



*Guide to handling  
official information  
requests*

*June 2002*

# Index

## **Title**

How to use this guide  
What is the OIA  
Introduction  
Which Act applies  
Principle of availability  
Whom the Act applies to and their responsibilities  
What information is covered  
Duty of assistance  
Consultation and co-ordination  
Communication  
Time limits  
Extension of time limits  
Transfers  
Charging for the release of information  
Withholding information  
Deciding whether to release or withhold  
Notification of right to Ombudsman review  
Reviews by the Ombudsman  
Department of Labour processes  
Risk Assessment Sheet  
Flowchart  
Key messages

## How to use this guide

This guide deals mainly with the Official Information Act, but many of the same rules apply to requests for personal information under the Privacy Act.

Read this guide in conjunction with:

- [the Official Information Act](#)
- [the Privacy Act](#)
- [www.justice.govt.nz](http://www.justice.govt.nz)
- [www.ombudsmen.govt.nz](http://www.ombudsmen.govt.nz)

## Associated policies

The [Department of Labour Information Security policy](#) deals with handling classified information and should be incorporated as appropriate.

## Supporting material

This guide is supported by three easy-to-use one-pagers:

- a [Flowchart](#) that will take you through the process;
- a Risk Assessment Form that identifies the key issues to address when dealing with potentially risky requests; and
- a list of key messages, designed to stimulate your mind.

**TIP** This is a guide only – check your facts before you act

## **What is the Official Information Act**

The purposes (see **section 4** of the Act) of the Official Information Act are to:

- make official information progressively more available, in order to:
  - enable people to participate more effectively in making and administering laws and policies
  - promote the accountability of Ministers and their officials
- protect official information when that is necessary for the public interest or to protect personal privacy

## **Introduction**

Because the Official Information Act requires a case-by-case approach, any of the general points made in this guide may not apply in particular cases.

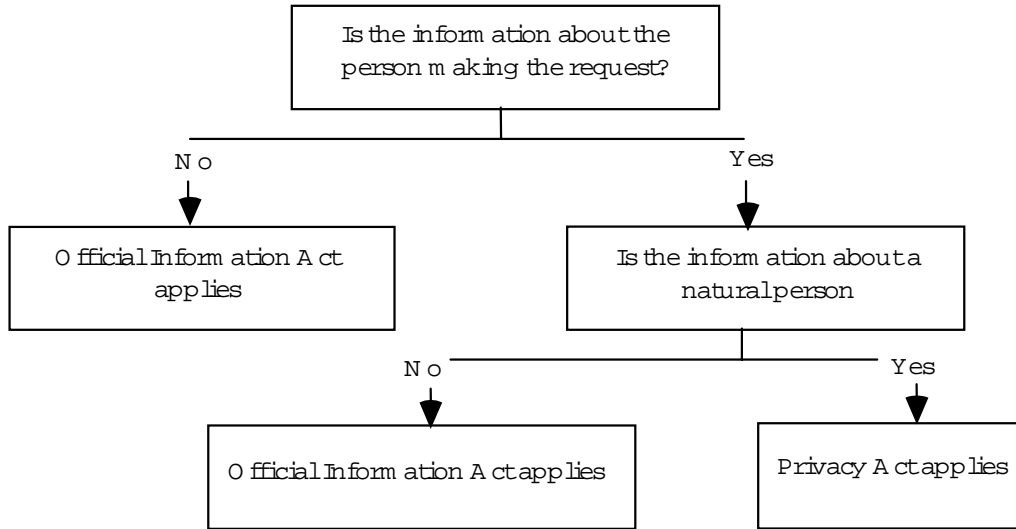
This guide does not anticipate every possible circumstance that might arise in OIA cases.

Several laws deal with information held by departments. The two main Acts that deal with access to information are the Official Information Act 1982 (OIA) and the Privacy Act 1993.

The Privacy Act deals with individuals' rights of access to information about themselves. The OIA deals with access by third parties to information held by government departments, ministers, and organisations.

## Which Act applies?

If you are unsure which Act applies, use the following flowchart:



- The Official Information Act defines “personal information” as “any official information about an identifiable person” whereas the Privacy Act definition is “information about an identifiable individual”.
- A “person” is defined as including a company and also a body of persons whether incorporate or unincorporate. The Privacy Act definition of “individual” is “a natural person other than a deceased natural person”.

**SO ...** A request for personal information by the company that the information is about is considered under the Official information Act.

A request for personal information by a person other than the person the information relates to falls under the Official information Act.

A request for personal information by an individual for information about that individual is a request under the Privacy Act.

**BUT...** A request for personal information – in the form of a request for a statement of reasons for a decision – is a request under the Official Information Act whether or not it comes from an individual, or a company.

## **Principle of availability**

The main premise of the OIA is ‘the principle of availability’ (see **section 5** of the Act). This principle is succinct: “information shall be made available unless there is good reason for withholding it”. All decisions on whether to release information must be made with this provision in mind. The principle of availability means you should err on the side of making the information available.

Various other interests compete with the principle of availability, for example, the need for commercial sensitivity and protecting the relationship between the public service and ministers. These are reflected in the section on “Deciding whether to release or withhold”.

## **Whom the Act applies to and what their responsibilities are?**

The Act applies to “information held” by a government department, minister, or organisation (SOE, other Crown entity, local government). The minister and department are separate entities for the purposes of the Act. This distinction becomes important where there is a difference of opinion between the department and the minister as to whether information should be released or withheld.

Legal responsibility for dealing with a request lies with the agency to which the request has been made. If the request has been made to the Department, it is the Department’s responsibility to assess the information concerned and determine whether it should be released, or whether the request should be transferred – see below for notes on grounds for transfer.

In deciding whether or not to release information the Department may choose to consult with the minister, or other people and organisations, but the decision must be made wholly by the Department.

**TIP     Consult widely but remember the Department decides  
(unless the request has been transferred)**

## What information is covered?

- Oral or written advice
- Cabinet and Cabinet Committee documents
- Draft documents
- Emails
- Magnetic tapes, computer disks, electronic data on recording machines
- Notes of meetings
- Recollections of conversations
- Information created before the OIA became law
- Information held by an independent contractor to a government agency or Minister in relation to work done for that agency or Minister

Essentially, *any* request for information *held by the Department* is an OIA request. A valid request can be made orally or in writing. Requesters do not need to cite the OIA.

Straightforward requests received over the phone can *usually* be dealt with quickly and informally. Do so *only* when you are sure of your facts, and are certain that the information is already public or that you have authority to give it out.

Any significant request should be dealt with more formally and registered in the appropriate manner – see notes on “Registering official information requests”.

## Duty of assistance

Under **section 13**, the Department has a duty to assist anyone who:

- wants to make a request under the OIA
- has failed to make a request with ‘due particularity’
- has not made a request to the appropriate agency.

The ‘due particularity’ provision means that if the Department of Labour is unable to understand a request, or its scope is too broad, rather than refusing the request the Department should assist the requester in better defining it.

It is good practice to interpret OIA requests literally. Do not try to second-guess what an applicant might have meant to ask for, as opposed to what the request actually specifies. If a request is difficult to understand, ask (and help) the requester to clarify it – phone if necessary (or possible).

## Consultation and co-ordination

Some requests will cover information held by more than one part of the Department. In these situations it is desirable for one co-ordinated response to be prepared by the lead Service. The lead Service should advise all relevant Services soon after a request is received by them, details of the request and invite contributions or feedback for inclusion in the reply. All Services should identify their contact person when consultation or co-ordination of a joint departmental reply is required.

The requester may also send similar requests to more than one agency, Service, or minister. This may be likely if it is a very broad request or a request from a Member of Parliament. Ask your colleagues or associates in other agencies if they have received a similar request and proceed accordingly.

## Communication

All stakeholders (Services, ministers, other agencies) should be informed of any potential risks arising from an OIA request as soon as is practical. The attached Risk Assessment Form identifies key issues to be considered – use this as an aide to prepare your response. Stakeholder involvement in arrangements for dealing with those risks, including any media interest, is important. Early communication is also essential to ensure consensus on the approach and response.

The Departmental protocol provides that we advise ministers, in writing, of the Department's intention to release significant material at least five days before its planned release and to highlight any possible media issues. Please note, however, that this action is not intended to invite ministerial decision but to seek their views and assist them with any likely risk management.

## Time limits

The legal requirement is to respond to requests **“as soon as reasonably practicable”**. Time is of the essence. The Act prescribes some maximum times:

- 10 working days to transfer a request
- 20 working days to notify requester of extension of time if required
- 20 working days to respond

**TIP** Answer the question put by the requester – not your guess at what was meant

If the Department is providing a response for a minister the Departmental protocol suggests that the response be given to the minister's office within 15 working days – giving them five days for consideration and sign off. This is not a legal requirement.

Time limits are expressed in 'working days'; defined as any day except Saturday, Sunday, public holidays, or any day between 25 December and 15 January inclusive.

The first working day for dealing with an OIA request is the first working day *after* the request is received. Thus, if a request is received on a Monday, a decision on it must be made and posted by the fourth Monday after that at the latest, unless a public holiday or the Christmas holiday period adds some time to the deadline.

### **Extension of time limits**

Under **section 15A**, the time limit for deciding on a request may be extended if:

- the request is for a large quantity of information, or a large quantity of information must be searched, and meeting the original time limit would unreasonably interfere with other work or
- any consultations (with external agencies) necessary to make a decision on the request cannot reasonably be made within the original time limit.

Any extension must be “for a reasonable period of time having regard to the circumstances” and made by giving or posting notice of the extension to the requester within 20 working days of the original request at the latest.

By protocol, when the Department recommends that a minister extend the deadline, the minister should receive the necessary correspondence within 15 working days.

Notification of time extensions must specify the length of the extension, state reasons why the deadline is being extended, and notify the requester of the right to complain to the Ombudsman about the extension.

**TIPS**    **Avoid delays. Assess the request and future steps immediately. Do you really need extra time?**

## Transfers

Section 14 of the OIA provides that requests may be transferred where the information is either:

- not held by the Department or the minister, but it is believed to be held by another Minister, government agency or local authority
- believed by the person dealing with the request to be more closely connected with the functions of another minister, government agency or local authority.

This provision, together with the duty of assistance in section 13, means the Department should *always* transfer the request when we do not hold the information requested but believe it may be held by another party who is subject to the OIA.

In practice, section 14 also means that requests should *usually* be transferred when any of the following factors apply:

- **When the Department holds a document that was authored in another agency.** Any relevant document is covered by an OIA request if it is filed on a Department file. But if the document was written by another department, the request should normally be transferred to that department insofar as it relates to that document. (Other agencies ought to do the same for documents written in their department but held by them – insist on it.)

Alternatively you may wish to obtain written approval from original agency to release their material with yours.

- **When the Department holds a document relevant to an officials' committee chaired by another agency,** the request should normally be transferred to that agency insofar as it relates to that document, even if the document was written in the Department. (Other agencies ought to do the same for documents they hold that relate to Department-chaired officials' committees – insist on it.)

Alternatively you may wish to obtain written comments from that agency clarifying its position on that material (withhold or release partially or fully and reasons) and incorporate those views in your reply to the requester – or release the entire document if agreed by the other agency.

- **When the Department writes a document that contains passages written by other agencies.** Rather than transfer those specific passages to the relevant agencies, you may wish to obtain written comments from other agencies clarifying their position on those portions of the document that relate specifically to them (withhold or release partially or fully and reasons) and incorporate those views in your reply to the requester – or release the entire document if agreed by other agencies.

- When, in the course of consultations, a minister or another agency subject to the OIA asserts reasons for withholding information that the Department is in a relatively poor position to judge, then that aspect of the request should normally be transferred to that minister or agency.

Where it is not clear how a particular piece of information is covered by the above guidelines, consultation with relevant ministers or agencies will normally resolve the issue quickly.

Any transfer of a request should be made within 10 working days of the request being received at the original destination (minister's office or Department). The Ombudsman has recognised that in unusual cases this time limit may not be practicable. For example, reasons to transfer a request to a Minister may arise in consultation with a minister after the 10 working days have expired.

The decision must be made and given or posted to the requester, within 20 working days of the request being received.

By protocol, any request involving a minister should be sent to that minister for consideration within 15 working days, in order to give the minister five working days to consider the matter.

### Cabinet and Cabinet Committee papers and minutes

Cabinet and Cabinet committee papers and minutes are covered by the OIA. Departments or ministers handling requests for a Cabinet or Cabinet committee document decide what information if any to release after consulting other affected ministers, departments and agencies. The Cabinet Office only needs to be consulted on Cabinet and Cabinet committee papers of a previous administration.

Further information about dealing with requests for Cabinet documents is available in the Cabinet Office Manual.

**TIP**      **If a transfer is required, act promptly – don't leave it 'til the last minute**

## Charging for the release of information

On 12 March 2002 the Cabinet Committee on Government Expenditure and Administration discussed and agreed the Ministry of Justice's revised guidelines for charging for official information (EXG Min(02)1/2 refers). Cabinet approved the new guidelines on 18 March 2002. For fuller information on these guidelines see [www.justice.govt.nz](http://www.justice.govt.nz).

**Section 15** allows agencies to fix a charge for the release of official information. Any such charge "shall be reasonable and regard may be had to the cost of the labour and materials involved in making the information available". Any costs incurred in order to meet a request for urgency can also be charged for.

Responsibility for deciding on whether or not to charge lies with the manager signing off and approving the release.

In general, you should not charge more than any estimated charge you advised in advance. On the other hand, if you over-estimate the charge, any excess paid in advance should be refunded at the time you provide the information.

You must inform the requester of the right to complain to the Ombudsman about any charge you are imposing.

You cannot advise that a charge *will be made* unless and until you have decided that at least some information will be released. That is because the legal authority to charge in section 15 is limited to actual and reasonable costs of making information available. You can and should, however, indicate early on that a charge *may* be made and wait for the respondent's decision before proceeding.

You should not charge for information without advising the requester ahead of time that this is to be done. First, it is poor public relations to charge without notice. Second, if the person decides not to pay, then time and other resources may have been wasted. All advice about the charge should explain how it is calculated.

The Ministry of Justice guidelines provide that "work on the request may be suspended" pending receipt of the payment, if pre-payment is requested. Any time spent waiting for payment or agreement to pay can be added to the 20 working days allowed to make a decision on a request. (To put this beyond doubt, it is wise when asking for pre-payment to tell the requester that you are, for example, "extending the time limit for deciding on your request for the number of working days between today and the date your reply is received".)

The following points should be taken into account in deciding whether and how much to charge:

- The first hour spent on a request is to be free of charge. Subsequent time may be charged at the rate of \$38.00 (including GST) per half-hour or part thereof. That rate applies regardless of the seniority of the staff member handling the request.
- The first 20 pages of photocopied material are free of charge. Subsequent pages may be charged at the rate of 20cents (including GST) per page.
- Any other direct costs incurred (eg copying of maps/plans – or any other documents larger than foolscap size, videos, computer time/discs etc) may be charged up to their actual cost. This includes the retrieval of information off-site, reproducing audio or visual recordings, and other situations where a direct charge is incurred
- Any charge should be reasonable and reflect the amount of information released. Time and resources should be taken into account when information is provided unless the information released is only a few paragraphs of a very large document. Therefore to charge full cost would not be reasonable.
- No charge should be made for time spent on a request where no information is finally released. This applies whether the information could not be found, or whether it was withheld under the OIA provisions.
- The charge may include time spent searching indexes to establish the location of the information, physically locating and extracting it, reading or reviewing it, and supervising the requester's access to the information.
- No charge should be made for time spent finding material that is misplaced.
- No charge should be made for time spent considering whether to delete information. The physical editing is part of making the information available and is subject to charge. However, the Guidelines "represent what the Government regards as reasonable" and are not mandatory. If in doubt, please consult Legal Services.

Where a charge in excess of \$76.00 is likely to be levied you may either:

- require that an estimated charge is paid in full in advance
- require that an estimated charge be paid in part in advance. You can then either:
  - present an invoice when you provide the information or
  - require the remainder of the charge to be paid before you provide the information
- ask the requester for an assurance of willingness to meet an estimated charge. You can then either:
  - present an invoice when you provide the information or
  - require the full charge to be paid before you provide the information.

## Members of Parliament or political parties

Requests from Members of Parliament may be exempt from charges for official information provided for their own use. This discretion may be extended to cover political party parliamentary research units when the request for official information has the endorsement of an MP. In exercising this discretion it would be appropriate to consider whether remission of charges would be consistent with the need to provide more open access to official information for MPs in terms of the reasonable exercise of their democratic responsibilities. However ***if large or costly requests are received from this source, you should be sure to clarify, and where possible, narrow the request.*** Accordingly, the amount of time and resources taken to provide the information requested should be taken into account as a reasonable charge **may** be appropriate. Please seek assistance from Legal Services if clarification is needed.

## Ombudsman investigations

Work undertaken by an Ombudsman is not subject to any charging regime.

**TIP**      **Scope size and likelihood of cost early. Inform requester of costs and reasons BEFORE you do the work.**

## Withholding Information

A decision to refuse to release information can only be made with reference to one of the reasons listed in the Act – see “Deciding whether to release or withhold”. Any decision to withhold information must be considered in view of the OIA’s overriding “principle of availability”.

Whenever you refuse to release the information requested, you must quote the section of the OIA under which the information is being withheld.

If the applicant asks, you must state grounds in support of using that section – unless doing so would itself prejudice interests protected under the OIA.

It is not necessary to nominate reasons for not releasing portions of documents that contain information that is not covered by the request. In that case, you are “releasing the relevant portion(s) of the document(s)”, and can remove other material from the document(s) without further comment. Rather than not comment, advise the requester that the information has been removed because it is not relevant to the request

For reasons of good presentation, any material deleted from a document should be taped over or cut out before photocopying – text blacked out is still visible after photocopying. The requester must be able to identify where material has been taken out - so, for example, put square brackets around deletions.

Whether you are withholding the requested information entirely or providing it with deletions, the requester must always be reminded of the right to complain to the Ombudsman about the decision to withhold information.

## Deciding whether to release or withhold

Presumption in favour of release

Embodied in the OIA is a “principle of availability”, which requires that the requested information “shall be made available unless there is good reason for withholding it (**section 5**).

This means that it is not a correct first approach to an OIA request to ask yourself “Should I withhold this information?” Instead, you should presume that the information will be released, and then check to see whether the Act contains reasons that, on balance, suggests that the information ought to be withheld.

This requires a careful assessment and balancing of any conflict between the Act's purposes of making information available to the public, while also protecting information when necessary in the public interest or to preserve personal privacy (**section 4**).

## Possible reasons for withholding

Reasons that may provide "good reason for withholding" information are contained in **sections 6, 7, 9, 10 and, 18** of the Official Information Act.

Section 6 deals with information about New Zealand's defence, security and international relations; section 7 deals with information about the defence, security and international relations of the Cook Islands, Tokelau and Niue; and section 10 covers commercially-sensitive information. Sections 9 and 18 are the most relevant to the Department.

Note that when withholding information under section 9 it is not just sufficient for a particular reason to apply – you are also required to be satisfied that there are no broader public interest factors that override that reason for withholding.

- **Section 9(2)(a)** - to protect the privacy of natural persons, including deceased people.
- **Section 9(2)(b)(ii)** - to protect the commercial position of the person who supplied the information, or who is the subject of the information.

**TIP      Be proactive – keep the requester informed**

- **Section 9(2)(b)(a)** - to protect information that is subject to an obligation of confidence or that was or could be provided under legal compulsion, and where releasing the information would either prejudice the supply of similar information in the future and it is in the public interest that such information should continue to be supplied, or would damage the public interest in some other way.
- **Section 9(2)(c)** - avoid prejudice to health and safety measures.
- **Section 9(2)(d)** - avoid prejudice to the substantial economic interests of New Zealand
- **Section 9(2)(f)(ii)** - maintain the current constitutional conventions protecting collective and individual ministerial responsibility. This is the constitutional convention that requires all Ministers to support publicly Government policy, even if they opposed it privately. Thus information that reveals the positions of individual Ministers, especially where it shows that they disagree with Government policy, may be protected from release under this subsection.

- **Section 9(2)(f)(1v)** - maintain the current constitutional conventions protecting the confidentiality of advice tendered by Ministers and officials. Because so much of the Department's work involves advising the Government, this is the subsection most often cited when information is withheld.

The "constitutional convention" cited is uncertain. It is most often defined as meaning that Ministers are entitled to "undisturbed consideration" of advice on which they have not made up their minds. Therefore, as a starting point, this subsection may require

withholding information on advice to Ministers when Ministers have not made their decision on that advice.

But the grounds for withholding under this subsection tend to become weaker the longer Ministers take to decide, and the less important or sensitive is the decision. Also, this subsection does not apply unless the information in question is "advice" in that it expresses an opinion on a possible course of action. Telling the Government that the sky is blue is not "advice", but it is advice to recommend that the Government paint the sky red.

Forecasts have been held to be opinions, not advice, and therefore not protected under this provision, but this will depend on the circumstances – if in doubt consult Legal Services.

**TIP**     **Any grounds under section 9 must also be balanced against the public interest in releasing the information**

- **Section 9(2)(g)(i)** - maintain the effective conduct of public affairs through the free and frank expression of opinions. A high standard is required before this subsection applies.

Providing free and frank opinions is a fundamental part of the job of public servants. Therefore, given also the section 4 objective of promoting the accountability of officials, advice cannot be withheld merely because it is free and frank. For this subsection to apply, it must be shown that releasing a free and frank opinion would in some way lead to less effective conduct of public affairs.

In general, this means that the opinion is especially free and frank, and that some specific harm would result from releasing it. For example, it may be that release would

cause officials to be reluctant to be so free and frank with their opinions in similar circumstances in the future, and that it is in the public interest for such opinions to be free and frank. This test is met only rarely, because it is presumed that officials will not forsake lightly their obligation to give free and frank opinions. Therefore, the

information should be released in the absence of compelling reasons for believing that releasing it would inhibit officials' ability or willingness to advise freely.

- **Section 18(d)** - the information requested is or will soon be publicly available. This means that the Department is not required to re-release information that is readily available at public libraries or the GP Print bookshop.

This provision also means that information can be withheld for the time being if the Department of Labour, or another department or Minister, is planning a more general release. The OIA has a general presumption that information should be made available; the OIA does not deprive departments or Ministers of the ability to implement planned release of information. When applying this section, you should tell the requester how to get the information that is already public, or how and when it will soon be available.

- **Section 18(e)** - the document containing the information requested does not exist or cannot be found
- **Section 18(f)** - the information cannot be made available without substantial collation or research

This applies where the information is contained in a large number of documents, particularly if they are stored on several files. However, in terms of section 13, it may be appropriate to ask the applicant to narrow down the request, rather than refuse it outright under section 18(f). This subsection also applies where the information exists but substantial research would be required to reorganise it in the form requested. For example, some emails may be included in this category.

The Ombudsman has ruled that "collation or research" do not include the task of perusing the information to see if anything needs to be deleted before release. In combination with the ruling that departments may not charge for the time needed to consider deletions, this may lead to onerous demands on Services and district offices.

## Notification of right to Ombudsman review

If you decide to:

- extend the time limit for deciding on a request
- levy a charge for meeting the request
- withhold information requested

you must always inform the requester of your intention, reasons, and that s/he has the right to complain to the Ombudsman.

## Reviews by the Ombudsman

The Department must co-operate fully with any inquiry by the Ombudsman into OIA complaints.

The Ombudsman has the right to full access to any material covered by an OIA request including any material withheld from the applicant, as well as any material showing why and how a decision was made to withhold information.

Ombudsmen's enquiries must be answered at least within 20 working days but as soon as practicable. This time limit can be extended in the same way and for the same reasons listed above in "Extension of Time Limits". Failure to meet the statutory deadlines to reply to the Ombudsman's enquiries can result in the failure being reported formally to Parliament.

The Ombudsman usually provides a preliminary opinion if it is contrary to the decision made by the Department or the Minister. Our (or Ministers') comment on the preliminary ruling can be provided in writing or in a meeting. Such meetings can be productive where the issue is important enough to devote the necessary time.

**TIPS Explain fully, give reasons, be transparent**

Commenting on the Ombudsman's preliminary opinion is an opportunity to clarify points the Ombudsman has not fully understood, or to re-emphasise points the Ombudsman has in our view not given sufficient weight. It is usually not an opportunity to provide new arguments, or evidence in favour of withholding.

In cases where the Ombudsman's preliminary opinion is persuasive, it is normally good practice to release the information on the basis of the preliminary view, rather than waiting for a formal recommendation.

### **Finally ...**

A few days after you've sent your response, if you can, call the requester and ask if the response has arrived and whether the information provided met the requirements. If not, offer further assistance.

## Department of Labour processes

You should treat requests for official information as core business – **not a chore**.

When carrying out your work you should comply with both the spirit and intent of the Act.

You should also ensure that all information is managed in a manner appropriate to its degree of sensitivity – see [Department of Labour Information Security policy](#).

### Regional / district offices

This guide contains some information that is relevant to you. If your specific requirements are not covered in this guide you should contact your General Manager's office for advice.

### Registering official information requests

#### National offices

Details of requests for official information are captured on the Department's document tracking system (RecFind), managed by the Document Centre. The Document Centre is located in the head office of the New Zealand Immigration Service.

The Document Centre will assign a unique number to your OIA request. This number should be used on all future correspondence in respect of that specific request.

All correspondence with Ombudsmen regarding reviews should also be registered on RecFind. The tracker number assigned to the original request should also be assigned to the initial and subsequent Ombudsmen correspondence and responses.

All written requests for official information, including email requests, should be registered on RecFind. This ensures there is a record of the request in case it goes astray.

It is good practice to request that an oral request be made in writing, as this helps the Department answer it precisely though the requester is under no obligation to comply. It would be appropriate in this case for you to register the request by email.

If you receive a request that has not been registered, either:

- send a hard copy of the request to the Document Centre, indicating that it should be registered and to whom it should be assigned for reply; or
- send an email message to the Document Centre, indicating the date of the request, the information requested, name and of requester, (if given) the phone number of the requester, and to whom the request should be assigned for reply.

### Regional / district offices

District offices can either use RecFind to register and track their OIA requests, develop their own electronic database, or implement a manual tracking system.

If you choose to develop your own database the following information is essential:

- name of respondent
- date correspondence / request / email received
- date response is due
- date of completion
- name of person preparing response
- name of person signing off response
- unique identifying number / alpha characters (or combination)
- file number

The database should be kept updated as details change (eg transfer, extension of time) and when completed, closed off to indicate the Department's responsibilities and involvement has ended. You may wish to evaluate your database occasionally for effectiveness and adapt it, as needed, to suit your specific requirements.

### Alerting ministers

Our ministers should be given at least five working days to view all material being released by the Department to an MP, opposition party, or local government politician as well as responses to any questions on policy issues. This allows their offices to develop media responses if appropriate.

### Sign-off

All decisions on withholding information should be approved at manager level or above. As well, responses to requests for official information should be signed off at manager level or above.

## Filing

District and national offices should keep signed copies of all written responses, including attachments, on appropriate files. The file copy should show clearly what information has been released / withheld. Subsequent decisions should also be transparent and filed.

An index of large volumes of material appropriately labelled (1, 2, 3 or A, B, C etc) and status (no deletions, some deletions, completely withheld) is useful if subsequent requests for the same information are likely to be received. Subsequent decisions should also be noted on the index.

## Official information paper

All documents released by the Department of Labour, or released by a minister after processing in the Department, should be photocopied onto paper containing the words "Released under the Official Information Act". This is to prevent misunderstanding over the status of the documents.

## Department of Labour Website

The manager responsible for approving the release of information may wish to consider whether it would be efficient and appropriate to publish papers on the Department's website as official information released by the Department.

## Legal advice

You are encouraged to seek the advice of Legal Services (located in the Office of the Chief Executive in Wellington) on non-routine matters or interpretation.

## Risk Assessment Sheet

Who will be affected by this release?

--

What are the risks involved (for those listed above)?

--

What has been done to mitigate these risks?

--

Will these risks attract media attention? **If Yes** what has been done to cover that risk?

--

Have relevant ministers been informed? Identify risks and proposed course of action.

--

Do staff need to be informed of the risks? **If Yes**, who, and how have the staff been informed?

--

## Flowchart

## Key messages

- Familiarise yourself with this guide, OIA and Privacy Acts
- Use Flowchart and Risk Assessment Form
- Remember: Information must be made available unless there is a good reason for withholding it
- All advice and information – oral, written, paper, electronic - is covered by the OIA
- Understand Department processes
- Seek legal advice if necessary
- Good planning and implementation is essential
- If a transfer is required it must be completed within 10 days, don't leave it until the last minute
- Keep respondent informed if circumstances change
- Scope size and likelihood of cost early.
- Inform respondent of costs and reasons before you do the work
- The Department makes decisions on requests it has received
- Ministers makes decisions on requests they receive
- Responses have to be with respondent by 20<sup>th</sup> working day after receipt of request
- Alert ministers of relevant requests at least five days before release
- Manager – or above – to sign off all OIA responses
- Material being released should be copied on to OIA paper
- Keep all responses and copies of material being released on appropriate files
- Reasons are required if information is being withheld
- Respondent needs to know reasons – explain reasons fully
- Respondent has right to appeal to Ombudsman

**TIPS** Treat requests for official information as core business not a chore