

## CHECKLIST FOR PROCESSING OFFICIAL INFORMATION ACT REQUESTS

### 1. Is this a request for official information?

Official information means any information held by a government department, organisation or Minister of the Crown. If the requester is asking for your opinion on an issue or asking you to create information that is not already held this is not an OIA request.

### 2. Is the request clear and specific? Can the information be identified?

Requesters are obliged to specify the information they are seeking with “*due particularity*”. However, a request cannot be refused simply because it is so vague that it is not reasonably possible to identify the information being requested.

See sections 12 and 13 OIA

If the request is unclear or vague, you are obliged to provide the requester with reasonable assistance to make their request. This means more than simply telling the requester their request is not specific enough. You must take all reasonable steps to provide assistance to the requester. The aim should be to assist the requester to refine their request so that it becomes specific enough for you to identify the information they want.

Often a simple telephone call with a requester may resolve any ambiguity about the information they are seeking.

### 3. Who holds the information? Is it more closely connected with the functions of another department, organisation or Minister?

If you do not hold the information that has been requested, but you believe it is held by another department, organisation, local authority or Minister, you should transfer the request to that agency.

See section 14 OIA

If you hold the information requested, but you believe that the information is more closely connected with the functions of another department, organisation, local authority or Minister, you should transfer the request to that agency.

Requests must be transferred promptly and, in any case, no later than **10 working days** after the request is received. You must advise the requester of the transfer.

### 4. How much work is required to identify and collate the information?

If the request is for a large amount of information, you may wish to consider whether:

See sections 15A, 15(1A), 16 and 18(f) OIA

- it would be helpful to consult with the requester to try to narrow or refine the request;
- there are grounds to extend the time period for responding to the request;
- you should charge for the supply of the information;
- if making the information available in the way preferred by the requester would impair efficient administration, are there any other alternative ways of making that information available (for example by providing a summary or an oral briefing);
- there are grounds to refuse the request on the basis of substantial collation and research?

### 5. Is any of the information personal information about the requester?

Requests made by individuals for personal information about themselves must be dealt with under the Privacy Act not the OIA.

See section 12(1A) OIA

All other requests for information should be dealt with under the OIA.

<p><b>6. Do you need to consult with other agencies or Ministers before making a decision on the request?</b></p>	
<p>If you need to consult with another agency or a Minister in order to make a decision on a request you should do so. Your agency may have internal guidelines on when and who to consult on OIA requests.</p> <p>If consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonable by made within the original time limit of the request, you can extend those time limits.</p>	<p>See sections 15(5) and 15A OIA</p>
<p><b>7. Is the information now, or soon to be, publicly available?</b></p>	
<p>You have a discretion to refuse requests if the information requested is or will soon be publicly available</p>	<p>See section 18(d) OIA</p>
<p><b>8. Do you have any concerns with the disclosure of the information?</b></p>	
<p>If no, the information should be disclosed to the requester.</p> <p>If yes, you should identify precisely what your concerns are. Do your concerns fit within one of the withholding grounds in the OIA?</p> <p>If your concerns fit within one of the section 9 withholding grounds, you must also go on to consider whether the grounds for withholding the information are outweighed by any countervailing public interest considerations favouring the disclosure of the information.</p> <p>Further information on the application of each of the withholding grounds can be found in the Office of the Ombudsmen Practice Guidelines at <a href="http://www.ombudsmen.govt.nz">www.ombudsmen.govt.nz</a></p>	<p>See sections 6, 9 and 18 OIA</p>
<p><b>9. How should the information be made available?</b></p>	
<p>If the information is contained in a document, it can be made available in one of the ways set out in section 16 of the OIA. The information must be made available in the way preferred by the requester unless one of the exceptions in section 16(2) applies.</p>	<p>See section 16 OIA</p>
<p><b>10. How long do I have to respond?</b></p>	
<p>You must advise the requester of the decision on the request <b>“as soon as reasonably practicable”</b> and, in any case, no later than <b>20 working days</b> after the request is received (unless the time frame for responding is extended under section 15A of the Act).</p> <p>If you extend the time frame for responding, you must advise the requester of the extension within <b>20 working days</b> after the request is received.</p> <p>If you transfer a request, you must do so within <b>10 working days</b> after the request is received.</p>	<p>See sections 14, 15 and 15A OIA</p>
<p><b>11. What should I tell the requester?</b></p>	
<p>You must advise the requester whether the request is to be granted and, if it is, in what manner and for what charge (if any). If information is withheld, you must advise the requester of the reason for the refusal and that they have a right to complain to the Ombudsman about that refusal.</p> <p>If you extend the time period for responding, you must advise the request of the period of, and reasons for, the extension and that they have a right to complain to the Ombudsman about the extension.</p> <p>If you transfer a request, you should advise the requester of the transfer.</p>	<p>See sections 14, 15, 15A, 17 and 19 OIA</p>
<p><b>12. If an individual asks for the reasons for a decision that affects them or for the rules or policies by which decisions are made, consider</b></p>	

**whether sections 22 and 23 OIA are relevant**