



26 July 2017

[Redacted]

Dear [Redacted]

Official information request for information relating to OIA Forum

Our ref: 2017/0074

I refer to your official information request dated 29 June 2017 for all information on the Official Information Act 1982 (OIA) Forum, including the date, list of attendees, any papers or discussion materials provided to attendees, any minutes or summary of proceedings, and any action points or discussion papers produced as a result.

The OIA Forum for Practitioners was held on 24 May 2017. The list of attendees and their organisations is in Appendix 1. One name is being withheld under section 18(c)(i) of the OIA, on the grounds that making the information available would be contrary to the provisions of a specified enactment, namely section 13A of the New Zealand Security Intelligence Service Act 1969 (restriction on publication and broadcasting of information regarding staff).

The next OIA Forum for Senior Leaders is currently scheduled for 11 August. While a Centre for Open Government based in the State Services Commission (SSC) (referenced in the speaking notes), was scheduled to go live in June 2017, SSC is still working through the role and function of this unit.

Information being released

Please find enclosed the following documents:

Item	Document Description	Decision
1	OIA Forum for Practitioners: Agenda, Feedback, and Topics for Next Forum	Release in full
2	Speaking Notes: OIA Forum	Release in full
3	Slides: OIA Forum	Release in part
4	Contacting people who have requested information under the Official Information Act: Public Sector Guidance (Workshop 1)	Release in full
5	Processing a basic Official Information Act request: Public Sector Guidance (Workshop 2)	Release in full
6	Workshop 1 feedback (not transcribed)	Release in full
7	Workshop 2 feedback (transcribed)	Release in full
8	Planning for OIA Statistics 2016/17 and 2017/18 (handouts)	Release in full
9	OIA Statistics: Guidance Regarding Selection and Reporting of Official Information Act Statistics (handouts)	Release in full

I have decided to release the documents listed above, subject to information in document 3 above being withheld under section 9(2)(f)(iv) of the OIA, to maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials.

While no minutes or summary of proceedings were produced as a result of the meeting, documents 1 in the table above contain general feedback provided by attendees (what was good, and what can we improve), and their suggested topics for the next OIA Forum for Practitioners. For future meetings of the OIA Forum, SSC will proactively release the minutes on its website, subject to any necessary withholdings in accordance with the OIA.

At this stage, neither action points nor discussion papers have been produced. The next steps following on from the May OIA Forum for Practitioners are for us to update the two guidance documents drawing from the participants' suggestions (contained in documents 6 and 7 above), seek feedback on these drafts, then re-issue the guidance.

If you wish to discuss this decision with us, please feel free to contact Ministerial.Services@ssc.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that we intend to publish this letter (with your personal details removed) and enclosed documents on the State Services Commission's website.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'C.M. Williams', with a long horizontal flourish underneath.

Catherine Williams
Deputy Commissioner, Integrity, Ethics and Standards

Appendix 1: OIA Forum for Practitioners - Attendees

Organisation	Name
Department of Conservation	
Department of Internal Affairs	
Department of the Prime Minister and Cabinet	
Department of the Prime Minister and Cabinet	
Education Review Office	
Education Review Office	
Inland Revenue	
Ministry for Culture and Heritage	
Ministry for Pacific Peoples	
Ministry for Pacific Peoples	
Ministry for Primary Industries	
Ministry for Primary Industries	
Ministry of Business, Innovation and Employment	
Ministry of Defence	
Ministry of Education	
Ministry of Education	
Ministry of Health	
Ministry of Health	
Ministry of Justice	
Ministry of Justice	
Ministry of Justice	
Ministry of Justice	
Ministry of Justice	
Te Puni Kokiri	
State Services Commission	
State Services Commission	
State Services Commission	
State Services Commission	
The Treasury	
The Treasury	
The Treasury	
New Zealand Defence Force	
New Zealand Defence Force	
New Zealand Defence Force	

New Zealand Police		
New Zealand Police		
New Zealand Police		
Earthquake Commission		
Overseas Investment Office		
New Zealand Transport Agency		
Office of the Ombudsman		
Office of the Ombudsman		

OIA FORUM for PRACTITIONERS

Wednesday 24 May. 1:30pm – 3:30pm.

Ministry of Justice meeting rooms ks3.3, 3.4 and 3.5. 19 Aitken Street, Wellington

AGENDA:

1:30	WELCOME AND INTRODUCTION. Rachel Hayward, Deputy Cabinet Secretary DPMC, OIA Project Steering Committee
1:35	UPDATE: WHAT'S HAPPENING AT THE SSC. Al Morrison, Deputy Commissioner System Performance, SSC
1:45	GUIDANCE TO REQUESTERS ON AGENCY WEBSITES. Leonie Parminter, OGP Project Team, SSC
2:00	WORKSHOP: WORKING WITH REQUESTERS/CONTACTING REQUESTERS. Michael King, OIA Project Team, SSC Review the guidance "Contacting people who have requested information under the OIA". Focus questions: As a general resource, how fit for purpose is this guidance? What would you change to improve it? Given that it is a general guidance resource, what agency-specific guidance might complement it?
2:30	WORKSHOP: PROCESSING A BASIC OIA REQUEST. Review the guidance "Processing a basic Official Information Act request". Focus questions: As a general resource, how fit for purpose is this guidance? What would you change to improve it? Given that it is a general guidance resource, what agency-specific guidance might complement it?
3:00	PLANNING NEXT PRACTITIONER OIA FORUM. Generate and prioritise a list of items/actions people would like to see/do. One option includes workshops to prepare one or two-page summaries of recent Ombudsman guidance documents.
3:15	NEXT STEPS, FEEDBACK, CLOSE.

FEEDBACK

What was good	What can we improve
Hearing other agencies feedback Making contact with other practitioners	
SSC presentation Meeting other practitioners Getting other views	A suggestion of hearing a non-corporate/head office practitioner talk to the group about their experience of the OIA.
Attendance Helpful topics	Pacing Could build more discussion time, there was clear interest at a number of points.
Clock method to get flow of ideas / swapping was good	Too rushed More time to discuss
Like the method of pairing off We had something specific to work from, and this had been circulated prior.	It is sometimes difficult to hear in this room – microphone?
Opportunity to network Hearing others' views	More clearer linkage to 'Sunrise'
Agenda circulated with attachments included to facilitate good discussion Update from AI on SSC redesign	Impose some deadline on the guides – they have been on the go for a while
Practical examples of guidance in draft to work from was useful Material circulated in advance Good opportunities to move around and meet other people Good time management by Michael	Microphone for speakers
Love the appointments and mixing Finding the similar and different challenges faced by other organisations Michael's facilitation, moving things on smoothly and keeping informative and light Info on BPS2	
Format – getting people to move around	Not enough time - some interesting ideas are only touched on Longer forum, or more regular ones

[INSERT SECURITY CLASSIFICATION]

	Not really a networking opportunity
Different views from other agencies Website guidance useful to know what is going up	More time to discuss
It was fast paced Mixing, Mingling, sharing ideas Like the lollies Handouts available on tables Good venue	Better able to hear people – better audio

TOPICS FOR NEXT PRACTITIONERS' FORUM

SUGGESTED TOPICS
Proactive release Practice of putting OIAs on website And the interrelationship between the two.
What are your challenges (1 st priority) Actual scenarios (sharing how de do things etc.) 2 nd priority Submit questions in advance that can be answered by a panel Resources – sharing them How do things work at larger organisations?
CE responsibility (parts of the organisation being unaware of OIA responsibilities / uncooperative) 1 st preference Guidance for members of the org who are not practitioners Improving practical steps around transparency Free and frank is an interesting topic LGOIMA esp. consultation / Privacy Act – how they link/conflict.
Comparison of proactive release policies (1 st preference) How agencies are applying different grounds (2 nd) Training on redaction software and what different agencies use
Discussion of what systems and tools are working for different agencies (e.g. experiences with computerised redacting) What are we doing to respond to the Ombudsman's recommendations?

[INSERT SECURITY CLASSIFICATION]

What organisations are doing to ensure staff are aware of OIA processes (and where to find guidance documents)

Can we be better a joining up to provide training?

Finalised guidance (or updated with feedback) *Sensitive requests (1st)

Open government next steps. Is there a govt. information strategy? (Note: Proactive release is nothing to do with OIA).

Proactive release:

Sharing best practice

How to influence your agency

Processes to proactively release already released OIAs

Building on SSC/DPMC work – making it practical / operationalising

How to build proactive release into policy process

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Speaking Notes: OIA Forum. Wed 24 May 2017. 1:30pm. MoJ

Rachel Hayward, Deputy Cabinet Secretary DPMC, OIA Project Steering Committee

Welcome to second OIA Forum for 2017.

Delighted to see you here – strong passion across the State sector for open and transparent government, reflected in attendance here and interest in OIA project.

Since last OIA Forum, OIA project team has been making progress:

- 1 First set of OIA Statistics published (2015/16) on 31 January.
- 2 Guidance has been drafted and will soon be available:
 - o Agency OIA websites
 - o Proactive release of Official Information
 - o OIA statistics.
- 3 Preparations well under way for second set of OIA statistics (2016/17) and subsequent releases. (Details available at the end of today's Forum).

Thank you for coming.

Al Morrison, Deputy Commissioner System Performance, SSC

Add my welcome.

State Service Commissioner is committed to ensuring NZ has a trusted, leading edge, public service. Foundations:

- Free, frank, fearless advice
- Political neutrality
- Open government and official information
- Independent, merit-based appointments.

Changes within SSC. New unit, Integrity, Ethics and Standards. Recruiting DC.

Centre for Open Government: to include OGP and OIA. Go-live 6 June.

What you can expect to see, over time:

- 1 Relentless commitment and support of SSCer to improving OIA performance
- 2 Support for agencies, including:
 - o Official information capability assessment tool
 - o Guidance, advice and other resources: based on your needs and priorities
 - o Case studies of agency operating models
 - o Practice notes on specific topics.

What we need from you:

- support, including participation in OIA Forum, workshops, pilot projects, etc.
- input into priorities for our work program
- feedback regarding how well we are meeting your needs.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

OIA Forum

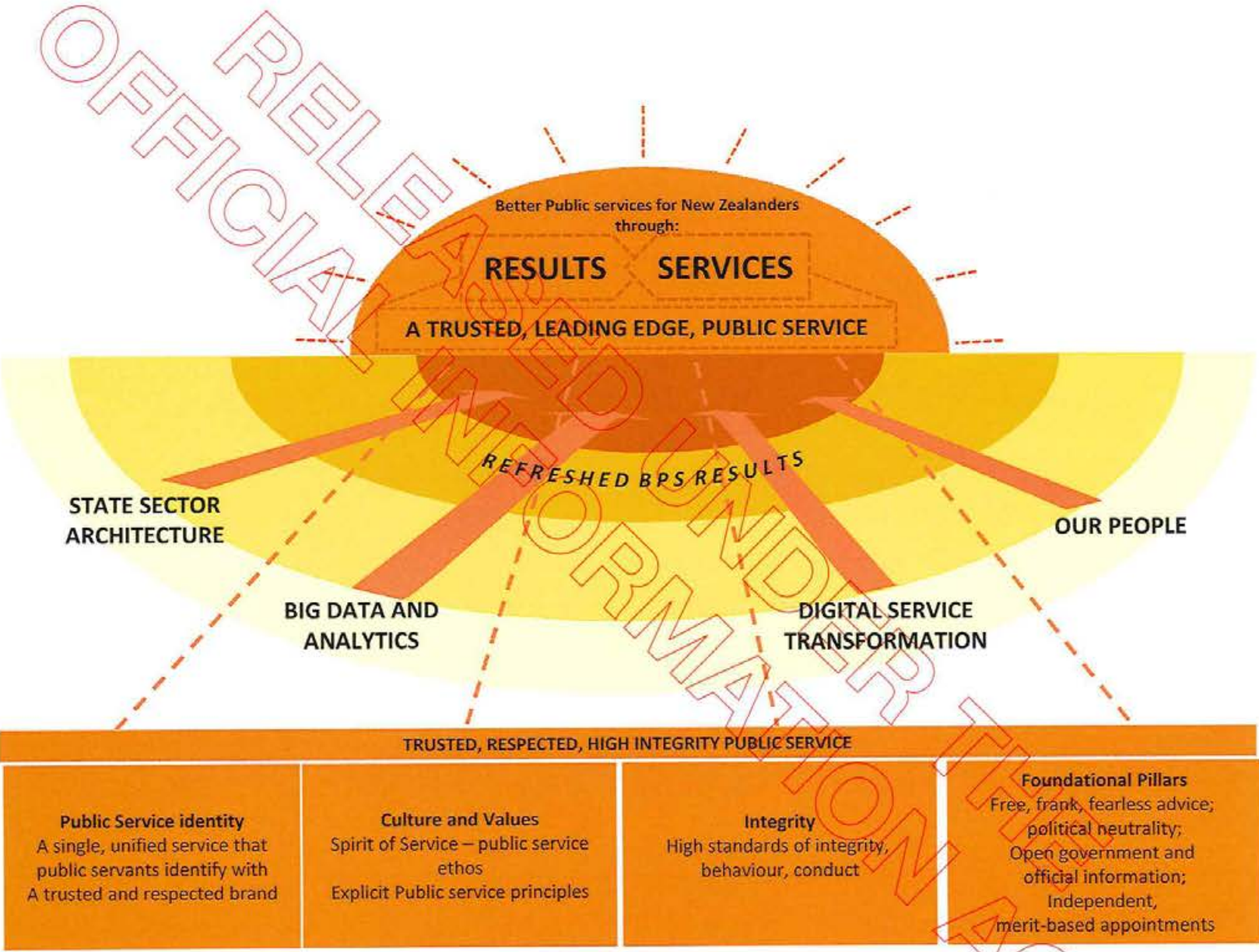
Wednesday 24 May 2017

Agenda

- Welcome and Introduction
 - Rachel Hayward, Deputy Cabinet Secretary, DPMC
- Update: What's happening at the SSC
 - Al Morrison, Deputy Commissioner System Performance, SSC
- Guidance to requesters on agency websites
 - Leonie Parminter, OGP Project, SSC
- Workshop: Working with requesters/contacting requesters
 - Michael King, OIA Project Team, SSC
- Workshop: Processing a basic OIA request
- Planning the next OIA Forum for practitioners

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

**Update:
What's happening at the SSC**



Appendix A

External
Committees

RAC

H&S

DC

Strategy & Policy

"Designing & driving the State Services of the future"

- System Strategy
- Programme Manage BPS 2
- BPS 2: State Services Architecture
- Machinery of Government
- BPS Refresh/Results Reporting
- Strategic Information PM/HoSS
- 2nd opinion policy advice

CEs on assignment with SSC

- Auckland
- BPS2 Akld
- Public Service Reform

DC

Integrity, Ethics & Standards

"Building trust & confidence in State Services"

- System Integrity
- Open Government Partnership
- OIA Programme
- Crown Entity board advice
- Investigations
- Code – applying it and future amendments
- Protected Disclosures
- BPS2: Trusted, Respected, High Integrity

DC

Corporate Services

"Backing the business to win"

- Communications
- Strategy and Planning
- Finance
- Ministerial Services
- Risk
- Assurance
- Business Continuity
- HR
- IT
- Shared services
- Internal Audit
- Health & Safety
- Workplace & Administration
- Protective Security Requirements
- APO – administrative and corporate support

DC

System & Agency Performance

"Driving CE, agency & system performance"

- CE Appointments
- CE Succession planning
- CE Development
- CE Remuneration (including Crown Entities)
- CE performance management function
- System assurance
- PIF
- Continuous Improvement
- CE Relationships: Assistant Commissioners
- Cabinet Fees Framework
- CE Well-being
- Deployment to support CE succession

DC

Workforce & Talent Management

"Attracting & developing talent"

- 4YP Workforce
- System Workforce Strategy
- Strategic & tactical employment relations
- Diversity & Inclusion
- Pay Equity
- Leadership Development Centre
- Career Boards
- Talent Exchange
- Leadership Insight
- Head of Profession
- BPS 2 People
- BPS 2 Diversity & Inclusion
- Deployment of senior leaders (for mobility)

State Services Commissioner
Head of State Services

Deputy State Services Commissioner
Chief Executive

Chief Legal Officer

HoSS Office

"Connecting, communicating & enabling the business of the Commission"

STATE SERVICES COMMISSION
Te Komihana Ō Nga Tari Kawanatanga



RELEASED UNDER THE
OFFICIAL INFORMATION ACT

Guidance to requesters on agency websites

Leonie Parminter – Leonie.Parminter@ssc.govt.nz

Open Government Partnership (OGP)

- International initiative promoting transparency, accountability, citizen engagement in government.
- New Zealand joined the Open Government Partnership in 2013.
- The State Services Commission coordinates OGP work with New Zealand government agencies and leads public engagement.



Source: www.ogp.org.nz

Engagement



Source: www.engage2.co.nz

- 115 submissions on two online platforms
- 22 submissions related to the OIA
- 30 people participated in the co-creation workshop in Wellington.

OGP engagement – what did we hear?

- “...proactively make information available to anyone interested in looking...”
- “Mandatory publication of certain info...”
- “...Government departments should be required to have dedicated Official Information Act pages...”
- “There is obvious scope to build on the Ombudsman and Law Commission's work reviewing the OIA...”
- “To implement the recommendations of the former Chief Ombudsman re the OIA...”

Dame Beverly Wakem's report



“All agencies should ensure their websites have a page, no more than one click away from the home page, which provides the public with key information on how to make a request for official information, what the agency’s internal policies and guides on processing OIA requests are, who to contact for assistance, and the information the agency supplies to the Ministry of Justice for inclusion in the Directory of Official Information.”

Source: www.ombudsman.parliament.nz
Not a game of hide and seek, 2015, p14.

Improving official information practices

Commitment 2: Improving official information practices



We will improve government agency practices around requests for official information under the Official Information Act (OIA).

Objective: To make government information more accessible by adopting a consistent set of agency practices in response to requests for official information.

Status quo: Practice around how agencies handle requests for official information is not uniform, agencies are burdened by increasing administrative load around official information requests, and people find it hard to navigate the systems.

Ambition: We are committed to improving how government responds to requests for official information.

Lead agencies: [Data Services Commission](#), [Ministry of Justice](#)

Timeline: October 2016 - June 2018

OIG values: Access to information, civic participation, public accountability, technology and information.

New or ongoing commitment: New

Verifiable and measurable milestones to fulfil the commitment:

Ensure information about the OIA (how to make requests, etc) and responses to requests are easy to access on agency websites. This milestone includes development of single OIA web pages for agencies.

- Milestone: “Ensure information about the OIA (how to make requests, etc) is...easy to access on agency websites. This could include development of single OIA web pages for agencies.”

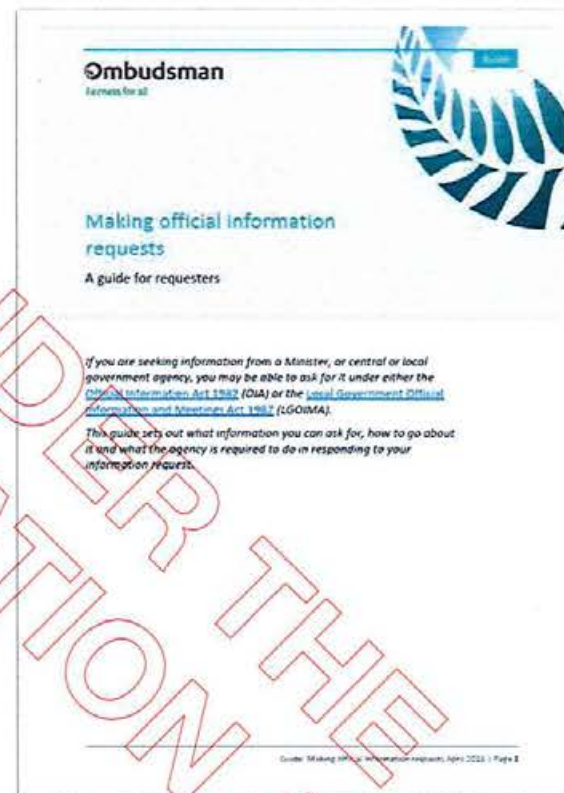
Context

Example of good website information
New Zealand Customs Service



The screenshot shows the New Zealand Customs Service website. The main content area is titled "Official Information Act requests". It includes a section for "Making an OIA request for information held by Customs" with instructions on how to submit a request via email to oa@customs.govt.nz. It also mentions that requests are processed as soon as reasonably practicable, within 20 working days. A note states that there is no charge for the request, but a charge of \$30 per half hour applies after the first hour. The page footer indicates "The use of information Customs holds is private."

Source: www.ombudsman.parliament.nz
Not a game of hide and seek, 2015, p44.



The screenshot shows the Ombudsman website. The main content area is titled "Making official information requests" and is described as "A guide for requesters". It includes a section for "If you are seeking information from a Minister, or central or local government agency, you may be able to ask for it under either the Official Information Act 1982 (OIA) or the Local Government Official Information and Access Act 1987 (LGOIMA)". A sub-section states: "This guide sets out what information you can ask for, how to go about it and what the agency is required to do in responding to your information request." The footer indicates "Guide: Making an official information request, April 2022 | Page 2".

Development of content

REQUESTING INFORMATION

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 [NAME OF AGENCY].

MAKING 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:

- Online form: [IF AVAILABLE SUPPLY LINK]
- Email: [EMAIL]
- Telephone: [TELEPHONE]
- Postal address: [POSTAL ADDRESS]

We would like:

1. your name
2. contact address (email or postal)
3. details of the information you want.

We may ask you for more details.

If you make your request by phone or in person, we will either confirm it in writing ourselves or, if we're not sure what you're seeking, we may ask if you'd mind putting it in writing.

TIPS FOR REQUESTING INFORMATION

There is no specific format or style you need to use to make your request. You do not need to mention the Official Information Act (or OIA) to make a request.

- [Before making a request for information](#)
- [How do I know if you are the right agency?](#)
- [What can I request?](#)
- [Can I request information about myself?](#)
- [Can I request information in a specific format?](#)
- [What can I do to speed up the process?](#)

BEFORE MAKING A REQUEST FOR INFORMATION

Before making a request please check our other sources of information. You may find the information you require is already available.

- [LIST MAIN SOURCES OF INFORMATION](#)

HOW DO I KNOW IF YOU ARE THE RIGHT AGENCY?

The Ministry of Justice's [directory of official information](#) outlines information held by different agencies.

If we do not have the information you have asked for and we think that another agency or Minister may have the information, we will transfer your request to them. We may also transfer your request if we believe the information you have asked for is more closely connected with the functions of another agency or Minister.

GUIDANCE ON HOW WE WILL RESPOND

1. [What happens if we are not the right agency?](#)
2. [What if we don't understand your request?](#)
3. [What happens if I need to change my request?](#)
4. [How do we make a decision on a request?](#)
5. [When will we withhold information?](#)
6. [When will charges apply?](#)

WHAT HAPPENS IF WE ARE NOT THE RIGHT AGENCY?


If we do not have the information you have asked for and we think that another agency or Minister may have the information, we will transfer your request to them. We may also transfer your request if we believe the information you have asked for is more closely connected with the functions of another agency or Minister.

We will do this promptly and within 10 working days, although it is possible to extend this timeframe in certain circumstances. We will let you know if we have transferred your request and who we have transferred it to.


WHAT IF WE DON'T UNDERSTAND YOUR REQUEST?

If we don't understand your request we will get in contact to clarify the information you want to receive.


What did we hear from agencies?




"I think this is great and we would definitely use this on our website."



"I think this is a wonderful document that will provide useful guidance... when we develop our webpage."

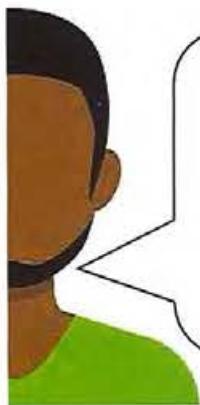


"I do think agencies may be reluctant to dedicate three separate webpages solely to guidance on requesting under the OIA"



"The language could be simplified to make it easier to understand."

What did we hear from the public?



"I like its readability."



"...I was happy with it!"



"It all seems nice and straightforward."



"...it looks pretty good to me."

Next steps

REQUESTING INFORMATION

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 [NAME OF AGENCY].

MAKING 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:

- Online form: [F.AVAILABLE SUPPLY LINK]
- Email: [EMAIL]
- Telephone: [TELEPHONE]
- Postal address: [POSTAL ADDRESS]

We would like:

1. your name
2. contact address (email or postal)
3. details of the information you want.

We may ask you for more details.

If you make your request by phone or in person, we will either confirm it in writing ourselves or, if we're not sure what you're seeking, we may ask if you'd mind outlining it in writing.

GUIDANCE ON HOW WE WILL RESPOND

1. [What happens if we are not the right agency?](#)
2. [What if we don't understand your request?](#)
3. [What happens if I need to change my request?](#)
4. [How do we make a decision on a request?](#)
5. [When will we withhold information?](#)
6. [When will charges apply?](#)

WHAT HAPPENS IF WE ARE NOT THE RIGHT AGENCY?

If we do not have the information you have asked for and we think that another agency or Minister may have the information, we will transfer your request to them. We may also transfer your request if we believe the information you have asked for is more closely connected with the functions of another agency or Minister.

We'll do this promptly and within 10 working days, although it is possible to extend this timeframe in certain circumstances. We will let you know if we have transferred your request and who we have transferred it to.

WHAT IF WE DON'T UNDERSTAND YOUR REQUEST?

If we don't understand your request we will get in contact to clarify the information you want to receive.

TIPS FOR REQUESTING INFORMATION

There is no specific format or style you need to use to make your request. You do not need to mention the Official Information Act (or OIA) to make a request.

- [Before making a request for information](#)
- [How do I know if you are the right agency?](#)
- [What can I request?](#)
- [Can I request information about myself?](#)
- [Can I request information in a specific format?](#)
- [What can I do to speed up the process?](#)

BEFORE MAKING A REQUEST FOR INFORMATION

Before making a request please check our other sources of information. You may find the information you require is already available:

- [\[LIST MAIN SOURCES OF INFORMATION\]](#)

HOW DO I KNOW IF YOU ARE THE RIGHT AGENCY?

The Ministry of Justice's [directory of official information](#) outlines information held by different agencies.

If we do not have the information you have asked for and we think that another agency or Minister may have the information, we will transfer your request to them. We may also transfer your request if we believe the information you have asked for is more closely connected with the functions of another agency or Minister.

Workshop 1: Review guidance

Contacting people who have requested information under the OIA.

Contacting people who have requested information under the Official Information Act

PUBLIC SECTOR GUIDANCE

It can be a good idea to get in touch with a requester when responding to an Official Information Act (OIA) request. [\[http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html%23DLM65394\]](http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html%23DLM65394) Contact with the requester may result in requests being refined, transferred or even cancelled. This is mutually beneficial. You'll be able to give the requester information that's more useful and reduce the administrative burden for you and your agency.

The first part of this guidance sets out information about the types of situations where it may be helpful to contact a requester. The second part sets out the best way to get in touch with the requester and how to handle OIA-related phone calls.

WHEN TO CONTACT A REQUESTER

You should contact a requester if you need to:

1. clarify the wording or scope of a request
2. ensure due particularity
3. narrow a broadly framed request
4. look into extending the timeframe or giving them the response in stages.

Reviewing the guidance

- Work in groups
- Use flip chart paper
- Record the key points of your discussion
- Focus upon the following questions
 1. As a general resource, how fit for purpose is this guidance?
 2. What would you change to improve it?
 3. Given that it is a general guidance resource, what agency-specific guidance might complement it?

Contacting people who have requested information under the Official Information Act

PUBLIC SECTOR GUIDANCE

It can be a good idea to get in touch with a requester when responding to an Official Information Act (OIA) request. <http://www.legislation.govt.nz/act/public/2012/01/04/act/014/section/146/146-5341> Contact with the requester may result in requests being refined, transformed or even cancelled. This is mutually beneficial. You'll be able to give the requester information that's more useful and reduce the administrative burden for you and your agency.

The first part of the guidance sets out information about the scope of situations where it may be helpful to contact a requester. The second part sets out the best ways to get in touch with the requester and how to handle an initial phone call.

WHEN TO CONTACT A REQUESTER

You should contact a requester if you need to:

1. clarify the wording or scope of a request
2. refine the particularity
3. narrow a broadly framed request
4. build into extracting the information or giving them the response to stages.

OFFICIAL INFORMATION ACT

Workshop 2: Review guidance

Processing a basic Official Information Act request.

Processing a basic Official Information Act request

PUBLIC SECTOR GUIDANCE

This guidance contains a breakdown of all the tasks involved in processing an OIA request, and provides administrative hints and tips to help you complete them. It also provides advice about when these steps need to be completed by to enable agencies to meet their obligations within the maximum statutory time limits in every case. However, it's important to remember that the legal obligation is to make and communicate a decision on a request for official information *as soon as reasonably practicable*. **If a request can be processed faster than the timeframes indicated here, it should be.**

This guidance also provides you with links to other valuable guidance resources that exist across the public sector. For example, Office of the Ombudsman guidance and other guidance resources produced in this series. In this way, this guidance, especially in its digital format, aims to provide you with easy access to all the information you need to process official information responses in a consistent, timely and efficient manner.



You must respond to a request for official information **as soon as reasonably practicable**. You must not take more than 20 working days



More information

- This document, and other guidance produced in this series, can be found on the Public Sector Intranet at www.oia.govt.nz/oidguidance
- The Office of the Ombudsman (www.ombudsmen.parliament.nz) can help government agencies by giving them feedback and training on working with requesters.
- www.legislation.govt.nz

THERE ARE SOME CIRCUMSTANCES WHERE THE TIME LIMIT CAN BE EXTENDED
- SEE STEP 8

Reviewing the guidance

- Work in groups
- Use flip chart paper
- Record the key points of your discussion
- Focus upon the following questions
 1. As a general resource, how fit for purpose is this guidance?
 2. What would you change to improve it?
 3. Given that it is a general guidance resource, what agency-specific guidance might complement it?

Processing a basic Official Information Act request

PUBLIC SECTOR GUIDANCE

This guidance offers a breakdown of all the tasks involved in processing an OIA request, and provides administrative hints and tips to help you complete them. It also provides advice about when these steps need to be completed by to enable agencies to meet their obligations within the maximum statutory time limits in every case. However, it's important to remember that the legal obligation is to make and communicate a decision on a request for official information as soon as reasonably practicable. **If a request can be processed faster than the timeframes indicated here, it should be.**

The guidance provides you with links to other useful guidance resources that meet across the public sector. For example, OIA and the Freedom of Information and other data law user guides and the series, which sets the guidance, especially in digital format, and to provide you with easy access to all the resources relevant to your work. It also includes a glossary, links and other related information.

20 You must respond to a request for official information as soon as reasonably practicable. You must not take more than 20 working days.

More information

- The guidance, and the public information, are available on the public information website at www.oia.govt.nz
- For more information, contact your local OIA office or the public information website at www.oia.govt.nz
- www.oia.govt.nz

THERE ARE SOME CIRCUMSTANCES WHERE THE TIME LIMIT CAN BE EXTENDED - SEE STEP 8

The next OIA Forum for practitioners

- What would you like to see/do?
 - Work in groups
 - Use flip chart paper
 - Record your suggestions

Feedback please

What was good about this OIA Forum?

-
-
-
-
-
-

What can we improve next time?

-
-
-
-
-

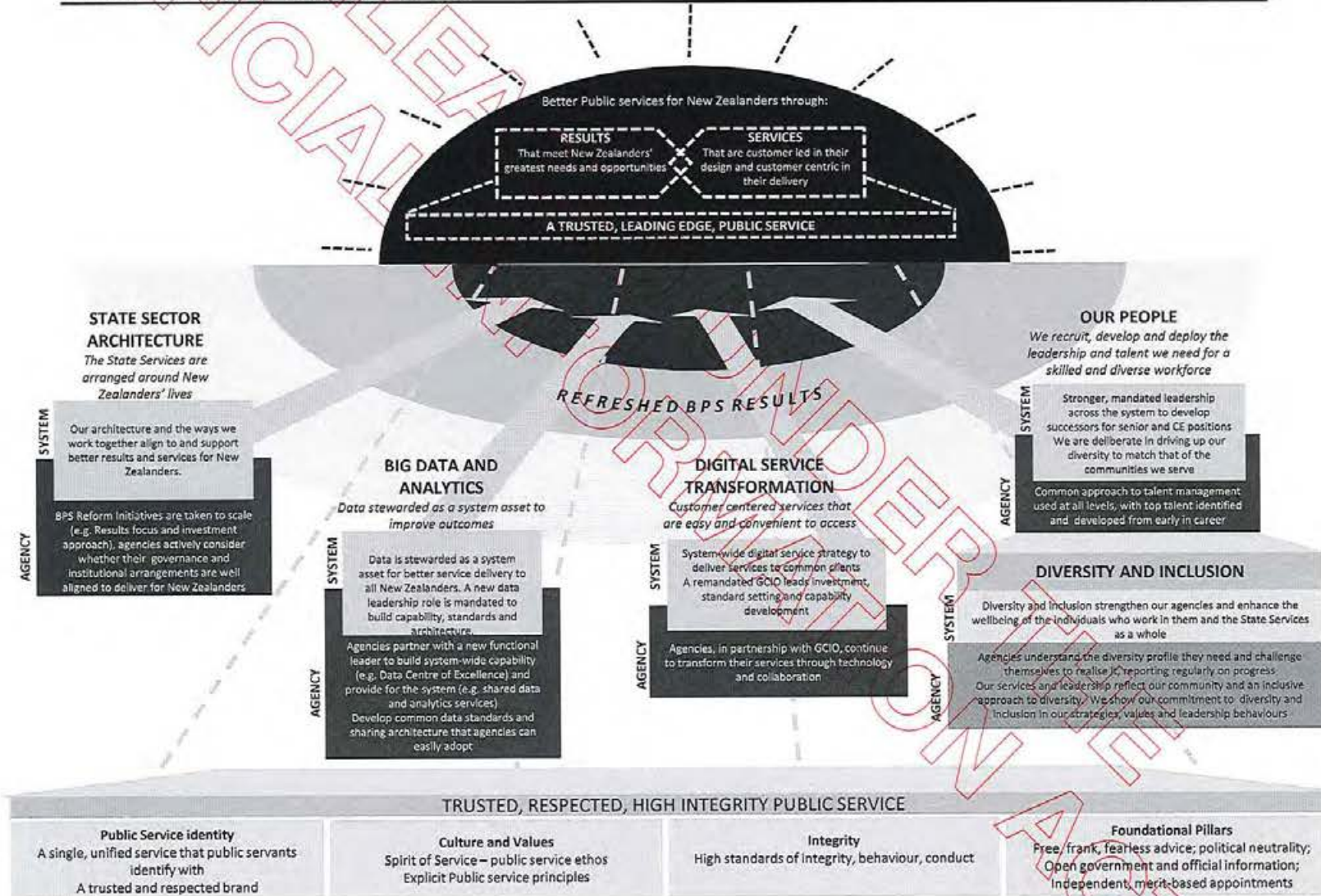
Michael.King@ssc.govt.nz

OFFICIAL INFORMATION ACT
RELEASED UNDER THE OFFICIAL INFORMATION ACT

Better Public Services 2.0




State Services
Leadership Team



Contacting people who have requested information under the Official Information Act

PUBLIC SECTOR GUIDANCE

 It can be a good idea to get in touch with a requester when responding to an Official Information Act (OIA) request. [<http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html%23DLM65394>] Contact with the requester may result in requests being refined, transferred or even cancelled. This is mutually beneficial. You'll be able to give the requester information that's more useful and reduce the administrative burden for you and your agency.

The first part of this guidance sets out information about the types of situations where it may be helpful to contact a requester. The second part sets out the best way to get in touch with the requester and how to handle OIA-related phone calls.

WHEN TO CONTACT A REQUESTER

You should contact a requester if you need to:

1. clarify the wording or scope of a request
2. ensure due particularity
3. narrow a broadly framed request
4. look into extending the timeframe or giving them the response in stages.

1 Ensuring due particularity

Requests need to have enough detail so you can identify what information the person needs. If you get a request that is not specified with due particularity, then you have to help the requester make a valid request.

Try to find out:

- what is the purpose of the request
- what specific types of documents the requester is looking for or perhaps isn't aware of
- what time pressures the requester has (you might be able to send them the response in stages)

More information about due particularity can be found in the basic guidance in this series. (<https://psi.govt.nz/OIAGuidance/Basic%20OIA%20guidance/forms/AllItems.aspx>) This is the main guide in the Official Information Act series and breaks down all the tasks involved in processing an OIA request. It also has tips to help you complete the tasks and links to other valuable resources.

2 Narrowing a request

Requests need to have enough detail so you can identify what information the person needs. If you get a request that is not specified with due particularity, then you have to help the requester make a valid request.

The purpose of consultation is to explain to the requester the difficulty involved in meeting the request as it is currently framed, and the implications this might have for how this is handled.

Talk to the requester and ask if they can narrow their request. If they can't, let them know that you may need to ask for more time, charge them or refuse the request.

For further advice, see the **managing large and broadly defined requests** (<https://www.psi.govt.nz/OIAGuidance/Managing%20large%2520and%2520broadly%2520defined%2520requests/Forms/AllItems.aspx>) guidance in this series.

Section 18(f) (<http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM65600.html>) states that a request may be refused if the information requested cannot be made available without substantial collation or research.

However, **Section 18B** (<http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM65606.html>) states that if a request is likely to be refused for this reason, you have a duty to consider consulting with the requester to help them narrow the scope of the request to make a response achievable.

3

Extending a timeframe or staging a response

If you think it will be difficult to respond to the request by the due date, you can:

- notify the requester of an extension and the reasons for it
- ask the requester to prioritise certain parts of the request.

Even if the agency ends up in breach of the maximum statutory timeframes, making contact with the requester and keeping them informed of progress may help to avoid a complaint being made to the Ombudsman.

HOW TO CONTACT A REQUESTER

GETTING PREPARED

Clarify what you want to say to the requester. You can get advice or help from your colleagues. For example, you could talk with a senior about what specifically you need to ask the requester, and the parameters of what you will and will not talk about with the requester.

Also check if your agency has some standard talking points to help with this process, or wants to put some together.

Keep in mind

- Follow your agency's procedures on contacting requesters.
- Less-experienced staff can contact requesters. You just need to make sure you've talked to more-experienced colleagues first, so you know how to make contact effectively and manage the risks.
- It's often the responsibility of the media or communications teams to contact requesters from the media or MPs or interest groups.
- If you think the request involves legally privileged information, get legal advice before contacting the requester.
- You may need to let your Minister know about the request as part of the 'no surprises' policy.

WHAT IS LEGAL PRIVILEGE?

Legal privilege is a rule of law protecting communications between legal practitioners and their clients from being disclosed under compulsion of court or statute. This means clients can be open and honest with their lawyer, and the lawyer can give them free and frank advice.

TALKING TO A REQUESTER

It may be best to email the requester before calling them. Explain the situation and provide options to narrow the request. For example, the requester could:

- refine the time period covered (if they still want the entire time period, you could note that the response could be staged according to different time periods); or
- refine the types of documents.

When you call the requester, you should:

- **explain** why you are calling
- **summarise** their request
- **tell them** the limits or difficulties with responding to their request
- **listen** to their comments or suggestions
- **suggest** a solution
- **repeat** back to them what is going to be done and follow up in writing.

Provide context

Help the requester by providing background or context. Don't assume they already know exactly what they were requesting, or what might be available.

You could:

- outline the different kinds of information that might meet the terms of the request
- give the requester access to catalogues, indexes or lists to help them understand the sort of information held by the agency
- give a general response to the request, and tell them what other information you could give them if they ask.

CALL OR EMAIL?



Calling is generally more effective than email:

- it's faster
- it's more personal
- It can reassure the requester that their request is being dealt with as efficiently as possible
- It can foster a positive relationship.

But if the requester isn't comfortable talking to you, don't push them into it. They may prefer you to write or email.

ESTABLISHING RELATIONSHIPS

It is important to show empathy. Remember that requesters may fear being ignored or not understood.

They may find dealing with a government agency intimidating or confusing. It's important to treat them with empathy, attention and respect.

While it is important to reassure the requester, keep the tone of your discussion professional and avoid volunteering to 'fix' the situation.

DEALING WITH DIFFICULT REQUESTERS

Sometimes a requester's behaviour may be challenging. In these cases:

- stay calm and matter-of-fact when they get angry
- listen closely but briefly
- respond with empathy, attention and respect
- have clear boundaries
- focus on tasks, choices and consequences
- be consistent and predictable
- praise them for some positive efforts or skills
- be as non-threatening as possible
- be reassuring but don't expect them to trust you
- explain that policies or the law require you to do certain things (so it feels less personal)
- respect the fact that the person may want you to contact them through another means.

FOLLOWING UP CONSULTATION

- Keep records of your consultation.
- Confirm any changes to the request in writing back to the requester.
- Summarise your discussion in an email to a senior or manager if required.



Processing a basic Official Information Act request

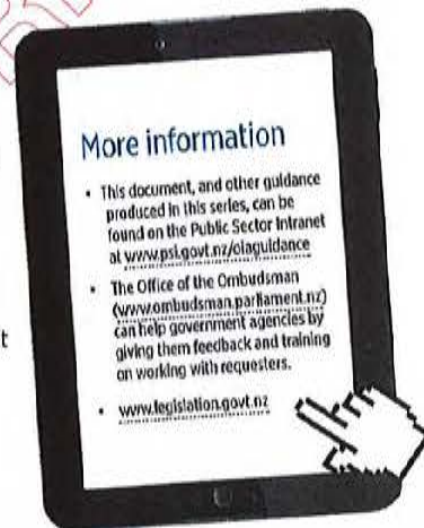
PUBLIC SECTOR GUIDANCE

This guidance contains a breakdown of all the tasks involved in processing an OIA request, and provides administrative hints and tips to help you complete them. It also provides advice about when these steps need to be completed by to enable agencies to meet their obligations within the maximum statutory time limits in every case. However, it's important to remember that the legal obligation is to make and communicate a decision on a request for official information *as soon as reasonably practicable*. If a request can be processed faster than the timeframes indicated here, it should be.

This guidance also provides you with links to other valuable guidance resources that exist across the public sector. For example, Office of the Ombudsman guidance and other guidance resources produced in this series. In this way, this guidance, especially in its digital format, aims to provide you with easy access to all the information you need to process official information responses in a consistent, timely and efficient manner.



You must respond to a request for official information *as soon as reasonably practicable*. You must not take more than 20 working days



THERE ARE SOME CIRCUMSTANCES WHERE THE TIME LIMIT CAN BE EXTENDED
– SEE STEP 8.

- 1 Confirm the request and acknowledge receipt
- 2 Decide who in your organisation is responsible for answering the request
- 3 Consider whether the request should be transferred
- 4 Scope the response
- 5 Create a timeline to make sure the request is answered within 20 working days
- 6 Gather relevant documents
- 7 Analyse all the information you've collected and consult with others
- 8 Extend the time limit, if necessary
- 9 Draft the response
- 10 Get internal approval to refer draft to Minister, if appropriate
- 11 Get approval from your organisation & send the response

AIM TO COMPLETE
THE FIRST 6 STEPS
WITHIN 5 DAYS



1

Confirm request and provide receipt

What you need to know

- All Information held by a department, or Minister of the Crown in his or her official capacity, or organisation subject to the OIA, is official information.
- A request for official information does not need to refer to the OIA.
- Requests made by or on behalf of natural persons for personal information about themselves must be considered under the Privacy Act 1993 rather than the OIA. (See information Privacy Principle 6 and Part 4 of the Privacy Act.)
- Send an email or letter to the requester, acknowledging that you have received the request. You don't have to do this, but the Law Commission recommends it.
- If a request is amended or clarified after the date it is received, that request may be treated as a new request and the time limit for the response refreshed. However, this does not apply if your agency or Minister seeks the amendment 7 working days after receiving the original request. See section 15(1AA) and 15(1AB).

Note

These steps may only apply to the administrative staff who receive and record requests and management who allocate responsibility for processing the request.

2

Allocate responsibility

Responsibility for a request should be allocated to the actual person who is going to collate and draft the response by the second working day at the latest.





This should be done by the end of day 2

3

Identify which agency should respond

You have an obligation to transfer a request to your Minister or another agency in certain circumstances.

A transfer must be completed within  10 working days of an agency receiving the request. See section 14 of the OIA for more detail (available at www.legislation.govt.nz) 

A transfer must be made in two circumstances:

- where your agency doesn't hold the information, but another Minister or agency does
- where the information is more closely connected with another Minister's or agency's functions.

If a request is seeking information your organisation doesn't hold

You may need to phone or email around to find out where the information is held, and whether a transfer is necessary.

Another organisation, or even multiple organisations, may be required to respond to some parts of a request. If so, you will need to partially transfer the request.

If a request is seeking information your organisation does hold

You need to confirm it is an agency request or whether the request more closely relates to information held by the Minister's office, or the functions of the Minister.

When considering transferring to the Minister's office, think about things like:

- authorship, such as for Cabinet papers
- whether the information relates to the Minister's decision-making functions (and release could prejudice the Minister's ability to perform that function).

4

Scope the response

Identify the information you need

1. Read the request carefully and identify anything that seems unclear.
2. If there is any ambiguity, consider consulting the requester. That will save time and effort in the long run.
3. Think about the context. Use this to think about what the requester may want to know, and why.
4. Identify and consult with key personnel who are likely to know what information exists and may be captured by the request (and where it is likely to be held).

It's a good idea to share the scope of your response with the requester. This can be an opportunity to explain the volume of the information requested (if it's large) and identify things that they might not need or want to receive.

Upon scoping, it may be the case that a response requires substantial collation and/or research. A request may be refused on this ground. See section 18(f) of the OIA (www.legislation.govt.nz).

However, before doing so you must consider whether the request could be processed with a reasonable extension of the time limit, fixing a charge, or consulting with the requester to help them make a request that would not involve substantial collation or research.

For more advice, see guidance in this series on how to deal with large or broadly defined requests.

DUE PARTICULARITY

By this stage, you will know whether the request has been specified with due particularity. If it has not, you must help the requester to make their request in a way that enables your organisation to identify the information the requester is seeking.

'Due particularity' means a request has enough detail to enable an organisation to identify the information requested. Organisations should not have to make any unsupported assumptions about the information the requester wants.

Note that this doesn't include requests for a large amount of information. The legislation has other ways to deal with these requests.

TIPS

Don't hesitate to get guidance or advice from the Office of the Ombudsman (available at www.ombudsman.parliament.nz).

Get early management approval of the scoping for agency requests OR early ministerial approval for ministerial requests.

5

Establish a timeline

Developing your timeline

Work backwards from the final 20-day due date, leaving a buffer of at least 2 days in case there are delays. But remember, while the time limit is 20 working days, *your obligation is to respond as soon as reasonably practicable.*

Be flexible

Steps 4, 5 & 6 all impact on each other. You may find you need to revisit previous steps in light of what emerges later.

Use the Ombudsman's response time calculator (available at www.ombudsman.parliament.nz) to help plan your timeline.

Your timeline will depend on whether you are responding on behalf of an agency or Minister

Agency response timeline

- Get documents (step 6)
- Analyse documents & consult with others – including Minister, if appropriate (step 7)
- Draft response (step 9)
- Provide draft to Minister, if appropriate (step 10)
- Agency approval (step 11)

Ministerial response timeline

- Confirm approach with Minister's office (this should have been done during scoping – step 4)
- Get documents (step 6)
- Analyse documents & consult with others (step 7)
- Draft response (step 8)
- Provide draft to Minister for consultation (step 10)
- Provide final copy to Minister if changes made to draft (step 11)
- Minister's office sends response

6

Get documents

Canvass relevant physical and electronic locations. Don't hesitate to get specialist help from records or IT staff.

Confirm whether internal and external stakeholders have any relevant information within scope. Note that information held by external contractors is considered to be held by the contracting department or organisation. See section 2(5) of the OIA (at www.legislation.govt.nz).

Identify papers that may need consultation (that is, papers that other organisations have written or helped write, or are affected by). Get a headstart on the next step by sharing them as soon as possible.

As you collate the documents, insert them into a table to help stay organised and to include in the response, if appropriate.

Consider keeping a record of your searches. In the event that no relevant information is held, it may be helpful to record that all reasonable efforts have been made to locate the information, in case the Office of the Ombudsman ends up investigating a complaint.

TIPS

If you're not using redaction software, make three copies of each document: a clean copy, a mark-up copy and a redaction copy.

If you're using redaction software, you may still want to print two copies of each document: a mark-up copy and a clean copy for when you present the redacted version for review or approval.

7

Analyse & consult

In consultation with relevant colleagues, decide if the request for official information may be refused or if any of the information should be partly or fully withheld. However, remember that the OIA is based on the principle of availability:

Official information shall be made available unless there is a good reason for withholding it.

You should have already shared papers that need consultation with other organisations. This will help determine what information falls within scope and whether any of the information within scope should be withheld under OIA provisions.

Look at the criteria for refusing or withholding official information. They can be found in sections 6, 7, 9 and 18 of the OIA (www.legislation.govt.nz).

TIPS

Involve a senior or experienced team member throughout the process.

As you analyse the documents, write next to any potential redactions the grounds under which you are considering withholding. Leave this text next to any information ultimately withheld, for the requester's reference.

Look at previous OIA responses from your team or organisation for guidance.

If in doubt about anything, get a peer review from your legal team.

If you still have doubts, the Office of the Ombudsman is there to help. Contact them on 0800 802 602 or info@ombudsman.parliament.nz. Explain that you work for a government organisation and you need advice on how to deal with an OIA request. The Ombudsman's Advisory Group provides advice and guidance to organisations.

The public interest test

- Remember, decisions to withhold under section 9 must be subjected to a public interest test.
- In order to determine whether good reason exists under section 9 to withhold information, an organisation must identify and weigh the competing considerations, raised by the particular circumstances of the case, that favour release.
- Multiple considerations may favour the release of information in the public interest.

The Office of the Ombudsman provides detailed advice on how to apply the withholding grounds and the public interest test (www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/172/original/part_2c_other_reasons_for_refusing_official_information.pdf?1344201712).

Requests for Cabinet material

(see paragraph 8.30 of the Cabinet Manual - www.cabinetmanual.cabinetoffice.govt.nz/8)

All Cabinet material produced for the incumbent minister should be considered the property of the minister, and any requests to organisations for that Cabinet material should be transferred to the minister's office, or at the very least, the minister's office needs to be consulted before its release.

As Cabinet material is considered the property of the minister, when a request for Cabinet material of a previous administration is received, the Cabinet Office should be advised as soon as possible. The Cabinet Office, on behalf of the Prime Minister, will then consult with the Leader of the Opposition about the proposed release. In this situation, you may want to extend the time limit for decision-making on the request.

8

Extend the time limit, if necessary

If extensive retrieval of documents or consultation requirements are making the 20-day time limit unachievable, extend the time limit.

- You can extend the time limit at any point before the original 20 days end. However, unless it is obvious at the start, *it is best practice not to extend until you have already, in good faith, tried to process the request.* This way you will have a good idea of how long to extend the time limit.
- The CIA states that a request can be extended if:
 - the request implicates such a large quantity of official information that meeting the original time limit would unreasonably interfere with an organisation's operations, or

- consultations needed to make a decision mean a proper response cannot be made within the original time limit.
- You must inform the requester when extending the time limit. Your letter must:
 - state the period of extension, which must be reasonable for the circumstances
 - give the reasons for the extension
 - tell the requester they have a right to complain.

9

Draft response

A letter must accompany all information that is released



Be upfront about the parameters you set during scoping.

If you're withholding or refusing information,

list the reasons why, referring to the relevant withholding and/or refusing grounds.

You need to tell the requester that they have the right to complain to the Ombudsman if they're not happy with your response.

You could also explain any relevant context, which may help minimise any risks associated with the release of information. Be sure to photocopy the redacted copies of any documents onto paper with a 'released under the OIA' watermark.



Timeline check-in

When you're drafting the letter, make sure you include time for peer review, management approval, possible minister notification, sign-out etc

10

Get internal sign-off before Ministerial notification, consultation or approval

Depending on whether it is an agency or ministerial OIA request, the response may have to be sent to the Minister's office for notification, consultation or approval. Generally, a Minister's office requires 5 days to look at a proposed response, but check how it works in your organisation.

- Notifying the Minister should be reserved only for requests where ministers can expect to be kept informed so they can conduct their affairs with 'no surprises'.

At this stage, you may wish to discuss with relevant parties, including your Minister, the option of making the information released to the requester publicly available.

Not all responses are sent to the Minister's office.

Paragraph 8.41 of the Cabinet Manual draws a relevant distinction between "consulting" and "advising": *A department may consult its Minister about any request for official information it receives. A department should consult its Minister if the request relates to Cabinet material, because this material relates to his or her activities as a Minister. A department should advise its Minister if it intends to release any information that is particularly sensitive or potentially controversial. The decision on how to respond to the request must nonetheless be made by the department, in accordance with the OIA.* (www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html)

- Due to its workload, you need to be prepared for the Minister's office to take longer than expected. You also need to make sure you will have enough time to make any changes the Minister asks for (if it's a Ministerial request) or to consider changes (if it's an agency request), without breaking the statutory time limit.
- If possible, organisations should avoid the requirement for a proposed response to be accompanied by a briefing.
- Check in on progress with the Minister's office after a couple of days.

11

Get organisational sign-off and send response

Be sure you have factored into your timeline your agency's sign-out process.

Your agency is also likely to have a specific process for sending responses that you will need to be familiar with.



RELEASED UNDER THE OFFICIAL INFORMATION ACT



It can be a good idea to get in touch with a requester when responding to an Official Information Act (OIA) request. [<http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64785.html%23DLM65394>] Contact with the requester may result in requests being refined, transferred or even cancelled. This is mutually beneficial. You'll be able to give the requester information that's more useful and reduce the administrative burden for you and your agency.

The first part of this guidance sets out information about the types of situations where it may be helpful to contact a requester. The second part sets out the best way to get in touch with the requester and how to handle OIA-related phone calls.

WHEN TO CONTACT A REQUESTER

You should contact a requester if you need to:

- 1. clarify the wording or scope of a request**
- 2. ensure due particularity**
- 3. narrow a broadly framed request**
- 4. look into extending the timeframe or giving them the response in stages.**

*Acknowledge that we will need to tell
3rd party about who
CC in them to the copy.*

3

Extending a timeframe or staging a response

sequence's

If you think it will be difficult to respond to the request by the due date, you can:

- notify the requester of an extension and the reasons for it
- ask the requester to prioritise certain parts of the request.

Even if the agency ends up in breach of the maximum statutory timeframes, making contact with the requester and keeping them informed of progress may help to avoid a complaint being made to the Ombudsman.

HOW TO CONTACT A REQUESTER

GETTING PREPARED

Clarify what you want to say to the requester. You can get advice or help from your colleagues. For example, you could talk with a senior about what specifically you need to ask the requester, and the parameters of what you will and will not talk about with the requester.

Also check if your agency has some standard talking points to help with this process, or wants to put some together.

Keep in mind

- Follow your agency's procedures on contacting requesters.
- Less-experienced staff can contact requesters. You just need to make sure you've talked to more-experienced colleagues first, so you know how to make contact effectively and manage the risks.
- It's often the responsibility of the media or communications teams to

contact requesters from the media or MPs or interest groups.

- If you think the request involves legally privileged information, get legal advice before contacting the requester.

- You may need to let your Minister know about the request as part of the 'no surprises' policy.

WHAT IS LEGAL PRIVILEGE?

Legal privilege is a rule of law protecting communications between legal practitioners and their clients from being disclosed under compulsion of court or statute. This means clients can be open and honest with their lawyer, and the lawyer can give them free and frank advice.

Case studies

TALKING TO A REQUESTER

It may be best to email the requester before calling them. Explain the situation and provide options to narrow the request. For example, the requester could:

- refine the time period covered (if they still want the entire time period, you could note that the response could be staged according to different time periods); or
- refine the types of documents.

When you call the requester, you should:

- **explain** why you are calling
- **summarise** their request
- **tell them** the limits or difficulties with responding to their request
- **listen** to their comments or suggestions
- **suggest** a solution
- **repeat back** to them what is going to be done and follow up in writing.

Provide context

Help the requester by providing background or context. Don't assume they already know exactly what they were requesting, or what might be available.

You could:

- outline the different kinds of information that might meet the terms of the request
- give the requester access to catalogues, indexes or lists to help them understand the sort of information held by the agency
- give a general response to the request, and tell them what other information you could give them if they ask.

CALL OR EMAIL?



Calling is generally more effective than email:

- It's faster
- It's more personal
- It can reassure the requester that their request is being dealt with as efficiently as possible
- It can foster a positive relationship.

But if the requester isn't comfortable talking to you, don't push them into it. They may prefer you to write or email.

ESTABLISHING RELATIONSHIPS

It is important to show empathy. Remember that requesters may fear being ignored or not understood.

They may find dealing with a government agency intimidating or confusing. It's important to treat them with empathy, attention and respect.

While it is important to reassure the requester, keep the tone of your discussion professional and avoid volunteering to 'fix' the situation.

DEALING WITH DIFFICULT REQUESTERS

Sometimes a requester's behaviour may be challenging. In these cases:

- stay calm and matter-of-fact when they get angry
- listen closely but briefly
- respond with empathy, attention and respect
- have clear boundaries
- focus on tasks, choices and consequences
- be consistent and predictable
- praise them for some positive efforts or skills
- be as non-threatening as possible
- be reassuring but don't expect them to trust you
- explain that policies or the law require you to do certain things (so it feels less personal)
- respect the fact that the person may want you to contact them through another means.

FOLLOWING UP CONSULTATION

- Keep records of your consultation.
- Confirm any changes to the request in writing back to the requester.
- Summarise your discussion in an email to a senior or manager if required.



1. Need to include scope about proactively contacting

3rd party individuals
(overseas investment,
treaty settlement)

- scope

- their own contact
name

Potential for new guide
from point 1.

! ~~details~~ potential
for release

2. Difficulty prescribing engagement with requester across the whole system.

- how specific can we be in the refining request process? if you removed emails you're down to 20 documents not 250,000

3. Combined guidances into 1 document?

So it builds to an encyclopedia/Manual.
But can be pulled out, as separate pieces.

4. More case studies

5. As starting point really good.

Contacting people who have requested...

Group feedback

Contacting Requesters

- ③ Extending a timeframe or
sequencing or
prioritising a response.

Remove comment on breaching timeframes -
keep making contact helps understanding etc

Dealing with Difficult Requestor

- Add "Some requestors don't respond

∴ need to respond as best you can ... "

How to Contact a Requester

Remove last bullet - letting Minister
know - not appropriate at this
stage

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Overall - useful, simple but...

① → ②

CONTACTING PEOPLE WHO HAVE REQUESTED INFO UNDER THE OIA

Not restricted to the "when's provided, are most the only circumstances"

No 3 (Extension)
Business can be anxious about requester reaction to extensions, typically not the case.

↻
e-mail first then call
vs
"Call or email?"
(contradicting?)

(INTERNAL)
EXAMPLES
Q3

"How to contact a requester rather than reference less experienced staff etc, adopt a more helpful tone."

* Due particularity - meaning a bit unclear; old-fashioned

so 1 & 2 are negative - focused on agencies needs.

* 2 repeats 1 re due particularity.
(delete).

* Good for less experienced staff.

* ~~Advis~~

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

* Distinction between due particularity + the 'size' of a request needs to be clearer.

Do I understand what they are asking vs They've asked for too much info.
Also note first paragraphs of ① ② are identical.

* Reiterate need to talk to the SME experts on a request topic early on to help scope/refinement.

* Make sure references e.g. to updated Omb Guidance is reflected as up to date as possible.

* Contact requestor as soon as poss. if you can't meet the time frames.

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Contacting Requesters

~~It to be resource for new advisors~~

- More for appreciation of risk

- Should be some training before a new adviser calls out

- More explicit about ~~the~~ purpose of guidance across public sector.

↳ need to clarify our tasks between general guidance + agency practice

level of activity

↳ especially if answer may have an impact on SSC goals re public sector identity

OFFICIAL INFORMATION

CONTACTING REQUESTERS

- Customer / Citizen centre
513

- Move how to contact a
requester to the top

(Give confidence to the staff
rather than contacting requester)

Emphasize Open Govt.

- Open & transparent
- Spirit of Service

shorten Title

Simplify Language

requester will not
necessarily understand
due particularity

- shorten back page

- attempt to understand
motivation for the request
- identify options to address
request i.e. meetings

Multiple topic OIAs

- Identify a lead person to
contact requester
- not multiple people.

(No Wrong Door.)

Feedback on guidance re processing a basic request:

General points

- Cross reference between guidance docs – include links.
- Add background re intent of OIA/spirit of service.
- Take away word basic. What does basic mean?
- Add general point about importance of recording conversations and decision making.
- Needs a new section on triaging requests/ a section that allows you to work out what the request before you is.
- Requests sometimes don't come to the OIA team directly – guidance doesn't reflect this.
- Any "flashing lights" for complex things e.g. old Cab decisions
- Wording around refer to Minister – Wellington focused. ????. Spell out in more detail.

Timeline

- Doesn't reflect what agencies do – process is not linear. Many steps are concurrent.

Confirming request and providing receipt

- Add link to OoO guidance clarifying 7 day rule.

Allocating responsibility

- In a large agency this will not be to an actual person but a point of contact/area.

Identifying which agency should respond

- Make sure the agency that the request is transferring to will accept it/confirm info is held by agency transferred to.
- Add guidance on what to do when info is held but more closely related to the functions of another agency.

Scoping request

- When scope is not actual size what should we do (i.e. when it's not 10 pages it's 800 pages, but we only discover this at stage 4)? Possible system/OIA Forum topic and approach.

Getting documents

- Not only documents – information
- 'external stakeholders' – not just external – maybe refer to 'relevant parties'.
- Education about electronic documentation rather than multiple hard copies.
- Keep highlighted set of documents for OoO not just redacted document.

Analysing and consulting

- Update practice guidelines on public interest test (link to updated OoO guidance?)

Extensions

- Doesn't refer to ability to 'release decision before info'
- Decision on extension as early as possible (not say, day 19)
- Make point that you only get one shot at extending date – can't go back again.

Drafting response

- Make point about notification of decision by 20 working days rather than supply of info by 20 working days.

IN CONFIDENCE

Ministerial consultation

- Blurs consultation and notification – need new guidance on this (link to Cab manual/no surprises guidance?).
- Difficult to complete consultation at times in 20 days.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

PLANNING FOR OIA STATISTICS 2016/17 AND 2017/18

PURPOSE

This document provides details for agencies regarding the planned future OIA statistics releases.

SCOPE

This document applies to the 110 agencies for which OIA statistics are published by the SSC: all Public Service Departments, all Non-Public Service Departments (except Parliamentary Counsel Office), and Statutory Crown Entities (except Independent Police Conduct Authority).

2016/17 COLLECTION

TIMETABLE:

The timetable is as follows and provides for simultaneous publication of OIA statistics by SSC and OIA complaints data by the Office of the Ombudsman.

- Formal request sent to agencies by SSC by Friday 16 June
- Responses due back to SSC by COB Monday 24 July
- Collated responses back to agencies by Monday 7 August
- Final comments / corrections to SSC by COB Friday 18 August
- Data published Friday 1 September.

QUESTIONS

Changes for 2016/17

The OIA statistics for 2016/17 will again include volume and timeliness, with a transition to reporting the volume of completed requests rather than received requests. This provides a more valid ratio of late to completed requests. (If your agency cannot report completed requests for 2016/17, you will have the option of reporting the number of received requests, but you are asked to begin recording completed requests for collation from 2017/18.)

For the first time we will be reporting the number of OIA responses that were subsequently published on agency websites.

We will also be reporting the number of complaints each agency was notified by the Ombudsman had been made against the agency, along with the number of Ombudsman opinions issued against each agency during the year.

The expanded scope (number of statistics) is intended to provide, in one place, a comprehensive view of State sector OIA performance: volume, timeliness, proactive release of responses, and complaints.

Question 1 (refined):

How many OIA requests were completed¹ by your agency between 1 July 2016 and 30 June 2017? Where:

- OIA request means “any request received by an agency which is logged as an OIA request (including requests subsequently transferred to another agency)”; and
- completed means “no further actions are required by the agency under the OIA (other than responding to any potential complaint to the Ombudsman)”.

This statistic will be published by the SSC as the number of OIA requests handled by the agency during the period.

Question 2 (refined):

How many OIA requests was your agency unable to complete within the legislated timeframe (including extensions)?

The number² and percentage³ of OIA requests handled within the legislated timeframe will be calculated from this statistic and published by the SSC. This raw statistic will not be published.

Question 3 (new):

How many responses to OIA requests were published on your agency’s website between 1 July 2016 and 30 June 2017?

This statistic will be published by the SSC as the number of OIA responses that were subsequently published on the agency website.

Question 4 (new):

How many OIA complaints were notified by the Ombudsman to your agency between 1 July 2016 and 30 June 2017 (including those notifications received during the period that relate to requests from previous periods)?

This statistic will be published by the SSC as the number of Ombudsman complaints notified to the agency during the period⁴.

Question 5 (new):

How many OIA final views were formed⁵ by the Ombudsman against your agency⁶ between 1 July 2016 and 30 June 2017 (including those received during the period that relate to requests from previous periods)?

This statistic will be published by the SSC as the number of final opinions issued by Ombudsman against the agency during the period⁷.

¹ If your agency cannot report completed requests for 2016/17, you will have the option of reporting the number of received requests, but you are asked to begin recording completed requests for reporting in future.

² OIA requests handled within legislated timeframe = Number of requests completed – Number of late decisions

³ OIA requests handled within legislated timeframe (percent) = $\frac{\text{Number of requests completed} - \text{Number of late decisions}}{\text{Number of requests completed}} \times 100\%$

⁴ Notes accompanying the statistics will make clear that some of the complaints notified may relate to requests from previous periods.

⁵ This includes all final views, including cases where the Ombudsman has issued a final view in relation to delay deemed refusal.

⁶ The Ombudsman concluded that the complaint could be sustained, i.e. the Ombudsman found in favour of the requester and against the agency.

⁷ Notes accompanying the statistics will make clear that final views against the agency may relate to requests handled in previous periods.

2017/18 COLLECTION

Only minor changes are proposed for the centrally reported OIA statistics from 1 July 2017.

Details of these changes are provided in separate guidance from the SSC, *OIA Statistics*.

SIX MONTH REPORTING CYCLE

OIA statistics will be collected and reported centrally twice per year, covering the periods:

- July – December: to be collated in January and published in February, and
- January – June: to be collated in July and published in August.

DEFINITION OF A LOGGED OIA REQUEST

Central reporting of OIA statistics has identified the potential for variation across agencies regarding which requests for official information are formally logged as OIA requests. To promote consistency across agencies, the following principle has been established to determine which requests for official information should be logged (for the purposes of collating and reporting OIA performance statistics).

A request for official information will be logged when it requires considered application of the provisions of the Official Information Act 1982.

QUESTIONS FOR 2017/18

Question 1 (further refined)

How many OIA requests were completed by your agency between 1 July 2017 and 31 December 2017? Where:

- OIA request means “any request for official information that required considered application of the provisions of the Official Information Act 1982”.
- completed means “no further actions are required by the agency under the OIA (other than responding to any potential complaint to the Ombudsman)”.

This statistic will be published by the SSC as the number of OIA requests completed by the agency during the period.

Question 2 (refined)

How many of these OIA requests was your agency unable to complete within the legislated timeframe (including extensions)?

The number⁸ and percentage⁹ of OIA requests handled within the legislated timeframe will be calculated from this statistic and published by the SSC. This raw statistic will not be published.

Question 3 (unchanged)

How many responses to OIA requests were published on your agency's website between 1 July 2017 and 31 December 2017?

This statistic will be published by the SSC as the number of request responses subsequently published on the agency website.

Question 4 (unchanged)

How many OIA complaints were notified by the Ombudsman to your agency between 1 July 2017 and 31 December 2017 (including those notifications received during the period that relate to requests from previous periods)?

This statistic will be published by the SSC as the number of Ombudsman complaints notified to the agency during the period¹⁰.

Question 5 (unchanged)

How many OIA final views were formed¹¹ by the Ombudsman against your agency¹² between 1 July 2017 and 31 December 2017 (including those received during the period that relate to requests from previous periods)?

This statistic will be published by the SSC as the number of final opinions issued by Ombudsman against the agency during the period¹³.

⁸ OIA requests completed within legislated timeframe = Number of requests completed – Number of late decisions

⁹ OIA requests completed within legislated timeframe (percent) = $\frac{\text{Number of requests completed} - \text{Number of late decisions}}{\text{Number of requests completed}} \times 100\%$

¹⁰ Notes accompanying the statistics will make clear that some of the complaints notified may relate to requests from previous periods.

¹¹ The Ombudsman concluded that the complaint could be sustained, i.e. the Ombudsman found in favour of the requester and against the agency.

¹² This includes all final views, including cases where the Ombudsman has issued a final view in relation to delay deemed refusal.

¹³ Notes accompanying the statistics will make clear that final views against the agency may relate to requests completed in previous periods.



OIA STATISTICS

GUIDANCE REGARDING SELECTION AND REPORTING OF OFFICIAL INFORMATION ACT STATISTICS

PUBLIC SECTOR GUIDANCE

CONTENTS

Contents	1
Introduction	2
Part 1: Publishing OIA statistics on agency websites	3
Agency reporting	3
Part 2: Logging OIA Requests	5
Underpinning principle	5
Different purposes for OIA statistics	6
Part 3: OIA statistics for performance monitoring	8
A range of possible statistics	8
Timing issues	10
Classification of requests	11

INTRODUCTION

Under Commitment Two of New Zealand's Open Government Partnership National Action Plan 2016-2018, the Government has committed to improving agency practices around requests for official information under the Official Information Act (OIA). As part of that commitment, the Government has committed to publishing OIA statistics and developing a suite of consistent measures about OIA performance.

On 31 January 2017, the State Services Commission (SSC) published the first-ever State services-wide set of OIA statistics covering 110 agencies¹. This first set of data covered the 2015/16 financial year and reported the number of logged OIA requests along with the number and proportion handled within the legislated timeframe.

The SSC intends to continue to publish statistics on a six monthly basis. The scope (range of reported statistics) and reach (number of agencies included) may expand over time.

This guidance is to assist agencies when developing internal policies and practices in relation to selecting, monitoring and reporting OIA statistics, with a view to ensuring consistency between agencies and over time. There are three parts.

Part 1: Publishing OIA statistics on agency websites: outlines the State Services Commissioner's expectations of agencies when it comes to self-publishing OIA statistics.

Part 2: Logging OIA requests: provides guidance and background on which OIA requests are to be logged for the purposes of performance monitoring and reporting.

Part 3: Selecting OIA statistics: suggests a range of OIA statistics agencies can consider for performance monitoring and reporting.

¹ OIA statistics were published centrally for all Public Service Departments, all Non-Public Service Departments (except Parliamentary Counsel Office), and Statutory Crown Entities (except Independent Police Conduct Authority).

AGENCY REPORTING

Agencies vary significantly in their size, complexity, stakeholders and core activities. There is also wide variation in the capability of the information systems agencies use to log OIA requests, capture and report OIA statistics.

For these reasons, the SSC is currently limiting centrally published agency statistics to:

- Number of requests that were completed.
- Number of OIA requests the agency was unable to complete within the legislated timeframe (including extensions).
- Number of responses to OIA requests that were published on the agency's website.
- Number of Ombudsman complaints notified to the agency.
- Number of OIA final views formed² by the Ombudsman against the agency.

Agencies are expected to publish these OIA statistics on their websites. The aim is to improve transparency and confidence in the openness of government.

The frequency of reporting is to be determined by agencies depending on the volume of requests handled. A minimum frequency of six months is recommended, to coincide with reporting by the SSC. Those agencies with a larger volume of requests are encouraged to publish more frequently than those with fewer.

Agencies are encouraged to consider which additional statistics would be of most value for the agency to collect, monitor and report; internally and publicly. Options are discussed in Part 3: Selecting OIA statistics.

In particular, agencies are encouraged to consider the value of collecting and regularly reporting at least the following additional statistics:

- the number of requests received
- the number of requests transferred in full
- the number of requests withdrawn
- the number of requests refused
- the number of requests granted in part
- the number of requests granted in full
- time taken from receipt of request to despatch of the official information or decision to refuse
- time taken from receipt to transfer.

The first of these provides a measure of current workload.

² The Ombudsman concluded that the complaint could be sustained, i.e. the Ombudsman found in favour of the requester and against the agency. This includes all final views, including cases where the Ombudsman has issued a final view in relation to delay deemed refusal.

DIFFERENT PURPOSES FOR OIA STATISTICS

This section provides background and context regarding the logging of OIA requests for the purposes of performance monitoring and reporting.

OIA statistics can be collected for two purposes.

- 1 The OIA aims *'to increase progressively the availability of official information to the people of New Zealand'* (section 4(a)), with caveats regarding preservation of personal privacy and protection of public interest (section 4(c)). This calls for statistics regarding **availability** of official information.
- 2 Commitment 2 of the Open Government Partnership New Zealand National Action Plan 2016-18 calls for *'a suite of consistent measures about OIA performance'*, in the context of *'We will improve government agency practices around requests for official information'*. This calls for statistics regarding **performance**, with a view to improving agency practices.

Monitoring *availability* requires that statistics relating to access to official information should be as comprehensive as possible, striving to capture **all** requests for official information. This is necessary if increases in availability of official information are to be monitored over time.

Monitoring *performance* calls for a suite of statistics that can be used to guide and monitor improvement in practices over time. For this purpose, it is not necessary to capture all requests, but to focus attention on those requests that are most likely to reflect agencies' performance in administering the provisions of the Act.

The relationship between these two sets of data is illustrated in Figure 1.

Figure 1: Logged OIA requests as a subset of all requests

All requests for official information

This is the universe of all requests for official information.

We could seek to estimate the total number of requests for official information in order to evaluate, over time, the extent to which the Act is achieving its aim 'to increase progressively the availability of information to the people of New Zealand.'

This is about *availability*.

Logged OIA requests

This is the subset of requests that are logged, tracked and reported as OIA requests.

We wish to measure characteristics of these Logged OIA Requests in order to monitor and improve agency practices over time.

This is about *performance*.

In practice, **performance** statistics are collated from agency logs of OIA requests. This is why this guidance recommends which requests should be logged, with a view to achieving consistent and comparable OIA statistics across agencies and over time.

As noted in Part 1, among other things, agencies are encouraged to self-publish estimates of the volume of requests for official information that are not logged. This can allow estimation of the total number of requests handled by the agency, thus providing insight into the **availability** of official information and how this is changing over time.

A RANGE OF POSSIBLE STATISTICS

What follows is a discussion of a wide range of statistics an agency could collect regarding their OIA system. It is a starting point to encourage each agency to:

- reflect upon its OIA handling as a system: its characteristics and behaviour as well as performance
- consider the requesters' experience of that system
- extend the range of OIA statistics monitored by the agency beyond those related to compliance with the Act.

With these factors in mind, **agencies are encouraged to determine which statistics will be of most benefit for them to collect and monitor.** (This is a particularly relevant consideration when developing plans to upgrade OIA logging and tracking systems.)

INFORMATION FLOWS

Upon receipt, a request (which may be considered urgent by the requester) enters the agency OIA system. There are only five ways a request can be finalised and leave that system – the request is either: withdrawn; transferred in full to another department, office or agency; granted in full; granted in part; or refused.

While a request is under consideration by an agency, in addition to internal consultation, it may be subject to consultation with: the requester, which can result in amendment or clarification; a Minister; another Department, agency or third party.

Agencies may, under defined circumstances, choose to extend the time limits associated with provision of a decision. Similarly, agencies may choose to charge for supply of the official information.

Finally, once a decision has been reached regarding provision of the requested official information, this may be notified to a Minister, and the response may ultimately be published on the agency website.

This view of an agency OIA system suggests that over any given period of time, an agency could count the number of requests subject to each of these actions, namely the number of requests:

- received
- requesting urgent attention
- amended or clarified (within or outside the legislated seven day time frame)
- transferred in full
- transferred in part
- consulted another agency or 3rd party
- consulted Minister
- charged

- extended
- withdrawn
- refused
- granted in part
- granted in full
- notified to Minister
- response published on the agency website.

TIMELINESS

A second group of statistics relate to timeliness of the agency's responses.

From a compliance perspective, over any given period of time, an agency could count the number of requests where:

- the statutory or extended time-frame to reach a decision on the request was met or not met
- the statutory time-frame to transfer a request was met or not met
- the statutory time-frame to notify an extension was met or not met
- the statutory time-frame to seek amendment or clarification was met or not met.

At a more sophisticated level, an agency could measure the elapsed time, in working days (as defined by the Act) for various steps through the process. Such statistics can provide a more comprehensive picture of the distribution of elapsed time through various steps in the process. For example, agencies could measure:

- time taken from receipt of request to despatch of the official information
- time taken from receipt of request to decision regarding release of information
- time from receipt to transfer
- time from receipt to seeking clarification
- time from receipt to notification of extension
- duration of extension
- time for agency or third party response
- time for Minister response
- time from decision to release of information.

COSTS

A third group of statistics relate to resources and costs. Agencies could measure:

- charges (\$) collected
- cost (labour and materials) of providing the response.

PERCEPTIONS

A fourth group relates to perceptions:

- requester perceptions of their experience
- staff perceptions of their experience.

COMPLAINTS

The final group relates to complaints. Statistics could include the number of complaints:

- received by the agency
- notified as having been submitted to the Ombudsman
- for which the Ombudsman expressed a provisional view and/or made a recommendation against the agency.

TIMING ISSUES

For any given period (year, quarter, month, etc.) the number of requests for official information that were **received** during the period can be counted and reported.

During the period, a number of these requests will be finalised. Others, particularly those arriving later in the period, will be incomplete at the end of the period. These will be carried forward for completion in subsequent period(s). Similarly, a number of requests from previous period(s) will be finalised during the current period. Thus, the total number of requests that are **finalised** during any given period can also be counted and reported.

Reporting on requests finalised during each period is preferred for the following reasons.

- 1 Every request will ultimately be counted regardless of whether it is counted upon receipt or upon finalisation.
- 2 When a request is finalised, all details regarding the processing of the request by the agency are known and can be reported in full: which actions it was subject to, the timeliness, etc.

CLASSIFICATION OF REQUESTS

Agencies are encouraged to consider whether classification of requests might provide useful insights into the behaviour of their OIA system. Again, this is a particularly relevant consideration when developing plans to upgrade OIA logging and tracking systems.

If requests are classified, agencies can examine their OIA statistics for each category, which can allow patterns to be seen in the data that may otherwise be hidden. This potential insight has to be weighed against the effort and cost associated with collection and analysis of the data.

There are several ways requests might be usefully classified to enable more detailed analysis of OIA performance. These include (but are not limited to): channel, gateway and requester category. Each of these is described below.

Channel: by what method was the request submitted?

- Search of website
- Phone call
- Email
- fyi.org.nz
- Post
- In person
- Etc.

Gateway: what was the entry point for the request?

- Website form
- Media unit
- OIA unit
- General enquiries
- Etc.

Requester category: which category of person made the request?

- Individual citizen
- Corporation
- Media/Journalist
- Member of Parliament
- Political research unit
- Interest group
- Etc.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT