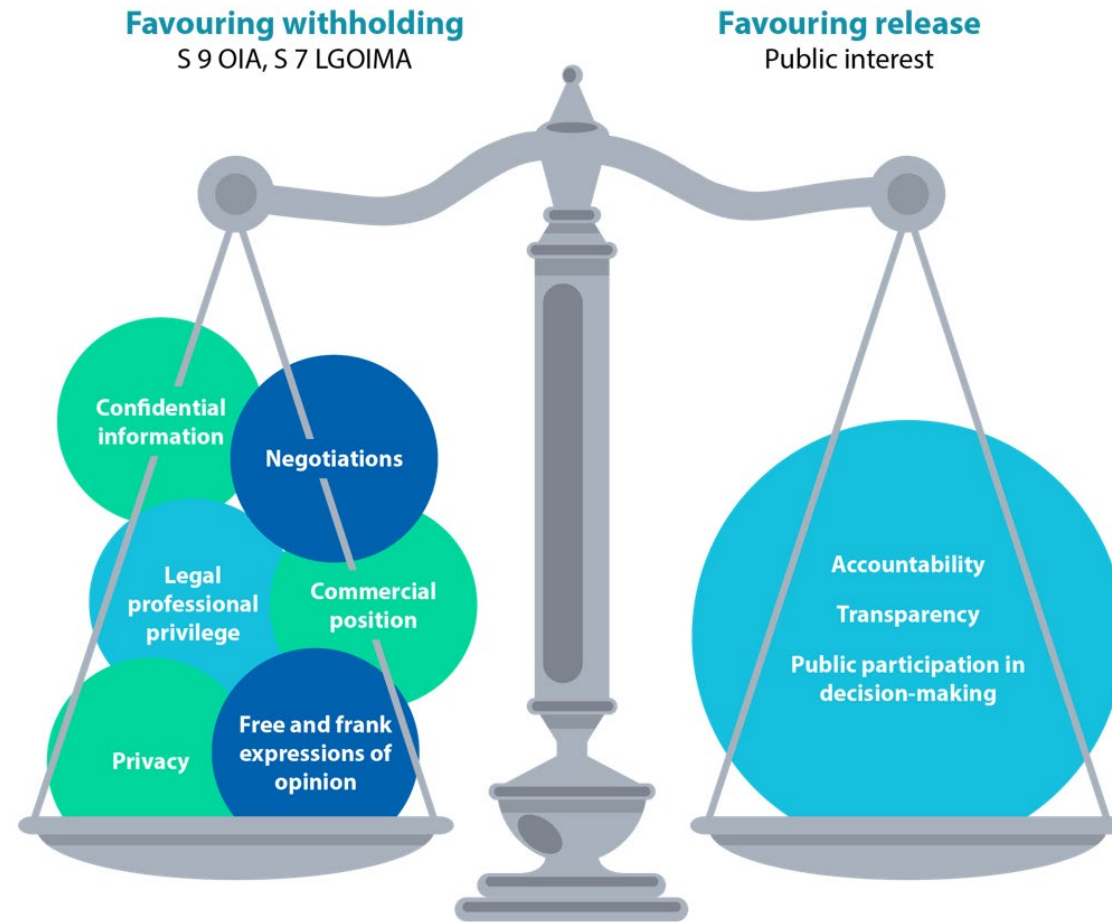
Whenever you refuse a request for official information you must advise the requester of:

- The **reasons** for the refusal
- The grounds in support of those reasons (if requested)
- The requester's **right to complain** to the Ombudsman and seek an investigation and review of the refusal

Refusing requests



Balancing competing public interests



Handling OIA requests

OIA requests range from the simple to complex:

- Complex requests – finely balanced issues – divergent views
- Requests involving large volumes of information
- Difficult requests/requesters
- Transfer versus consultation - determining who is best placed to respond?
- issues related to recordkeeping – retrieval
- resourcing / staffing issues

Ombudsman's review role under the OIA

The OIA grants the Ombudsmen authority to investigate:

- **refusals** of requests
- **delays** (which are deemed to be refusals) and **extensions**
- **charges for supply**
- **manner of release; and**
- **conditions** on use, communication, publication of information



Other procedural issues may be looked at under the OA (**transfers**)

Ombudsman approach to OIA complaints

- Ombudsman provides independent investigation and review
- Look at Agency decisions on request and its handling
- Take an early resolution approach where possible – may ask an agency to reconsider its approach
- Investigation not “adversarial” process - useful in providing certainty – opportunity to improve practices and processes.
- Final opinion and recommendation/s

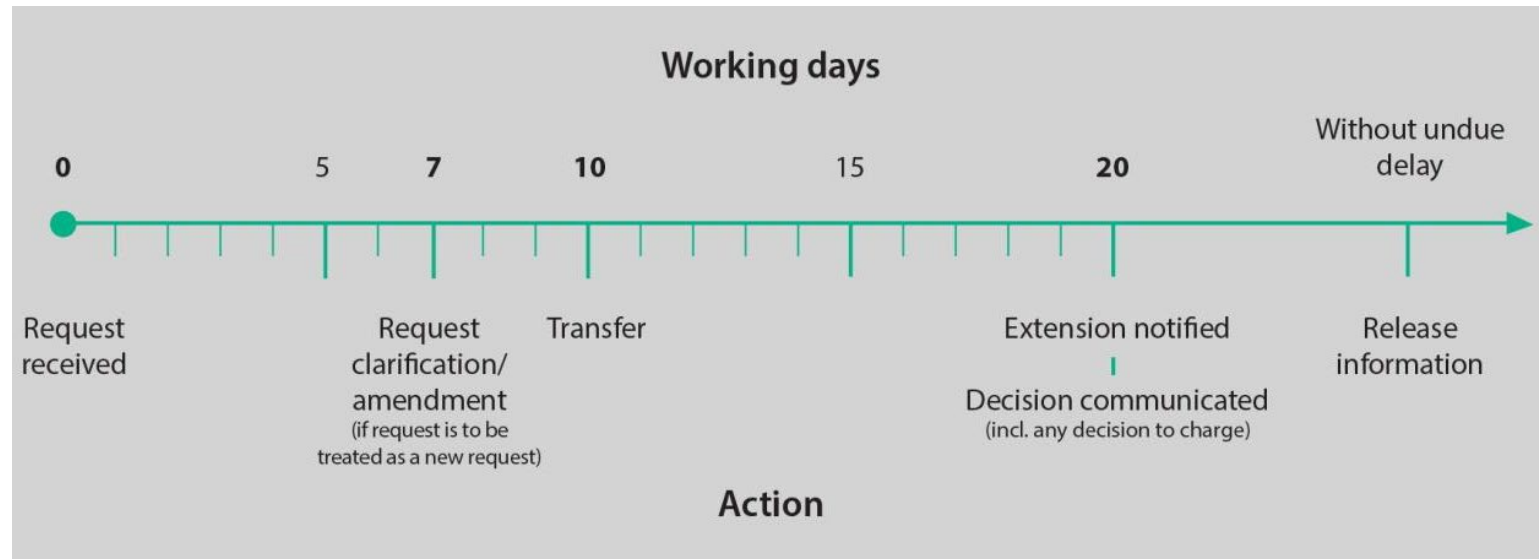
Ombudsman approach to delay

The approach to Delay Deemed Refusals (DDRs) focuses on legal obligations in terms of statutory timeframes – encourage better agency performance:

- Ombudsman more inclined to investigate and form final opinions in this particular area.
- Lack of resources is not an excuse for non-compliance with statutory timeframes – need for contingency planning
- Also utilise the mechanism in the OIA (extensions)
- Effective and adequately resourced OIA systems and processes.

Maximum time limits

Section 28(4)(a) of the OIA indicates that a request should be answered - *'As soon as reasonably practicable, or at the latest within 20 working days, after receiving the request'*.



Time limits start the day after the request is received.

In the OIA a **working day** does not include:

weekends/ public holidays or any days between 25 December to 15 January.

Note: a requester can ask for the request to be treated urgent, if they give reason for this.

Ombudsman's training and guidance functions

The Ombudsman assists agencies on the OIA by producing:

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

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

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

Calculating timeframes

Website includes the OIA calculator, which:

- Indicates the maximum response deadline for responding to a request
- Automatically excludes statutory holidays and the Christmas break
- 24 June 2022



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 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 (three elements)

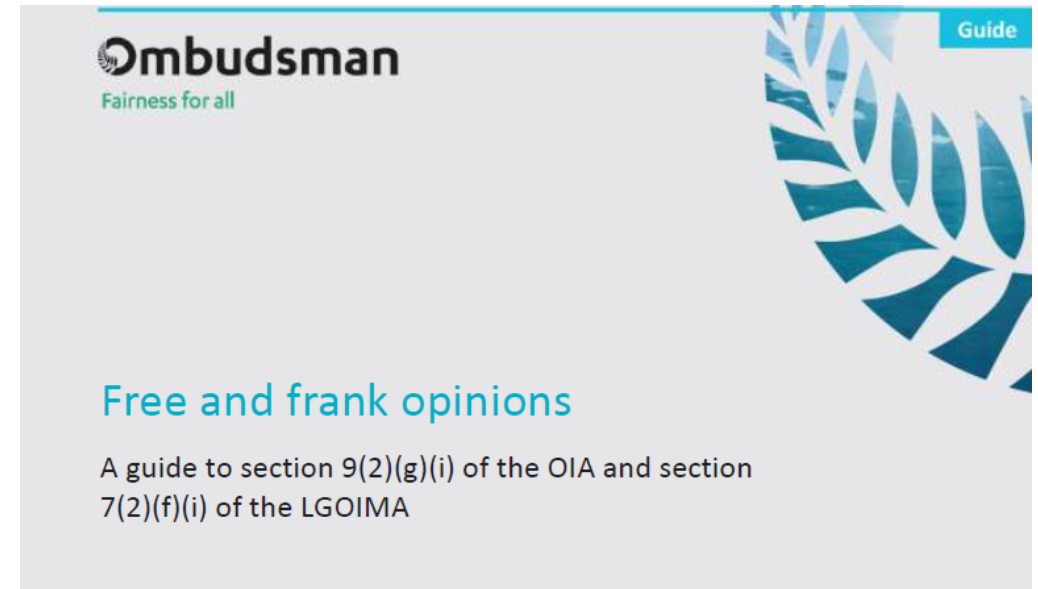


The purpose of this guide is to assist Ministers and government agencies in recognising and responding to requests for official information under the [Official Information Act 1982](#) (OIA). This guide focuses on processing requirements. Separate guidance is also available on making a decision whether 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.¹

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	Father’s immigration file <i>Private interests gave rise to a public interest—pursuing legal rights and remedies</i>
167380	2003	Photo of offender <i>Private interest gave rise to a public interest—opportunity to inspect on conditions</i>
175789	2008	Identities of contractors <i>Transparency</i>
173160	2005	Treasury costings of interest-free student loans policy <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	Information about the Government’s proposed mixed ownership programme <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.

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

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

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.

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

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

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

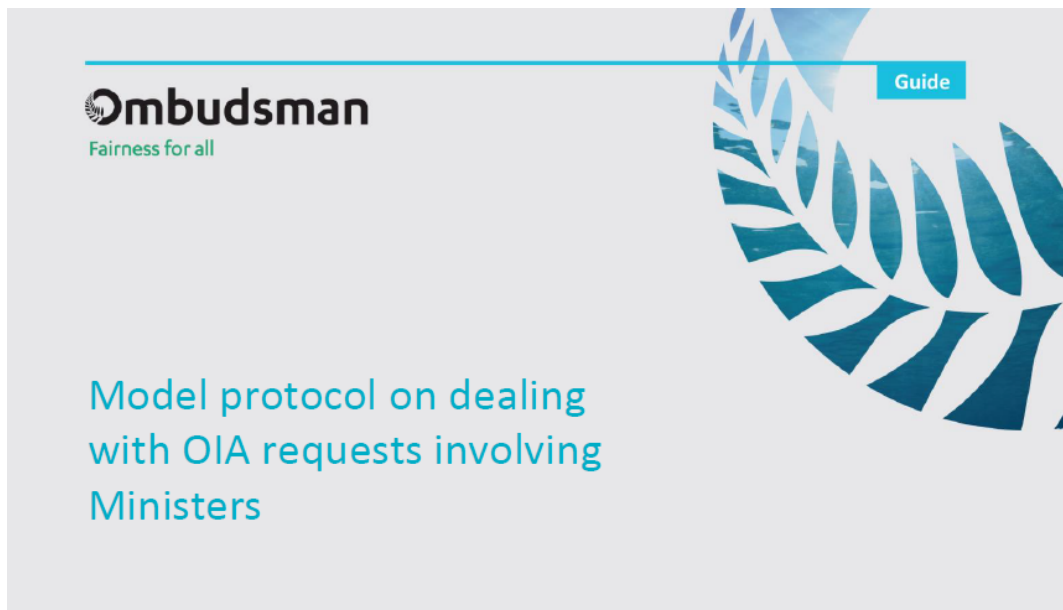
Request for political consultation emails

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

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Public interest in the release—section 9(1)	4
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.¹
- 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

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
- Year to 30 June 2022: 2200 OIA complaints (1300 last 6 months). 1800 completed.

OIA 'Own Motion' Investigation

REPORT

Review of government OIA practices

[Read >](#)



Key areas or dimensions the report considered:

Leadership and culture

Organisation structure and capability

Policies systems and resources

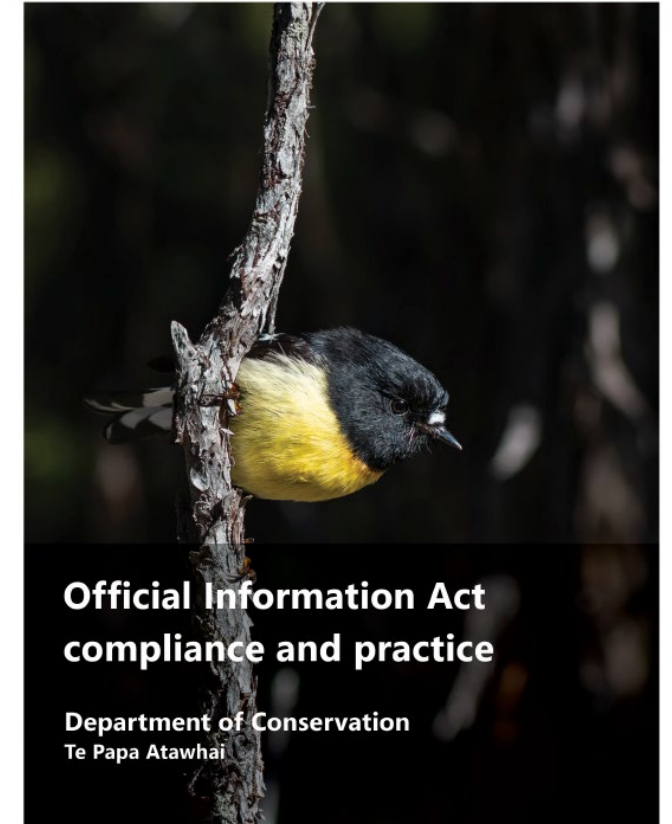
Performance monitoring and learning

Current practices

Official Information Practice Investigations

- Official Information Practice Investigations team
- “Ready or not” revisited the original 12 agencies from Not a Game of Hide and Seek
- Overall, core public service is increasingly transparent and open -proactive release BAU
- Improvement areas (resourcing, media requests, training, ministerial notifications and “reasonably practical”, record-keeping in general).
- Update guidance for Directory of OI (MoJ)

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



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**

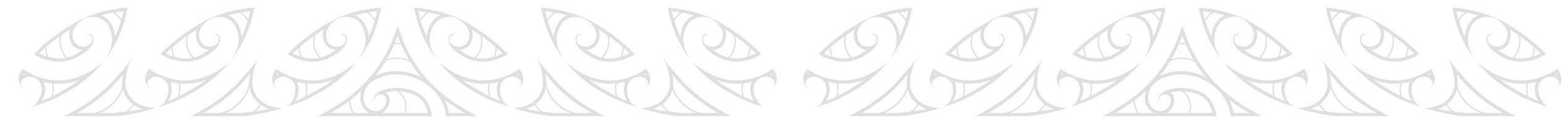
Official information work programme

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.



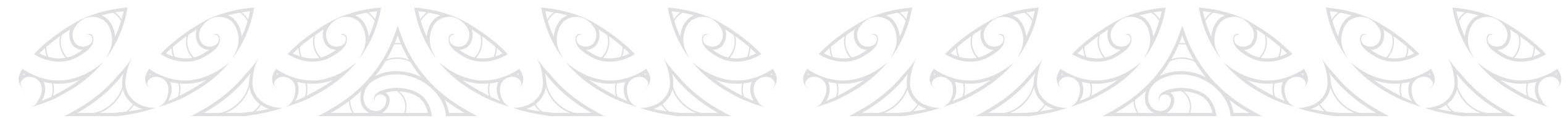
Why a focus on proactive release?

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



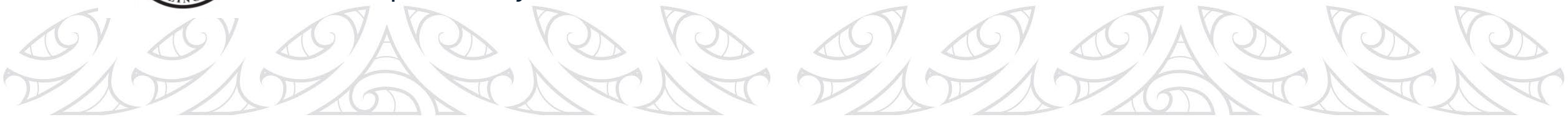
2016 **New Zealand's National Action Plan 2016-18** Commitment 2: Improving official information practices



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



2021-22 **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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Spirit of Service

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

Pārongo Ōkawa

Official information

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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.

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 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.

Pārongo Ōkawa

Official information

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OIA guidance for agencies

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OIA statistics

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Pānui tika
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Official Information Forum

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Ngā take wānanga me ētahi atu rāuemi
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Tono Ture Pārongo Ōkawa
Official Information Act Requests

Pārongo Ōkawa

Official information

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13 December 2017

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↗ [Official Information Act 1982](#)

If you would like to make an OIA request to Te Kawa Mataaho, we provide guidance to help you do that.

→ [Official Information Act Requests](#)

SECTION 01

Aratohu OIA mā ngā uman...
OIA guidance for agencies



01

Aratohu OIA mā ngā umanga

OIA guidance for agencies

The guiding principle of the Official Information Act 1982 is that information must be made available if requested, unless a reason exists under the Act for withholding it.

Te Kawa Mataaho Public Service Commission is progressively developing a suite of guidance to help agencies meet their obligations under the Act in terms of managing:

- OIA requests
- organisation OIA systems and processes.

Contact us if your organisation needs advice or assistance to in regards to the OIA.

oiacomment@publicservice.govt.nz

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.

- [!\[\]\(95b42f0077faf7439a26242a54e021ec_img.jpg\) Processing an Official Information Act Request \(PDF, 122 KB\)](#)
 - [!\[\]\(e097ab4c08b8186dd0908330bbc2dc28_img.jpg\) Contacting requesters \(PDF, 77 KB\)](#)
 - [!\[\]\(1e9d865c5de095f8e3304757c49e79d7_img.jpg\) Minister and Agency Official Information Requests \(PDF, 71 KB\)](#)
 - [!\[\]\(735b10d724a5f0ec5005c4eb3eb9c9d1_img.jpg\) Extensions and the Official Information Act - Section 15A \(PDF, 68 KB\)](#)
 - [!\[\]\(e6250f05bc27fa93236b816562b699f9_img.jpg\) Information Requests Requiring Substantial Collation or Research \(PDF, 82 KB\)](#)
 - [!\[\]\(d190cc638f389909d4b049d6c19e4cb2_img.jpg\) Transferring Information Requests - Section 14 \(PDF, 93 KB\)](#)
- [!\[\]\(4d34001966c7597a8c3e4293694bde37_img.jpg\) Resources and publications – Ombudsman New Zealand](#)

Practice notes

The OIA practice notes provide specific guidance on the application of some areas of the OIA.

- [!\[\]\(815df092dd722ee9268ef8e6d0193e3a_img.jpg\) Draft documents and the OIA](#)

Agency website guidance

This 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 for agencies to link to.


 [Agency website guidance \(PDF, 79 KB\)](#)

→ [Tips for requesting official information](#)

→ [How agencies will respond to information requests](#)

Proactive release of official information

This 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.

 [Proactive release of official information \(PDF, 69 KB\)](#)

→ [Proactive release](#)

OIA statistics guidance

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.

 [Selection and Reporting of Official Information Act Statistics \(PDF, 110 KB\)](#)

More information on the OIA statistics regularly published for Public Service agencies is available.

→ [OIA statistics](#)

02

Raraunga OIA OIA statistics

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 expects to see performance levels maintained or improved, and encourages agencies to also progressively increase the amount of information proactively released.

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

OIA statistics for the Public Service

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 cover:

- the number of requests completed by agencies in the six month reporting period
- compliance with legislative timeframes
- the publication of OIA responses
- OIA complaints referred by the Ombudsman to agencies, and those where a deficiency was identified
- how many requests are extended, transferred or refused in full
- the average time to respond.

By centralising the collection and publication of, the Commission aims to improve the consistency and accessibility of information on agencies' compliance with the letter and spirit of the Act.

Latest release

→ [\(7 September 2022\) OIA statistics to 30 June 2022 released](#)

[📄 OIA Statistics Summary Jan – Jun 2022 \(PDF, 424 KB\)](#)

[📄 OIA Statistics 1 January to 30 June 2022 \(XLSX, 175 KB\)](#)

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 \(XLSX, 133 KB\)](#)

Official Information Act (OIA) statistics by agency - Timeliness and Publication

Agency type selected: Public Service Departments

Agency Type	Agency Preferred Name	Number of OIA requests completed (1)	Number of OIA requests completed within legislated timeframe	Percent of OIA requests completed within legislated timeframe
Public Service Departments	Department of Conservation Te Papa Atawhai	298	288	96.6%
	Department of Corrections	4,535	4,512	99.5%
	Department of the Prime Minister and Cabinet	346	297	85.8%
	Education Review Office	19	19	100.0%
	Government Communications Security Bureau	30	25	83.3%
	Inland Revenue — Te Tari Taake	130	127	97.7%
	Manatū Taonga Ministry for Culture and Heritage	88	88	100.0%
	Manatū Wāhine Ministry for Women	14	13	92.9%
	Ministry for Pacific Peoples	19	18	94.7%
	Ministry for Primary Industries	732	698	95.4%
	Ministry for the Environment — Manatū Mō Te Taiao	116	111	95.7%
	Ministry of Business, Innovation and Employment	1,209	1,102	91.1%
	Ministry of Defence Manatū Kaupapa Waonga	84	84	100.0%
	Ministry of Foreign Affairs and Trade	178	177	99.4%
	Ministry of Health – Manatū Hauora	1,721	1,559	90.6%
	Ministry of Social Development	924	886	95.9%
	New Zealand Customs Service	436	435	99.8%
	New Zealand Security Intelligence Service	86	75	87.2%

03

Pānui tika

Proactive release

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 Official Information Act 1982 (OIA). We have also developed some practical tips to help agencies put in place the processes needed for publishing completed OIA requests.

 [Proactive release of official information \(PDF, 69 KB\)](#)

Locations for the publication of proactively released material

We encourage agencies to proactively release responses to OIA 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, that is, 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. It may publish the information, but in a decentralised way. To see which agencies publish OIA responses, refer to the Official Information Act statistics dataset.

Official Information

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



License

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Dataset

Groups

Activity Stream

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](#)

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

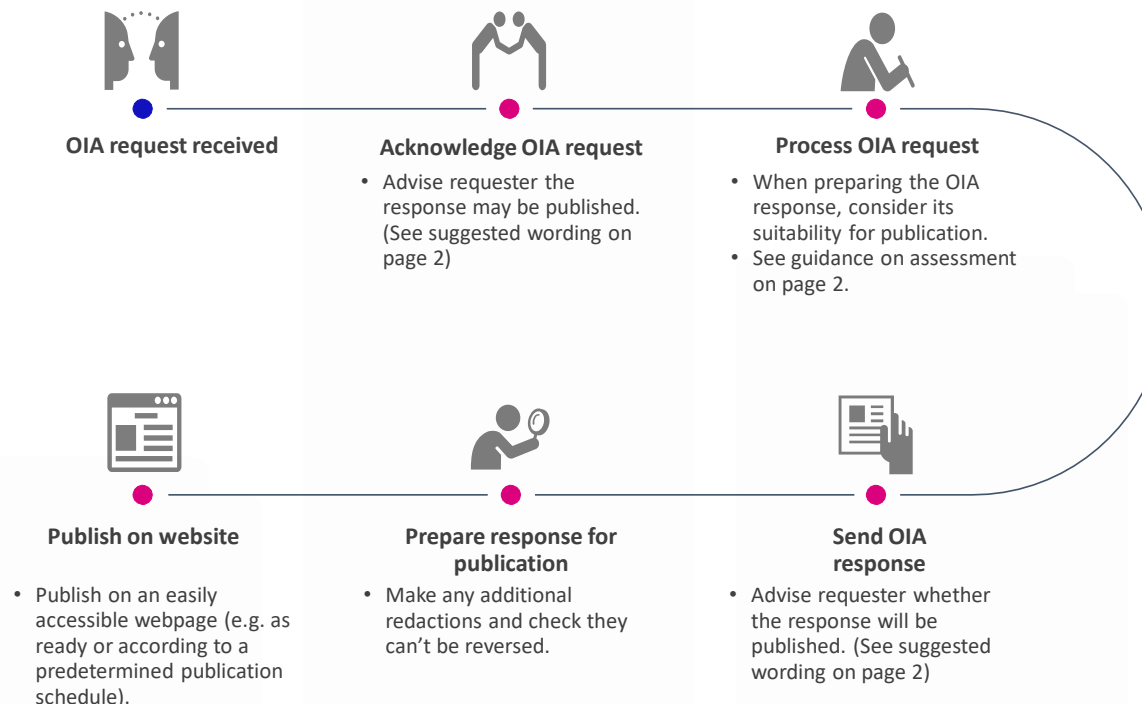
One of the key purposes of the Official Information Act is to make information more freely available, which promotes good government and trust and confidence in the State services. Proactively releasing completed OIA requests that may be of interest to the wider public is easy to do. It helps reduce 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
Suitability for publication	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.
Privacy	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 Section 6 and Part 4 of the Privacy Act 1993, the Office of the Privacy Commissioner Codes of practice that become law and other guidance including A quick tour of the privacy principles .
Contractual obligations	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.
Copyright	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. New Zealand Government Open Access and Licensing framework (NZGOAL) provides guidance for releasing copyright works and non-copyright material for re-use by others.
Defamation	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.
Other contextual information	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](#).

04

Kete whakawhanake āheinga Capability development toolkit

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 5 domains of capability which together build and strengthen commitment to the principles of openness and transparency.



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.

The toolkit contains a number of documents that can be downloaded individually or as a [📄 zip file \(ZIP, 851 KB\)](#) .

- [📄 Capability Development Toolkit Agency Guidance \(PDF, 611 KB\)](#) introduces the toolkit and explains how to use it.
- [📄 High level review \(PDF, 120 KB\)](#) introduces the 5 domains of capability and the lead question for each domain.
- [📄 Intermediate level review \(DOCX, 30 KB\)](#) summarises the 5 domains and provides more detail on the elements contained within each one. For each domain, an indication of 'what good looks like' is also provided as a starting point for discussion.
- [📄 In-depth review \(DOCX, 62 KB\)](#) supports a deep-dive review of the 5 domains and includes additional lines of enquiry to consider for each element. It can be used as a worksheet for capturing agency findings during the review, and is available in both [📄 Word \(DOCX, 62 KB\)](#) and [📄 Excel \(XLSX, 28 KB\)](#) formats.
- [📄 Summary report card template \(XLSX, 63 KB\)](#) provides a 1-page summary for reporting the findings of the review.

05

Wānanga Parongo Ōkawa 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 public 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.

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 2022 \(PDF, 61 KB\)](#) (as at September 2022)
- [📄 Final Schedule of Forum events 2021 \(PDF, 65 KB\)](#) (updated December 2021)
- [📄 Final schedule of Forum events 2020 \(PDF, 88 KB\)](#) (updated December 2020)


Documents from previous forums

Information is published here after each meeting. We remove information after 5 years — contact us for earlier presentations: oiaforum@publicservice.govt.nz

2 August 2022 – New OIA Practitioners

-  [Presentations: New OIA Practitioners \(PDF, 4.4 MB\)](#)


8 June 2022 — OI Forum 8 June 2022: Handling complex requests and new official information developments

-  [Presentations: Handling complex requests and new OI developments \(PDF, 6.2 MB\)](#)

4 May 2022 — New OIA Practitioners

-  [Presentations: New OIA Practitioners \(PDF, 3.9 MB\)](#)

28 March 2022 — Impacts of Covid (incl. Ombudsman's guidance), Jul-Dec 21 OIA statistics

-  [Presentations: impacts of Covid, Ombudsman's guidance, Jul-Dec 21 OIA statistics \(PDF, 1.7 MB\)](#)

06

Ngā take wānanga me ētahi atu rāuemi

Case studies and other resources

Case studies

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

- [Ministry of Education — Centralising the OIA function \(PDF, 162 KB\)](#)
With Supporting Documents
 - [Ministry of Education OIA Process diagram \(PDF, 1.4 MB\)](#)
 - [RASCI Matrix \(PDF, 153 KB\)](#)
- [Electricity Authority — Proactively releasing extensive industry data and information \(PDF, 211 KB\)](#)

Training resources

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

- [OIA training presentation \(PPT, 598 KB\)](#)
- [OIA training workbook \(DOCX, 958 KB\)](#)

07

Tono Ture Pārongo Ōkawa

Official Information Act Requests

People in New Zealand can request government information (official information) and can expect it to be made available unless there is a good reason to withhold it.

The Official Information Act 1982 (or OIA) enables citizens, permanent residents, visitors to New Zealand, and body corporates registered or with a place of business in New Zealand, to make a request for official information held by government agencies, including Te Kawa Mataaho Public Service Commission (the Commission).

Before making a request for information

The Commission is committed to supporting the principles of the Public Service Act 2020 and Official Information Act 1982 (OIA), by promoting open government and increasing the availability of information and the internal processes used to prepare information for publication. Found here is the [D Commission's Proactive Release of Official Information - Internal Policy \(PDF, 197 KB\)](#) which sets down the principles and processes to be followed when we consider proactively releasing information.

Information considered for proactive release includes:

- formal advice to the Minister of the Public Service
- titles of advice provided to the Minister of the Public Service
- OIA responses and information that has been released by the Commission to an individual requester under the OIA
- any other information released by the Chief Executive, such as research reports or publications, information published in response to public interest, and information that is regularly requested from the Commission under the OIA.

Before requesting official information from the Commission, we encourage you to check out the sources of information below as you may find the information you need is already publicly available:

- [↗ Our Media & Speeches Section](#)
- [↗ Our published OIAs](#)

Making a Request

You do not need to mention the OIA to make a request. Your request should be as clear and specific as you can possibly make it.

You can contact us in a number of ways to request information:

- commission@publicservice.govt.nz
- Telephone: (04) 495 6600
- Postal address: 2 The Terrace, PO Box 329, Wellington 6140

You need to provide:

- your name
- contact address (email or postal)
- details of the information you want
- details of the timeframes of the information you want

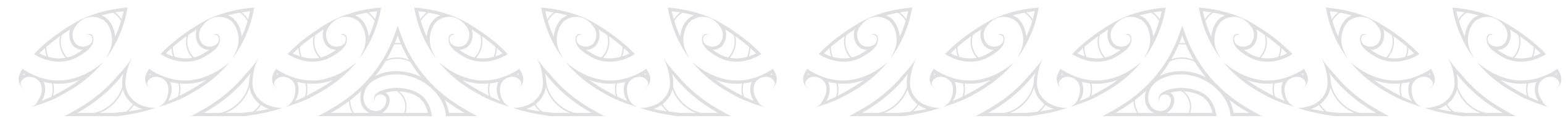
We may contact you if we need to understand in more detail, what you are looking for.

If you make your request by phone or in person, we will obtain contact details from you and confirm your request in writing to ensure we have captured correctly the information you are seeking.

Here to help

If you need advice or assistance, contact the team on OIAForum@publicservice.govt.nz

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





Panel Discussion

**Office of the Ombudsman
Environmental Protection Authority
Ministry of Foreign Affairs and Trade**



Pātai?

Final questions?



Ngā mihi nui

Ka kite anō