



Te Kawa Mataaho
Public Service Commission

Official Information Forum

8 March 2021

Online attendees, microphones off please

Agenda

Housekeeping and welcome

Te Kawa Mataaho Public Service Commission

Proactive release panel discussion

Guest agencies

Short break (around 2.25pm)

Workforce deployment

Te Kawa Mataaho Public Service Commission

OIA statistics to December 2020

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Panel Discussion

Proactive release

Department of Conservation
Ministry of Defence

Proactively releasing responses to OIA requests

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



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

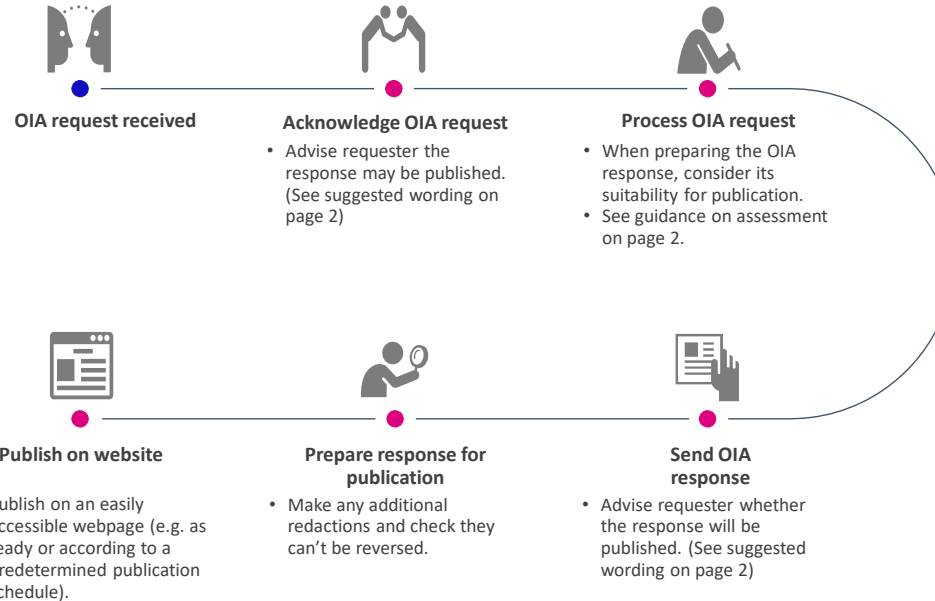
One of the key purposes of the Official Information Act is to make information more freely available, which promotes good government and trust and confidence in the State services. Proactively releasing completed OIA requests that may be of interest to the wider public is easy to do. It helps reduce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

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



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

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



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

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

Due diligence assessment

Protections in section 48 of the OIA do not extend to the proactive publication of information - you need to undertake a careful assessment before releasing official information

A response to an OIA request already takes into account the withholding grounds in the OIA, but still needs to be assessed before releasing it more widely

Focus on the areas that may create legal risks: e.g. copyright, privacy, commercial in confidence, legally privileged, defamation (see the guidance in Cabinet Office circular *CO (18) 4 - Proactive Release of Cabinet Material: Updated Requirements*)

Proactively releasing responses to OIA requests

Assessment:

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

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

Sample wording for template letters:

Acknowledgement template

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

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

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

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

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

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

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

Recording decisions for withholding information:

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

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

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



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Workforce Deployment

Workforce Deployment

This new team want to better understand the barriers and issues around rapid redeployment, and the tools that would help agencies do this in the future

If you would like to be involved in a discussion about what this might look like in the OIA workforce, please send an expression of interest to OIAForum@publicservice.govt.nz



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OIA statistics to December 2020

Official Information Act statistics to December 2020

Across 116 agencies (i.e. excl Police and NZDF which we report separately) **25,332** official information requests were collectively completed between July and December 2020

This is a **27% increase** in volume on the previous six months.

Fifty-four agencies completed 100% of their OIA requests within the legislated timeframe

Overall, agencies responded to 24,631, or **97.2%**, of requests on time, compared with the 97.3% requests answered on time in the January to June 2020 period

80% of requests were completed by 13 agencies

Official Information Act statistics to December 2020

Public Service departments volumes **up over 21%** (with 10 up more than 40%), but all sectors saw increases

District Health Board volumes **up 11.5%**, other Crown entities **up 35%** (largely driven by EQC up 46%)

Two thirds of agencies completed more OIA requests

Big movers by volume: MBIE up 91%, NZSIS 81%, MPI 76%, Treasury and MCH 72%, MfE 69%, TPK 61%, Defence 66%, MPP 50%, and Health 42%

Official Information Act statistics to December 2020

Bounce back in OIA responses published (after a 30% drop in the last period) increased over 50% this period, to 1,876

Agencies publishing responses now up to 54, the highest recorded

DHBs continue to perform well, with 15 of 20 publishing

We now publish additional OIA information on the Commission website and www.data.govt.nz

- all OIA statistics since 2015
- proactive release locations for OIA responses and Cabinet papers

Forum events in 2021

All events for 2021 are on the Forum webpage:

<https://www.publicservice.govt.nz/resources/oia-forum/>

Includes three **new practitioners' events** in April, July and October co-hosted by the Office of the Ombudsman

- introduction to principles, training resources and networks for those new to this area of work

Next Forum event 31 May 2021

Chief Archivist Stephen Clarke, appointed in December 2020, discusses the findings from the *Report on the State of Government Recordkeeping 2019/20*, and what his priorities are for the role

Web Standards clinics

Free two hour “drop in” clinics held fortnightly by DIA for anyone delivering digital services with an emphasis on best practice and practical solutions

Attend in person or online

Bring your questions and challenges, general or specific, about:

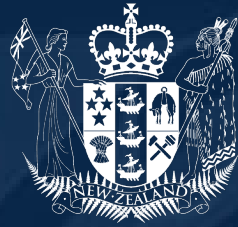
- web accessibility, and
- how to implement the New Zealand Government Web Standards

<https://www.digital.govt.nz/standards-and-guidance/nz-government-web-standards/web-standards-clinics/>

Contact web.standards@dia.govt.nz

Here to help

- If you need advice or assistance, or have topic the Forum to consider in 2021, please contact the Te Kawa Mataaho on OIAForum@publicservice.govt.nz
- Check out our online resources: <http://publicservice.govt.nz/official-information>



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Thank You