



SSC OIA Guidance



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Official Information

Last updated: 1 day ago

Published: 1 day ago

Open government and the freedom of information are important cornerstones of New Zealand's democratic system and underpin New Zealanders' respect, trust and confidence in the integrity of government.

New Zealand does well by international standards but needs to keep focused to meet the evolving expectations of its citizens to be informed on, and engaged in, the business of government.

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



OIA guidance for agencies

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The guiding principle of the Official Information Act is that information must be made available if requested, unless a reason exists under the Act for withholding it. The Commission is progressively developing a suite of guidance to help agencies meet their obligations under the Act in terms of:

- [Managing OIA requests](#)
- [Managing agency OIA systems and processes.](#)

The Commission is also available to provide advice and assistance to agencies subject to the OIA. [Click here to send us an email.](#)

Managing OIA requests

Guidance for practitioners

The guidance for practitioners covers different aspects of responding to a request for official information with hints and tips to help agencies manage and respond to OIA requests. It complements the guidance published by the [Office of the Ombudsman](#).

- Processing an OIA request
- Contacting requesters
- Extensions
- Substantial collation or research

[OIA Guidance for Agencies](#)

[OIA Statistics](#)

[Proactive Release](#)

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[Other resources](#)



What is different?

Processing an OIA request:

- Covers all the steps that you may need to take when you are dealing with a request
- Refers to other parts of the OIA that you may need to think about such as section 23 requests and requests by body corporates
- Includes links to the other guidance that we have produced on extensions, transfers, and section 18(f)
- Covers the public interest test
- Has links to the relevant sections of the OIA and the Cabinet Manual and Office of the Ombudsman guidance



What is different?

Contacting Requesters:

- Revised and updated
- Links to other guidance which may be useful to know about
- Linked to the relevant sections of the Act that you may want to refer to



Points to note on extensions

- Guide is an overview of how and why you can extend the time limits on OIA requests including extending the time limits to transfer a request.
- Extending the time limit is a key tool to help make responding to an OIA manageable for agencies.
- Can extend as many times as required but you have to do it within the original 20 working day count.
- Clarified in the guidance that you can extend the time frames to transfer a request.



Points to note on transfers

- Guide is an overview of how and when you must transfer a request.
- Be clear that the Act requires you to transfer when:
 - Some or all of the information is not held by the agency, but is believed by the person dealing with the request to be held by another agency subject to the OIA or LGOIMA; or
 - The person dealing with the request believes that some or all of the information is more closely connected with the functions of another agency.
- You can only transfer to entities subject to the OIA or LGOIMA.
- Need to identify and action early as the transfer window is only 10 working days.
- BUT - you can extend the time limit to transfer requests. Do this by advising the requester that you are extending the time limit to transfer and why (see SSC Extension Guide)



Broadly framed requests

- We have revised and updated the MOJ guide, 'Responding to large and broadly defined requests', now called 'Practitioner guidance on substantial collation or research'.
- We have included a list of elements that DO NOT count towards substantial collation or research.
- Sets out the keys tests you need to satisfy in order to use this ground.
- Has links to other relevant parts of the Act such as offering assistance, extensions, transfers and charging.
- Provides a flow chart to give a visual representation of the process.
- It's designed to complement the more detailed guide published by the Office of the Ombudsmen earlier this year.



Next steps on guidance

- We have been reviewing what other guidance could be useful for practitioners.
- Currently drafting guidance on:
 - Consulting with third parties (those who have provided information being requested, or are the subject of information request)
 - The Privacy Act and the OIA – which applies?
 - Scoping a request
 - Obligations on requesters (urgent requests, eligibility and due particularity)



Table discussion

- Processing a Request, Transfers (section 14) and Extensions (section 15) guides, Substantial Collation or Research (section 18(f)) and Contacting Requestors guides
- At your table discuss the guidance, using the prompts to help your discussion. You have 30 minutes for your discussion.
- We will have a 5 minute QA session at the end of the discussion.



Table discussion prompts

- Is there enough information in these guides to help you in your work – what more could be useful?
- Does your agency have difficulties applying some sections of the OIA – which sections/areas?
- Does your agency have templates etc. to help manage requests – do you need any other templates?
- Does your agency have training or intranet advice to support decision making in these areas?
- Does your agency have any good practice examples you could share with others?
- Does your agency use precedent decisions to help staff make decisions on requests?
- Does your agency have any tips, tools or software processes that help you manage requests and make decisions?
- What other tools/collateral could be useful to manage requests and make decisions?

