

STATE SERVICES COMMISSION
TE KAWA MAFAAHI



Official Information Work Programme

ERIK KOED

Assistant Commissioner, State Services Commission

Official information work programme

Our aim – to lift agency performance in three areas

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

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

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

Overview of recent activity



2019

New Cabinet policy on the proactive release of Cabinet material in effect for papers lodged from 1 January



2018

Third National Action Plan 2018-2010

Commitment 7: Official Information, includes commitments to increase publication of OIA responses and implement a policy to proactively publish Cabinet papers, and to test the merits of a review of the OIA.



2017

Creation of Open Government portfolio

Throughout 2018 increasing proactive release, for example some Ministers, are proactively releasing their weekly reports, and including proactive release recommendations in all advice papers



Cabinet Manual

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

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



2013

New Zealand joined the Open Government Partnership

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



2011

Declaration on Open and Transparent Government

Open Government Data and Re-use programme

Why a focus on proactive release?

- A global trend of falling trust in government and its institutions.
- Increasing numbers of New Zealanders believe that the system is (or could be) failing them.
- The reasons for this may be many and varied.
- Reasons to proactively release information can include:
 - Supporting greater openness and transparency in government
 - Enabling the public to understand decision-making
 - Strengthen the accountability of decision makers and advisors
 - Increase participation to keep our democracy strong.

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

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Proactive Release of OIA Responses

STEPHEN MOORE

Principal Advisor, State Services Commission

Proactive release and the OIA

- Proactive release - is when agencies publish information of their own accord and make it available on their website.
- Releasing information proactively means that the protections of section 48 of the OIA don't apply, even if the information has previously been released to a requester under the OIA (more on that later).
- Agencies therefore need to do a risk assessment on any information they are considering proactively releasing.

Proactive release and the OIA

- OGP National Action Plan 2018-2020 commits to achieving “a measurable increase in the proactive publication of official information request responses”.
- SSC’s OIA statistics now include statistics on agencies' proactive publication of responses to official information requests.
- SSC’s website includes advice and guidance on dealing with official information both proactively released and requested under the OIA.
- SSC is available to provide advice and assistance to agencies subject to the OIA. You can email SSC on oiacomment@ssc.govt.nz .

Proactive release and the OIA

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Official Information

Last updated: 13 December 2017

Official Information Guidance.

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

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

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

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

[OIA guidance for agencies](#)

[OIA Statistics](#)

[Proactive Release](#)

[Capability development toolkit](#)

[OIA Forum](#)

[Other resources](#)

Proactively releasing responses to OIA requests

OFFICIAL INFORMATION

PUBLISHING RESPONSES TO OFFICIAL INFORMATION ACT REQUESTS ON AGENCY WEBSITES

STATE SERVICES COMMISSION
Te Komihana O Ngā Tari Kāwanatanga



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

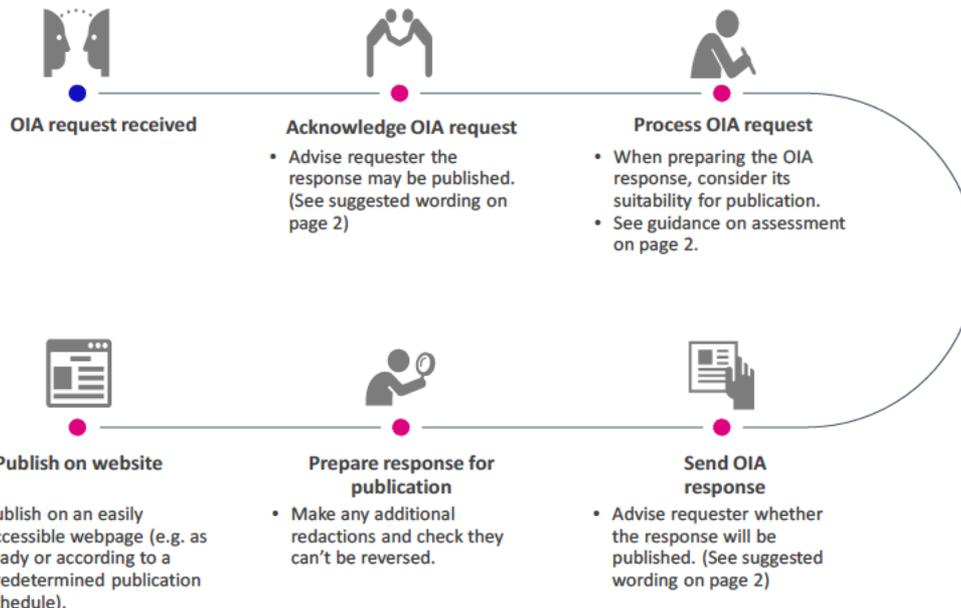
One of the key purposes of the Official Information Act is to make information more freely available, which promotes good government and trust and confidence in the State services. Proactively releasing completed OIA requests that may be of interest to the wider public is easy to do. It helps reduce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

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](#).

Publication

- Include a covering statement when information has been redacted noting the grounds that have been used for the reasoning behind the redactions.
- If a request is made for an unredacted copy of a document it needs to be treated as an OIA request.
- Think about where you place the information on your website, and how to maximise accessibility.

What do the statistics show?

- Provisionally 42 out of 110 agencies published OIA responses in July to December 2018 (up from 26 and 16 respectively in the two previous reporting periods).
- Over 1,100 completed OIA responses were published on agency websites during this period (up from 437 in the last period).
- Over half have been published by DHBs.
- Crown entities have more than doubled the number of OIA responses published.
- The highest number of OIA responses published by a single agency during the period was 161.

Proactive release at Stats NZ

Our practice and experience



Our practice and experience of:

- Proactively publishing OIA responses
- Proactively publishing advice to the Minister
- Differentiating between OIA requests and customised data requests

Proactively publishing OIA responses

- Keeping the process simple makes it really painless for everyone
- Our team can publish responses without the publishing team being involved

Official Information Act requests

14 August 2018, 3:30pm



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

Under the Official Information Act 1982 (or OIA) New Zealand citizens, permanent residents, visitors to New Zealand, and body corporates registered or with a place of business in New Zealand can request official information held by government agencies, including Stats NZ.

We publish all our responses to Official Information Act requests.

On this page:

- [Making an OIA request.](#)
- [Our published responses to requests.](#)

Collections

- Select All Collections
- How to find data in Statistics NZ's print publications.
- Responses to Official Information Act requests
- Advice to the Minister of Statistics
- Research using Stats NZ microdata
- Conference papers and research reports

Show All

Cancel

Update

Subject

- Census (37)
- corporate information (30)
- it and security (9)
- gender and sexual identity (7)
- data requests (6)
- legislation (5)
- stats nz surveys (5)
- consumers price index (cpi) (4)
- earthquake (4)
- integrated data infrastructure (3)

Show More

Date

- 2018 (93)
- 2017 (14)
- 2019 (3)

Sort by: OIA number Descending

Browsing items in:
Responses to Official Information Act requests

Records 1-30 of 113

« 1 2 3 4 »

Stats **Hold music**

Corporate information
OIA102
Responses to Official Information Act requests

Stats **Email sent to Stats NZ staff suggesting they include preferred pronouns in email signatures**

Corporate information
OIA0128
Responses to Official Information Act requests

Stats **Communications that mention or relate to the National Party, National Party MPs or National Party staff**

Corporate information
OIA0126
Responses to Official Information Act requests

Stats **Census 2018 Information**

Census
OIA0125
Responses to Official Information Act requests

Stats **Planning documents for the next census**

Proactive publishing has helped mitigate the increase in OIA's

Period	Jul 15 – Jun 16	Jul 16 – Jun 17	Jul 17 – Jun 18
Number completed	39	34	79

Proactively publishing advice to the Minister

- We make redactions consistent with the Official Information Act
- Publish once a month for the month preceding
- If we decide to not release a briefing for whatever reason, we still publish a list of everything provided to the Minister on our website

Advice for the Minister of Statistics

Find weekly reports, aides memoire, briefings, and other advice Stats NZ provides to the Minister of Statistics and other government ministers.

Most of the documents listed below are available from the [Stats NZ Store House – Advice to the Minister of Statistics](#). Comments in the table below show which documents have content that's fully or partially withheld consistent with the Official Information Act 1982.

This page will be updated each month.

December 2018

Type	Title	Date	Comment
Aide memoire	Co-designing Data Governance with Māori	3/12/2018	Withheld consistent with section 9(2)(f)(iv) of the Act
Briefing	MM1827 Options for data integration and official statistics on overseas ownership of New Zealand land and housing	5/12/2018	Withheld consistent with section 9(2)(f)(iv) of the Act

November 2018

Type	Title	Date	Comment
Aide memoire	Australian and New Zealand Standard Classification of Occupations (ANZSCO)	1/11/2018	Released in full
Aide memoire	Statistical Integration of Data about Overseas Purchase and Ownership of New Zealand Land and Housing	1/11/2018	Withheld consistent with section 9(2)(f)(iv) of the Act
Weekly report	Weekly report for the period ending 2 November 2018	2/11/2018	Redactions made consistent with sections 9(2)(a), 9(2)(f)(iv) and 9(2)(g)(i) of the Act

Differentiating between customised data requests and OIA's

- If we get a request for data, it is generally either already publicly available, or intentionally not.
- If it is publicly available, we point people to that.
- If it isn't, the team that looks after customised data requests picks it up, and 'creates' the information that's been requested.
- The distinguishing factor is the creation of information, rather than the collation.

The proactive release of Wairarapa DHB OIAs.

Who we are.

- We are a small DHB and work closely with CCDHB and HVDHB, but we answer our own OIAs.
- For the 2017/18 year we answered 116 OIAs and all of those were responded to within 20 days.
- For the six months July 2018 – 31 December 2018 we completed 66 OIAs, and we proactively published 51.
- Currently 110 OIAs are published on our website.

How we started

- Back in March 2018 communication managers and OIA coordinators from all 20 DHBs met in a workshop to discuss the proactive release of OIAs.
- It included presentations from the Office of the Ombudsman and SSC.
- We then worked together to decide how we wanted our overarching principle to look.

- We looked at DPMC's Official Information and Proactive Release Policy and used that as a starting point.
- Working with the other DHB's was very helpful in clarifying what we could and couldn't do. And in understanding what some of our limitations were.

All District Health Boards



Principles of Publishing and Proactive Release of Official Information

Properties

V1.3 June 2018

Author: Rory Barton

National DHB OIA Advisor, TAS

1. Purpose

The purpose of this document is to set out the high-level principles and guidelines for how the 20 District Health Boards (DHBs) and TAS will undertake proactive publishing of official information and Official Information Act 1982 (“the OIA”) responses online.

This document is a guideline only, indicating the agreed intention to support, and the standards to be applied to online publishing of official information by these organisations. Ultimately the decision to publish remains with the CEO of the organisation.

This document was developed by DHB Communications Managers and OIA Coordinators following the National DHB OIA Workshop held in March 2018.

Publishing OIA Responses Guideline

This guideline outlines how Wairarapa DHB will action the availability of official information through the publishing of Official Information Act responses online.

Principles

- Frequency of publishing is at the discretion of Wairarapa DHB. We will upload selected OIA responses to our website.
- Responses will be published on the News & Publications page no less than one week after the response has been provided to the requestor.
- Responses will be published by subject matter.
- We will aim to publish responses online for two years, after which they will be archived.

WWW.WAIRARAPA.DHB.ORG.NZ

CAPITAL & COAST DISTRICT HEALTH BOARD | HUTT VALLEY DISTRICT HEALTH BOARD | WAIRARAPA DISTRICT HEALTH BOARD



Wairarapa DHB

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Official Information Act Releases

Wairarapa District Health Board, like other agencies across the state sector, publishes responses to Official Information Act requests, and supports the open disclosure of information to assist the public's understanding of how we are delivering publicly-funded healthcare. This includes the proactive publication of anonymised Official Information Act responses on our website after requestors have received their response from us and only where there is no risk to the privacy of individuals.

When we write to requestors we explain whether we intend to make the information publicly available. Requestors names and addresses are removed before publication. If any other information has been **redacted**, it is to protect the privacy of the requestor.

The Wairarapa DHB publishing OIA Response Guideline is available [here](#). It outlines how we will action the availability of official information through the publishing of OIA responses online.

Please note that the three DHBs (Wairarapa, Capital and Coast and Hutt Valley) Mental Health, Addictions and Intellectual Disability Service (MHAIDS) OIAs are not included below. Before making a request under the Official Information Act, check to see whether the information you are interested in is already publicly available on the MHAIDS [website](#).

2018-12 December

[Unfilled Vacancies](#) 713 KB

The number unfilled vacancies full time, part time and contract positions

[Types and annual costs of energy used](#) 338 KB

For the last financial year, the annual billed cost (including lines and/or delivery charges) for commercially supplied energy for each fuel type (electricity, natural gas, coal, or other).



Wairarapa DHB

Wairarapa District Health Board

Te Pouri Hauora a-rohe o Wairarapa



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Contact Us

[Official Information Requests \(OIAs\)](#)

Official Information Requests (OIAs)

All Official Information Requests under the Official Information Act which have been processed by the DHB are available to media or interested persons.

To make a request for information, please email:

- oiarequest@wairarapa.dhb.org.nz for requests to Wairarapa DHB

If the information requested cannot be made available without substantial collation, under section 18(f) and section 18A(1)(a) of the Official Information Act 1982 we may refuse the request or fix a charge under section 15. If your request falls into this category we will inform you as soon as possible.

Please note that, like all DHBs across New Zealand, Wairarapa DHB has adopted a model of proactive disclosure which sees OIA responses publicly available on our website no less than one week after they have been released.

To view previously released OIAs click [HERE](#)



Wairarapa DHB

Wairarapa District Health Board

Te Poari Hauora a-rohe o Wairarapa

Advice to Requestors.

Acknowledgement letter

Please note that, like all DHBs across New Zealand, Wairarapa DHB has adopted a model of proactive disclosure which sees OIA responses publicly available on our website no less than one week after they have been released.

If you believe there are any special reasons why proactive disclosure should not apply to your response, we will be happy to consider this.

Response letter

Please note that this response, or an edited version of this response, may be published on the Wairarapa District Health Board website no less than one week after the response has been provided to you. Any personal or identifying information will be redacted from any response published online. The DHB will endeavour to resolve any concerns you should raise but, subject to any legal grounds for withholding, ultimately reserves the right to publish any information.

If you wish to discuss this response with us, please feel free to contact:

What do we think of Proactive Release?

Pro's

- Media can readily access like information.
- Expect publishing of high interest topical information will reduce numbers of OIA requests.
- Visible assurance of transparency for our public.
- Opportunity to add additional information to further clarify points for a public audience.

Con's

- Resource required to publish information.
- Inflammatory subject matter in the public domain.

- Any questions?

Here to help

- If you need advice or assistance contact the team on OIAForum@ssc.govt.nz
- Or check out the online resources: <http://ssc.govt.nz/official-information>