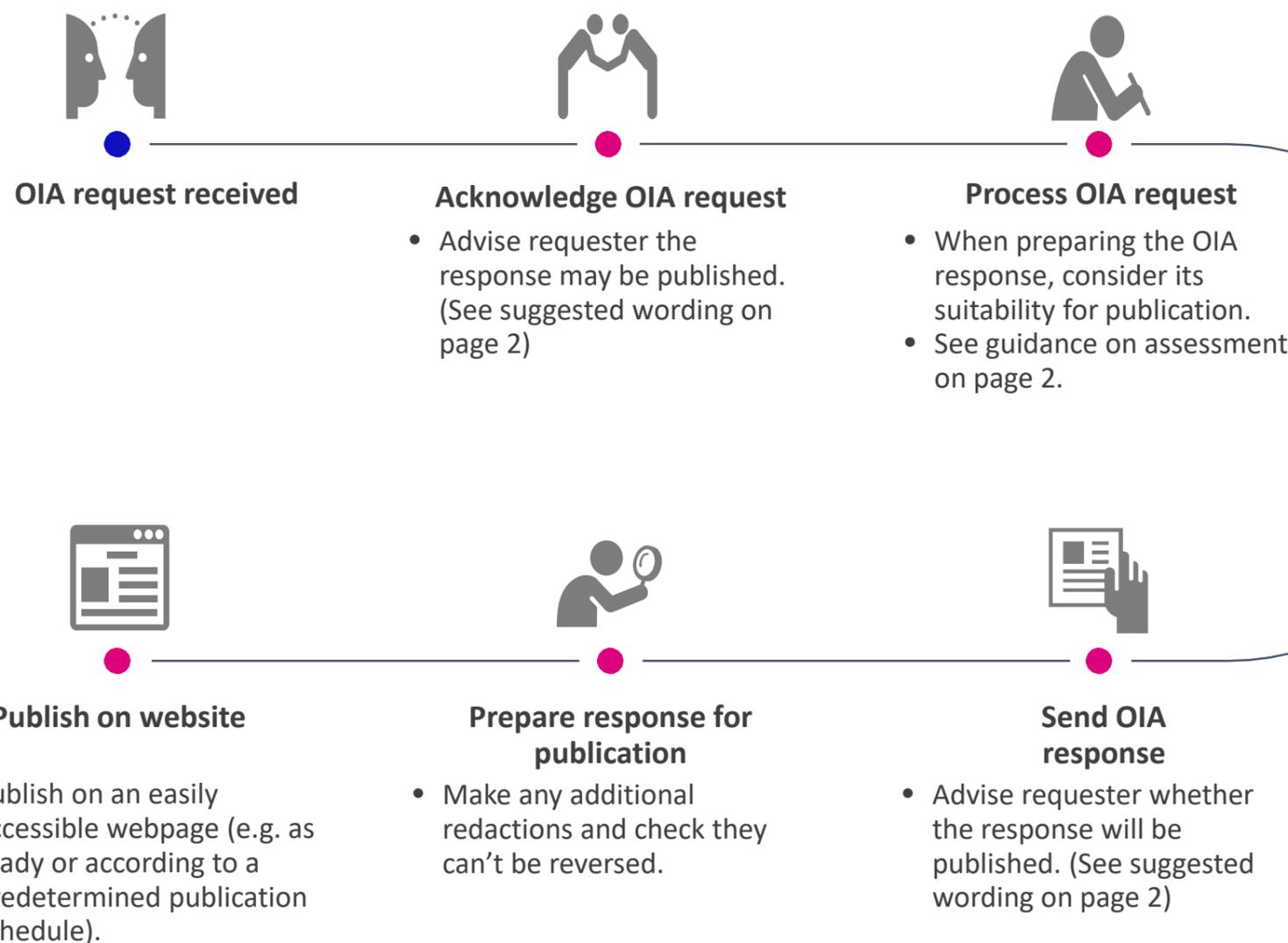




The principle of availability underpins the proactive release of responses to OIA requests

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.



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.



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>

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](#).