



Official Information Policy

Version	1	Contact	Manager, Ministerial and Executive Services
Policy Owner	Ministerial and Executive Services Team	Approved	26 July 2022
SharePoint	Ministerial Services	Due for Revision	26 July 2024

Scope and Fit

This Official Information Policy describes how Te Kawa Mataaho Public Service Commission's (the Commission) will ensure it complies with the Official Information Act 1982 (OIA) and meets the spirit of the Act by promoting initiatives to increase the availability of official information to the people of New Zealand.

This policy sets down the principles and processes to be followed when considering all requests for official information, including media information requests.

Definitions

Official information means any information held by a department or organisation or its employees, as defined by [section 2 of the OIA](#).

It includes:

- Documents, reports, memoranda, letters, texts and emails.
- Non-written information, such as digital, video or tape recordings.
- Manuals which set out internal rules, principles, policies or guidelines for decision making.
- Information which is known to an agency but may not be written down.

Key Principles

The guiding principle of the Act is that information should be made available unless there are good reasons under the Act to withhold it. In handling requests for official information, the Commission needs to:

- Deal with requests for official information carefully, conscientiously, and in accordance with the law.
- Recognise a request may be made in any form and communicated by any means (including orally) and does not need to refer to the Act.
- Reach a decision and/or take appropriate actions on all requests as soon as practicable, and always within statutory time frames.
- Assist requesters, directing them to publicly available information, clarifying their requests, and transferring requests to relevant agencies where appropriate within statutory time frames.
- Co-operate fully with any investigation by the Office of the Ombudsman into a review of a decision under the Act.

The Commission will also:

- Inform or consult with third parties about requests for official information that concern them where appropriate, and consider any feedback provided.

- Inform and consult relevant Minister(s) of requests for official information it receives (see working with Ministers' offices section later in this guidance);
- Proactively release responses to requests for official information to make information more available;
- Review and monitor its performance in responding to requests.

Approach to Requests

With regard to the Commission's management of official information requests, the Commission will:

- comply with the requirements and observe the spirit of the OIA;
- demonstrate integrity, honesty and sound judgement in the management of official information requests and proactive releases;
- exercise due diligence and assess the potential effect of reactively or proactively releasing official information including considerations relevant to personal privacy;
- support increased proactive release in line with the OIA's purpose of progressively increasing the availability of official information to the people of New Zealand, including the publication of appropriate OIA responses;
- take account of the particular needs of the requestor and release official information in accessible and usable forms wherever possible;
- consult or notify other relevant stakeholders before releasing official information;
- drive a culture of continuous improvement in official information practice that empowers staff to learn, enhance performance, and innovate to best meet the needs of the New Zealand public;
- provide information about the importance of the Act to employees, and specific training to employees with responsibility for the Act.

Working with Requestors

It is the duty of every agency subject to the Act to provide reasonable assistance to requesters. The Commission does this by directing everyone to publicly available information and clarifying and transferring requests to other agencies where appropriate. It will also publish information on its website to guide requesters in making requests to the Commission.

The Commission will promptly acknowledge receipt of a request and communicate its decision whether or not to grant a request for official information as soon as reasonably practicable, and in no later than 20 working days (unless extended).

The Commission will clearly communicate with requesters when rescoping or clarifying a request, and any decisions to extend the timeline or transfer requests to another agency. The Commission will advise requesters of their right to ask the Ombudsman to review any decisions made in handling a request.

Working with Ministers' Offices

The Cabinet Manual states that as a general rule, agencies should inform Ministers promptly about matters of significance within their responsibilities, particularly where these matters may be controversial or may become the subject of public debate.

The Cabinet Manual advises chief executives to exercise judgement about how and when to inform a Minister about any matter for which the chief executive has statutory responsibility and to ensure that the independence of the chief executive's decision-making process is maintained.

Informing the Minister's office about requests to the Commission - Under the 'no surprises' principle, the Commission will notify relevant Minister's office of requests for official information it receives that involve matters that may be controversial or may become the subject of public debate. The Commission will also advise the Minister

if it intends to release any information that is particularly sensitive or potentially controversial. A notification for this purpose is not the same as consultation and should not unduly delay the release of information.

Consulting a Minister on a request to the Commission - The Commission will consult the relevant Minister if the request relates to the Minister's functions or Cabinet material, because such material relates to their activities as a Minister. In instances involving the Minister's functions or Cabinet material, it may be appropriate to transfer the request to the Minister.

The Commission will be clear it is consulting rather than providing the request for the Minister's information, and enough time will be given for the Minister's office to raise any concerns about the proposed decision. The Commission will have regard to any feedback, but the decision on how to respond to the request will be made by the Commission in accordance with the Act.

Publication of OIA Responses

Publication of **OIA responses** by the Commission will occur within a month of the response being given to the requestor but no sooner than one day after, to provide the requestor time to consider the response.

The Commission will publish the responses to OIA requests that are appropriate for wider publication.

The Commission will advise requesters of official information that our response to them may be published on our website. Before publication, any personal details that would reveal the identity of the requestor are removed.

OIA Reporting

Every six months, [or as additionally required by the Public Service Commissioner](#), the Commission will provide comprehensive information on the number of OIA requests received, and the number of complaints notified by an Ombudsman. We will also advise how we met the timeliness requirements of the OIA and additional timeliness performance information.

Application

This policy covers all full-time staff, part-time staff, permanent and fixed term, and staff on secondment with the Commission.

Further Information

Related Legislation

- [Official Information Act 1982](#)
- [Ombudsman Act 1975](#)

Related Guidance

- [Cabinet Manual](#)
- [Office of the Ombudsmen OIA Guides](#)
- [Standards of Integrity & Conduct for the State Services](#)
- [OIA guidance for agencies](#)
- [Minister and Agency Official Information Requests - agency guidance](#)
- [Maintaining Confidentiality of Government Information](#)
- [Proactive release of official information – agency guidance](#)
- [Names and contact details of public sector employees](#)
- [Ministry of Justice Charging Guidelines for OIA Requests](#)

Contacts

For help with:

- processing and handling issues – contact the Ministerial and Executive Services team
- OIA record keeping – contact the Ministerial and Executive Services team
- interpreting the OIA - contact the Legal Services Group.