



The spirit of the Act is about making official information more freely available, which is crucial for promoting good government and trust and confidence in the Public Service

- Public Service Commissioner

The role of the media is crucial in a functioning, democratic society. It is essential for keeping New Zealanders informed, scrutinising decision-making and holding the Government to account.

People working across media teams play a key role in providing the media with information they need as quickly as possible, including when official information is requested. The individuals within our media teams are committed to providing timely, accurate information that supports transparency across the Public Service.

The Official Information Act 1982 (OIA) supports individuals in media teams to perform their roles. The [principle of availability](#) is at the heart of media teams work as it ensures that information is made available unless there is a good reason for withholding it.

When provided with official information from the public service, media are able to inform the public about agencies' work priorities, events and public services that are available. They also provide the public with information on high-profile issues quickly and professionally, thereby helping to build and maintain public trust and confidence.

The Ombudsman has also discussed the importance of official information requests handled by media teams in the report [Ready or not?](#)

Te Whāinga | Purpose

This guidance is designed to support media teams to continue to perform highly while ensuring they are aware of aspects of the OIA that may apply to their work from time to time including:

- providing responses as soon as reasonably practicable;
- informing requestors of the reasons why information may have been withheld or refused, and their right to complain to the Ombudsman; and
- keeping accurate records.

Being aware of these aspects of the OIA supports agencies to comply with both the letter and the spirit of the Act when responding to information requests from media.

When following this guidance, responses to media can and should continue to be provided quickly, utilising the relationships and processes agencies have in place. Responses still need to be provided as soon as reasonably practicable and should only take the full 20 working days allowed under the OIA, when it is genuinely required to provide a response.

Compliance with this guidance does not require all information requests received from media to go through a “formal” OIA process or be transferred to OIA teams for response. However, agencies may choose to use specialised teams when a request seeks information requiring further consideration or collation.

Hei āwhea te Ture OIA ka whai pānga ki ngā tono a te hunga pāpāho? | When does the OIA apply to queries from media?

Media queries that request official information, regardless of how they are received (including written or oral requests), need to be treated in accordance with the OIA.

Official information is defined as any information held by an agency subject to the OIA (see [section 2](#)). Official information includes:

- documents, reports, memoranda, letters, emails and drafts
- non-written information, such as video or tape recordings, system data, and information known to officials
- internal rules, principles, policies or guidelines for decision-making.

Official information also includes information which is known to an agency and can be recalled but has not yet been written down. However, an agency is not required to create new information to respond to a request if the information is not already known.¹ For example, if an agency has not established a view or position on a matter (either written or otherwise known) it is not obliged to form one to respond to an OIA request.

A requester does not have to put a request in writing. While it may be helpful for a requestor to follow up in writing, it is not required for an agency to respond.²

Hei āwhea te Ture OIA ka kore e whai pānga ki ngā tono a te hunga pāpāho? | When does the OIA not apply to queries from media?

Not all media requests will include a request for official information. For example, the following types of requests are not covered by the OIA if an agency would need to create information or generate an opinion to respond:

- comment or providing an opinion on topical matters
- a response to claims or developing issues
- requests for interviews.

Ko te whakatau me te whakamōhio atu i te whakataunga | Making and communicating a decision

Provide reasonable assistance

Agencies have a duty to [provide reasonable assistance to requestors](#). This is especially important if the agency cannot clearly identify what is being requested. If a request is too broad or unclear, then a discussion on how to narrow or clarify the request may be appropriate.

¹ [Office of the Ombudsman's guide to information not held](#).

² [Section 12 \(4\) and \(5\)](#) of the OIA may apply in some cases.

Sometimes another agency will be best placed to answer all or some of the request. When providing assistance, it may be appropriate to suggest the requestor asks a different agency. The requestor may prefer to ask a different agency directly, otherwise the agency should support the requestor by transferring the request under section 14 of the OIA.

Respond as soon as reasonably practicable

The OIA includes a requirement to make and communicate decisions [as soon as reasonably practicable](#).

This means requests that can be responded to ‘immediately’ if the information is easy to retrieve and review. Processes already used to provide responses quickly can and should continue. For example, if it is known that the information requested is already or soon to be publicly available, easily on hand or does not exist, the requestor should be informed at the earliest opportunity.

If a media organisation asks for information with a particular timeframe to meet internal deadlines, agencies should endeavour to meet their timing, if possible. If it is not possible this should be communicated early. Options may include clarifying the request, providing some information by the deadline, or rescoping.³

If a request is rescope or clarified, the timeframe for responding does not change unless the amendment or clarification is sought within 7 working days of receiving the request as set out in [section 15\(1AB\)](#).

When a request may need additional consideration

If the request is complex, covers a large amount of information or requires consultation, an immediate response may not be possible. However, a response should still be provided as soon as reasonably practicable. In such cases, it may be appropriate for teams whose functions specifically include responding to OIA requests to have responsibility for responding. The subject and context of the request will help agencies decide what is a reasonably practicable timeframe.

If an extension of time to respond to an OIA is required, it must be for a reason set out in [section 15A](#) of the OIA, and this must be communicated to the requestor. Wherever possible, the need for an extension should be communicated early.

If information is withheld or refused

Information can be withheld or refused either partially or in full, if any of the grounds set out in either [section six](#), [section nine](#) (withholding) or [section 18](#) (refusing) the OIA apply.⁴ When information has been withheld or refused, the OIA requires that the following must be communicated:

- the reasons for the decision (as provided for in the OIA); and
- the right of the requestor to complain to the Ombudsman.

If the requestor asks, then an agency is also required to provide the grounds for relying

³ In some circumstances this will allow an agency to reset the maximum statutory time frame for responding to a request. However, all requests should continue to be completed as soon as reasonably practicable.

⁴ If section 9 is used, there is a public interest test that must be considered. Ministerial teams are available to support the consideration of this section when required. [Section 7](#) may also be relevant in some cases.

on the relevant section which generally means that a more detailed explanation about the decision should be provided.

The use of templates or email footers can help ensure these steps are followed in each request. For example, an agency may include a link to their website where more information about the reasons for a refusal are provided.⁵

Record-keeping

Sections [17\(1\) and \(2\)](#) of the Public Records Act 2005 require agencies to create and maintain a full and accurate record of its affairs in accordance with normal, prudent business practice. Records must be in an accessible form.

To meet these obligations, help ensure consistency and efficiency when dealing with similar future requests, and ensure decisions can be reviewed for reasonableness (for example if a complaint is received by the Ombudsman) records should include:

- the request and communications with the requestor, including the information provided;
- any decisions made, the reasons for them and the OIA grounds that have been applied;
- any consultation or other correspondence that was relied on in the process of responding;
- if considerations and/or responses are given orally, a written record should be made, for example an email summary;
- the name and position of the decision-maker; and
- any other context that may be relevant.

One way of meeting this requirement is to keep a daily media log that clearly sets out requests and responses. It is likely a media log will include all queries received by a media team, not just those that request information. To ensure OIA requests can be easily identified, the log could include a column that indicates whether the request was for information (and therefore an OIA) or not. This way OIA requests can also be extracted for inclusion in OIA data that is reported centrally to Te Kawa Mataaho Public Service Commission.

Te kaupapahere pāpāho | Media policy

As every agency has its own context and processes, policies may differ between agencies. Some may wish to consider establishing a policy or including a section in an existing policy that covers OIA requirements as they relate to media queries. For example, a policy might include some or all of the following:

- when a media request includes a request for information (refer to the section in this guidance *When does the OIA apply to queries from the media?*)
- the roles and responsibilities of different teams and functions within the agency
- the process for determining how different types or parts of a request will be handled – e.g. simple/quick turnaround responses and more complex requests that require consultation with, or referral to, other teams within the agency

⁵ An example is available on the [Ministry of Social Development website](#). The Office of the Ombudsman also has template responses that may include helpful lines for use in some responses.

- what needs to be communicated to requestors, especially if information within scope of the request is withheld or refused; including the applicability of the OIA to their request, reasons for any decisions made and the right to make a complaint to the Ombudsman. The policy could include example text for use in responses
- the expected process for recording any deliberations and decisions, including who has authority to approve responses
- the process for ensuring OIA requests handled by the communications team are included in the agency's overall OIA data reported to Te Kawa Mataaho Public Service Commission
- a checklist of points to consider when a media request is received. An example is provided below.

Te Rārangi Arowhai | Checklist:

Ina tae mai tētahi tono nā te hunga pāpāho. Kua oti rānei i au | When a media request is received. Have I:

- checked whether the query is a request for official information?
- understood the scope and nature of the request, or communicated with the requestor to clarify, if required?
- provided assistance to clarify, narrow or transfer the request, if required?
- followed OIA requirements to ensure a response is provided as soon as reasonably practicable, i.e as soon as the information is available?
- engaged with others such as the ministerial services team to determine if further consideration is required?
- considered if anyone outside my organisation (such as the Minister's office) needs to know about the request or if other agencies need to be consulted?
- communicated with the requestor on the likelihood of being able to meet any deadlines they may have (for example a deadline for submitting a news article)?
- communicated with the requestor if an immediate response is not going to be possible?

Ina tuku atu i te urupare. Kua oti rānei i au | When providing a response. Have I:

- ensured there is a record of the request, response and reasons for any decisions made?
- communicated the reason for the decision and the right to complain to the Ombudsman if information is withheld or refused?