

## Making official information requests

A guide for requesters

*If you are seeking information from a Minister, or central or local government agency, you may be able to ask for it under either the [Official Information Act 1982 \(OIA\)](#) or the [Local Government Official Information and Meetings Act 1987 \(LGOIMA\)](#).*

*This guide sets out what information you can ask for, how to go about it and what the agency is required to do in responding to your information request.*

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## What are the OIA and LGOIMA?

The OIA and LGOIMA are laws in New Zealand that allow people to ask for official information held by Ministers and central and local government agencies (agencies). These laws set out how agencies should handle requests for information and give a right to anyone not happy with the result to complain to the Ombudsman.

The OIA applies to information requests made to Ministers and central government agencies. The LGOIMA applies to local government information requests, and also sets out rights of access by the public to local government meetings. For information about how agencies process an information request, see [The OIA for Ministers and agencies](#) and [The LGOIMA for local government agencies](#).

### Principle of availability

The **starting point** is that, unless there is good reason for withholding information, it must be made available on request.<sup>1</sup> This is called *'the principle of availability'*.

### Purposes of the Acts

The key purposes of the OIA and LGOIMA are to:<sup>2</sup>

- increase progressively the availability of official information to:
  - enable members of the public to participate in decision making more effectively; and
  - promote the accountability of agencies; and
- protect official information where this is necessary in the public interest or to protect personal privacy.

The key purposes of the OIA and LGOIMA reflect competing interests between making information available and protecting it where necessary. In line with these competing interests, agencies will need to balance:

- considerations which favour **releasing** information; and
- considerations which favour **refusing** requests for information.<sup>3</sup>

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<sup>1</sup> See s 5 OIA; s 5 LGOIMA.

<sup>2</sup> See s 4 OIA; s 4 LGOIMA.

<sup>3</sup> See ss 6, 7, 9 and 18 OIA; ss 6, 7 and 17 LGOIMA.

## Who can request official information?

To be eligible to request official information under the OIA, you must be:<sup>4</sup>

- a New Zealand citizen or permanent resident;
- a person in New Zealand; or
- a corporate entity (that is, a company or an incorporated society) which is either incorporated in New Zealand or has a place of business here.

An agency is entitled to ask reasonable questions to check whether you are an eligible requester. While this may be clear with requests made by post (because of the post mark and/or return address), it may not be clear with requests made over the internet. A request will not be considered to have been received until eligibility has been established.

There are no similar eligibility restrictions in LGOIMA.<sup>5</sup>

## What if I am not entitled to make an OIA request?

Even if you are not entitled to make an information request under the OIA (for example, if you are overseas and not a New Zealand citizen or resident), you can still ask an agency for information. While the agency is not **required** to respond in terms of the OIA, it should still deal with your request in a reasonable manner.

## Who can I request official information from?

The types of agencies that come under the **OIA** include:

- government Ministers in their **official** capacity;
- central government departments and organisations;
- the Police;
- crown entities;
- some state owned enterprises;
- district health boards;
- universities, polytechnics, colleges of education, wananga and other tertiary education institutions (but not private training establishments); and
- boards of trustees of state schools.<sup>6</sup>

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<sup>4</sup> See s 12(1) OIA.

<sup>5</sup> See s 10(1) LGOIMA.

Agencies not covered by the OIA include:

- Parliament and its agencies (the Parliamentary Counsel Office and the Parliamentary Service);
- courts and tribunals;
- the Ombudsman; and
- the Independent Police Conduct Authority.

The types of agencies that come under the **LGOIMA** include:

- city, district and regional councils;
- council-controlled organisations;<sup>7</sup>
- local and community boards;
- licensing trusts; and
- airport authorities.

The agencies that come under the OIA and LGOIMA that you can request information from are listed in [Schedule 1 of the Ombudsmen Act 1975](#), [Schedule 1 of the OIA](#) and [Schedule 1 of the LGOIMA](#).

A list of the agencies subject to the OIA can also be found in the *Directory of Official Information*, which is published by the Ministry of Justice every two years. The directory is available on the Ministry's website ([www.justice.govt.nz](http://www.justice.govt.nz)).

If you are unsure whether an agency is subject to the OIA or LGOIMA, please ring us on 0800 802 602.

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<sup>6</sup> State schools include integrated schools, designated character schools, correspondence schools, and kura kaupapa Māori, but do not include private schools or charter schools.

<sup>7</sup> See s 74 Local Government Act 2002.

## What is official information?

Official information means **any information held** by an agency subject to the OIA or LGOIMA.<sup>8</sup>

Official information is not just documents or papers. It includes information held in **any format**, such as:

- written documents, reports, memos, letters, notes, emails and draft documents;
- non-written documentary information, such as material stored on or generated by computers and databases, video and tape recordings, maps and photographs; and
- information which is known to an agency but which has not yet been recorded in writing or otherwise.

### Is the information ‘held’ by the agency?

It does not matter where the information first came from, as long as it is **held** by the agency. For example, the information could have been created by a third party and sent to the agency, or it could be in the memory of an employee of the agency.

However, an agency is not obliged to **form an opinion** or **create information** to answer an official information request.

There is a difference between:

- questions which can be answered by providing information already known to and held by the agency (official information); and
- questions which require the agency to form an opinion or provide an explanation and so create new information to answer the request (not official information).

### Information held by employees

Information held by an officer, employee or member of an agency in their official capacity is considered to be held by the agency itself.<sup>9</sup>

### Information held by independent contractors

Agencies sometimes have individuals or companies do work for them under contract.

Information which an independent contractor holds in their capacity as a contractor to the agency is considered to be held by that agency.<sup>10</sup>

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<sup>8</sup> There are some exceptions; see s 2 of the OIA and [What is not official information?](#)

<sup>9</sup> See s 2(4) OIA; s 2(3) LGOIMA.

<sup>10</sup> See s 2(5) OIA; s 2(6) LGOIMA.

## Information held by unincorporated bodies set up by an agency

Under the OIA, if an unincorporated body is established under legislation or by an agency, in order to assist, advise or perform functions connected with any agency, the information held by the unincorporated body is deemed to be held by the agency that established it.<sup>11</sup>

For example, if a government department set up a board or committee to assist it on a particular issue, and that entity was not itself subject to the OIA, the information held by the board or committee would nevertheless be able to be requested under the OIA, as the information would be deemed to be held by the department.

## Special categories of official information

Certain rules apply to three particular categories of information that you may be entitled to request under the OIA and LGOIMA. These are:

- [internal rules or guidelines](#) for decision making;
- [statements of reasons](#) for decisions; and
- [personal information requests by corporate entities](#).

## Internal rules or guidelines for decision making

The OIA and LGOIMA provide you with a **right** of access, on request, to any document which contains an agency's policies, principles, rules or guidelines for making decisions about people.<sup>12</sup>

The ability to refuse such a request is very limited.

## Requests for statements of reasons

Under the OIA and LGOIMA, you also have a **right** to request a written statement of reasons for a decision or recommendation made about you by an agency.<sup>13</sup>

Requests for statements of reasons are often made by people who are concerned about a decision or recommendation that affects them personally. There are only limited grounds for withholding information from a statement of reasons.

Any request for a statement of reasons must be made within a '*reasonable time*' of the decision or recommendation.

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<sup>11</sup> See s 2(2)–(3) OIA.

<sup>12</sup> See s 22 OIA; s 21 LGOIMA.

<sup>13</sup> See s 23 OIA; s 22 LGOIMA.



A statement of reasons should be full and comprehensive in explaining the decision making process and must include the following elements:

- the findings on material issues of fact;
- a reference to the information on which the findings were based; and
- the reasons for the decision or recommendation.

## Personal information requests by corporate entities

Under Part 4 of the OIA and LGOIMA a corporate entity (ie a company or incorporated society) can request the information an agency holds about it.<sup>14</sup> Under the OIA this right can only be exercised by corporate entities that are incorporated in New Zealand or have a place of business here.<sup>15</sup>

The requirements for an agency to process such requests are more or less the same as for any other request for official information. However, as the corporate entity has a specific **right** to access any information about itself that can be readily retrieved, the reasons for refusing such requests are more limited.

## What is not official information?

Official information does not include:<sup>16</sup>

- information held by a Minister:
  - in their private capacity;
  - in their capacity as an MP (electorate information); or
  - in their capacity as a member of a political party (caucus information).
- library or museum material for reference or exhibition purposes;
- information held by an agency solely as an agent, or for the sole purpose of safe custody, on behalf of a person who is not subject to the official information legislation;
- information held by the Public Trustee or Maori Trustee in their capacity as a trustee;
- evidence or submissions to a Royal Commission or a commission of inquiry;
- certain information related to inquiries established under the Inquiries Act 2013;

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<sup>14</sup> See s 24 OIA and s 23 LGOIMA.

<sup>15</sup> See s 24(2) OIA.

<sup>16</sup> See s 2 OIA; s 2 LGOIMA.

- any correspondence or communication between any agency and the Ombudsman or the Privacy Commissioner, in relation to their investigations;
- victim impact statements; and
- evidence, submissions or information given or made to the Judicial Conduct Commissioner, a Judicial Conduct Panel, or the Judicial Complaints Lay Observer.

## Personal information about yourself

If you are an individual, you can ask for any personal information an agency holds about you under the [Privacy Act](#).<sup>17</sup> The OIA and LGOIMA do not apply to such requests.

Deciding whether information is covered by the Privacy Act or the OIA/LGOIMA can sometimes be difficult. This is primarily because the same document can contain information about more than one person.

Whether the Privacy Act or the OIA/LGOIMA applies will depend on who is asking for the information and who it is about. If the information is about the person requesting it, then it will be covered by the Privacy Act. If the information is about someone else, then the OIA or LGOIMA will apply.

A good example is where a person makes a request for a file that contains information about them and other people. Generally:

- information solely about the person requesting it should be considered under the Privacy Act;
- information about other people should be considered under the OIA or LGOIMA.

If you are seeking information on behalf of someone else with their informed consent, then you will generally be considered to be acting as that person's 'agent', and this will be dealt with as a request for personal information under the Privacy Act.

Having determined which Act applies, the agency must make a decision on your request in accordance with the particular requirements of that Act.

Enquiries about the application of the Privacy Act should be made to the Privacy Commissioner, whose contact details are:

Ph: 0800 803 909  
Email: [enquiries@privacy.org.nz](mailto:enquiries@privacy.org.nz)  
Website: [www.privacy.org.nz](http://www.privacy.org.nz)  
Post: PO Box 10 094  
The Terrace

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<sup>17</sup> See Principle 6 and Part 5 of the Privacy Act. See also s 12(1A) OIA and s 10(1A) LGOIMA. As discussed [above](#), corporate entities can seek their personal information under Part 4 of the OIA or LGOIMA.

Wellington 6143

## Making a request

Making a request is easy. Simply contact the relevant agency and ask for the information you are seeking.

### What should a request for official information look like?

You do not need to use legal language when requesting official information.

A request does not need to be in writing—you can make requests in person or over the telephone.

You do not have to specifically state that your request is being made under the OIA or LGOIMA.

However, it may be helpful to make your request in writing and for you to be very clear that you are making a request for official information under the OIA or LGOIMA—it helps the person receiving the request to identify it quickly and make sure it goes to the right person within the agency to be actioned.

If you do make an oral request, it may be helpful for you to make a note of what you requested, when you made your request, and who you spoke to at the agency. This may be useful for future reference.

If an agency considers that your oral request needs to be clarified in writing, it is entitled to ask you to do so.<sup>18</sup> If you are unable or unwilling to do so, the agency is required to make a written record of its understanding of your request and to provide you with a copy of that written record.<sup>19</sup> Your request will not be 'received' by the agency until you have confirmed that the agency's understanding of your oral request is correct. This means that the maximum [time limit](#) for responding to your request will not start counting until you have provided your confirmation.

There is also no requirement for you to give the reasons why you want the information. However, it can help an agency to better identify the information you are seeking, or to assess any public interest considerations favouring release of that information. An agency can ask for your reasons, but it cannot insist that they be supplied.

See our [template letter](#) for making an official information request.

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<sup>18</sup> See s 12(4) OIA; s 10(4) LGOIMA.

<sup>19</sup> See s 12(5) OIA; s 10(5) LGOIMA.

## Due particularity—your obligation as a requester

Be as specific as you can in identifying the information you want. Be open to communicating with the agency and helping the person responsible for answering your request to understand what it is you are looking for.

The information you are requesting must be specified with *'due particularity'*.<sup>20</sup> This means that the person receiving the request must be able to identify the information you have asked for.

A request that lacks due particularity will not be valid and the requirements of the OIA and/or LGOIMA will not apply.

## Reasonable assistance—the agency's duty to you

If the agency can't understand what you are asking for it has a duty to provide you with reasonable assistance.<sup>21</sup>

Reasonable assistance is more than telling you that the request is not specific enough. Instead the agency should help you to make your request clear enough so that it can understand what you are looking for.

Remember though, that if an agency has to come back to you to help you make a request it can understand and work with, this will take longer. It is best to be as specific as you can at the beginning about what it is that you want.

## Broad requests

Sometimes, requests are made for large amounts of information because the requester does not know exactly what type of information they are most interested in receiving or does not know how that information is held by the agency.

Requests which are unclear, or are too broad, may result in delays, charges, or even refusals. Risks with keeping your request too broad include:

- the agency could decide that the requested information hasn't been *'specified with due particularity'* and may need to seek clarification, which can affect the time taken for a decision to be made on your request;
- the agency may need to extend the maximum time limit for making a decision on your request;
- you could be faced with charges for the collation and supply of all the information you have asked for;

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<sup>20</sup> See s 12(2) of the OIA; s 10(2) LGOIMA.

<sup>21</sup> See s 13 OIA; s 11 LGOIMA.

- you could end up with a lot of information that you don't want or need; and
- your request could be refused because the information cannot be made available without substantial collation or research.

## Who do I send my request to?

Anyone in an agency can receive a request for official information but, if there is a specific person or team within an agency that is responsible for handling information requests, it may speed the process up to send your request directly there.

You can check the agency's website or ring the reception and ask who to send your information request to. Some agencies have online request forms or email addresses dedicated to official information requests, others do not.

If you are in doubt about who to send your request to, address it to the chief executive of the agency concerned. You can also write *'Request for official information'*, or *'OIA/LGOIMA request'* in the heading or subject line.

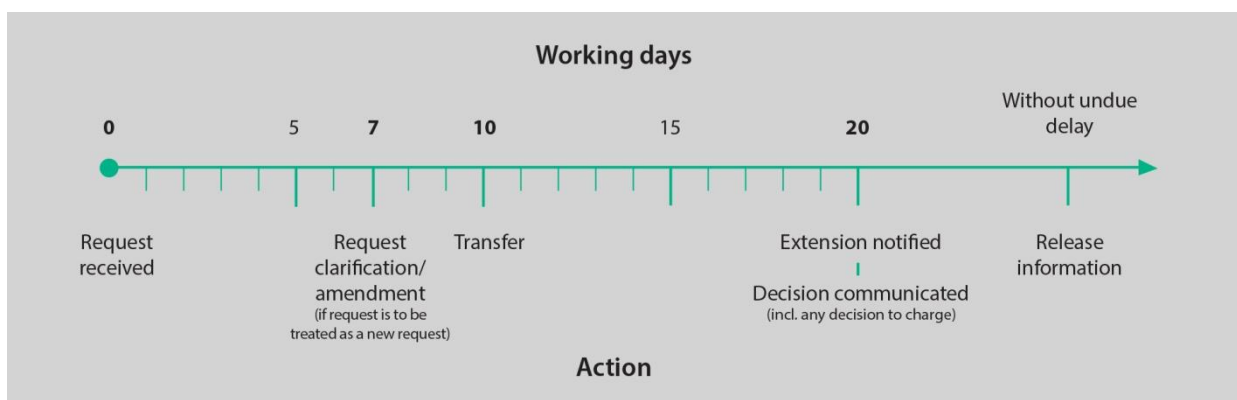
## An agency's consideration of your request

### Are there time limits?

The OIA and LGOIMA specify time limits for:

- [transferring](#) a request to another agency, if required;
- [making a decision](#) on a request; and
- [extending the time limits](#), if required.

The OIA and LGOIMA also require information to be [released without undue delay](#).



## Transferring a request

An agency must transfer your request (or part of it) if the information you requested:<sup>22</sup>

- is not held by the agency, but is believed by the person dealing with the request to be held by another agency; or
- is believed by the person dealing with the request to be more closely connected with the functions of another agency.

Transfers can be between any agencies that are subject to the OIA or LGOIMA.

Any decision to transfer a request to another agency for response must be made promptly and no later than 10 working days after the first agency received your request (unless an [extension](#) is made). The agency you originally made your request to must inform you of its decision to transfer the request.

## Making and communicating a decision

An agency must make and communicate a decision on your request *‘as soon as reasonably practicable’* and **no later than 20 working days** after it was received (unless an [extension](#) is made).<sup>23</sup>

If you decide to amend or clarify your request, the amended or clarified version will be considered to be a **new** request,<sup>24</sup> and the 20 working days will start from the day after this new request is received. The exception to this will be if the agency was the one that asked you to amend or clarify the request, and it did not do so within 7 working days of receiving your original request.<sup>25</sup>

The agency’s decision must state:

- whether the request will be granted; and if so
- in what manner—for example, whether it will release documents to you, or instead provide you with a summary of the information, or invite you to inspect the records at the agency’s offices; and
- if it will charge for supplying the information and, if so, how much.

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<sup>22</sup> See s 14 OIA; s 12 LGOIMA.

<sup>23</sup> See s 15(1) OIA; s 13(1) LGOIMA.

<sup>24</sup> See s 15(1AA) OIA; s 13(7) LGOIMA.

<sup>25</sup> See s 15(1AB) OIA; s 13(8) LGOIMA.

## Releasing information

If an agency decides to release information, it must do so without ‘*undue delay*’.<sup>26</sup> In some cases, the agency may be justified in releasing the information at a later date after the decision is made, if time is required to prepare the information for release.

### How to count time

A tool to automatically calculate response times is available on the home page of our website: [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

When counting working days, day 1 is the first working day after the day on which the request is received by the agency.

‘*Working day*’ means any day of the week other than:

- Saturday and Sunday;
- national public holidays (Waitangi Day, Good Friday, Easter Monday, Anzac Day, Queen’s Birthday, Labour Day); and
- the period from 25 December to 15 January inclusive.

A regional anniversary is a working day.

A working day is not limited to 9am to 5pm. Therefore, if a request is received by email or other electronic means outside business hours, it will still be counted as being received on that day, and the count will start on the next working day.<sup>27</sup>

## Extensions

An agency may extend the maximum time limit for transferring a request or making a decision and communicating it to you, if:<sup>28</sup>

- your request is for, or requires a search through, a large quantity of information and meeting the original time limit would unreasonably interfere with the agency’s operations; or
- consultations needed to make a decision on your request mean that a proper response cannot be made within the original time limit.

The extension must be for a reasonable period of time in the circumstances.

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<sup>26</sup> See s 28(5) of the OIA (s 27(5) of LGOIMA), which provides that any undue delay in releasing information is deemed to be a refusal of a request that an Ombudsman can investigate.

<sup>27</sup> See s 11 of the Electronic Transactions Act 2002.

<sup>28</sup> See s 15A OIA; s 14 LGOIMA.

The agency must notify you of the extension within 20 working days after the day it received your request. The notice must:<sup>29</sup>

- specify the period of the extension;
- give the reasons for the extension; and
- state that you have the right to complain to an Ombudsman about the extension.

While more than one extension may be made within the original 20 working days (if necessary), no further extensions may be made once the original 20 working day maximum time limit has passed.

## Requesting urgency

You may ask that your information request be treated as urgent, and if so you must give the reasons for seeking the information urgently.<sup>30</sup>

If you do request urgency, the agency should assess whether it would be reasonable to give your request priority over other requests and its existing work. However, the agency's legal obligations in terms of the maximum time limits set out in the OIA and LGOIMA, to extend, transfer and make a decision on your request, remain the same.

## Can an agency charge?

If an agency decides to grant your request (whether by releasing all or some of the information you asked for) you may be asked to pay a charge.<sup>31</sup> However:

- the agency can only charge for **supplying** information, not for the time taken to consider whether or not to grant your request;
- the charge must be '*reasonable*'; and
- the decision to release information should also advise if a charge is to be made.

In considering whether to charge, an agency may consider the cost of the labour and materials involved in making the information available, including any particular costs associated with responding to an urgent request, such as a need to engage additional staff.

If an agency decides to charge you, it will usually write to you first to explain how much the charge is likely to be and how it has been calculated. The agency may request that the charge, or a deposit, be paid before it releases the information.

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<sup>29</sup> See s 15A(4) OIA; s 14(4) LGOIMA.

<sup>30</sup> See s 12(3) OIA; s 10(3) LGOIMA.

<sup>31</sup> See s 15(1A)–(3) OIA; s 13(1A)–(4) LGOIMA.



The Ministry of Justice has published guidelines on charging for the release of official information, which are available [here](#).

Although these guidelines apply to central government, they may also be referred to by local government agencies. Some local government agencies have their own charging policies. The Ministry of Justice guidelines describe how charges should be calculated and also list some of the factors which should be taken into account when deciding whether to reduce or waive a charge.

## **Can an agency ask me for more information or to change or clarify my request?**

Yes. If an agency decides that it needs to do so, it can ask that you provide it with more information or to clarify or amend your request so that it is able to make a decision whether to grant or refuse it.

You are under no obligation to do so but, if you don't, the agency may need to extend the time limit to respond to your request, may have to impose a charge to cover administrative or other expenses, or may need to refuse the request altogether.

Clarification or amendment of your request can result in it being treated as a new request that replaces the original one, except if the agency sought your clarification more than 7 working days after receiving your original request.<sup>32</sup>

## **Can an agency consult others about my request?**

An agency may decide to consult before it makes a decision on your request. Consultations may be with:

- you;
- the agency's in-house policy or legal team, external legal advisors, a particular staff member, the chief executive or relevant Minister for their comments on the proposed response;
- external third parties who supplied or are the subject of the requested information (to see if they have any concerns about disclosure, for example in relation to privacy issues, understandings of confidentiality or commercial sensitivities); and
- any other agency with an interest in the information.

If you have any concerns about disclosure of your identity to third parties during consultation, you should make this clear to the agency as soon as possible. You should be aware the agency may need to consider whether to disclose your identity, as this could be a relevant factor for a third party in identifying any concerns with release of the information.

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<sup>32</sup> See s 15(1AA) and (1AB) OIA; s 13(7) and (8) LGOIMA.

## Making a decision on your request

### Can my request be refused?

The agency can refuse your request, but only if there is a reason to do so under the OIA or LGOIMA. Reasons for refusing a request fall into the following broad categories:

- administrative reasons;<sup>33</sup>
- conclusive reasons;<sup>34</sup>
- refusing to confirm or deny the existence or non-existence of information;<sup>35</sup> and
- good reasons.<sup>36</sup>

In some cases, before refusing a request, an agency must also consider whether there is a stronger public interest in favour of releasing the information which outweighs the need to withhold it. If so, the information must be made available.

Detailed guidance on the grounds for refusal of a request, in relation to particular sections of the OIA and specific subject areas, is available [here](#).

Specific rules also exist for refusing requests for special categories of information, namely:

- internal rules or guidelines for decisions;<sup>37</sup>
- statements of reasons for decisions or recommendations;<sup>38</sup> and
- personal information requests by corporate entities.<sup>39</sup>

Sometimes, you may be given some, but not all, of the information you requested. For example, you may be provided with a copy of a document that has some information deleted. This amounts to a refusal of that part of your request.

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<sup>33</sup> See s 18 OIA; s 17 LGOIMA.

<sup>34</sup> See ss 6 and 7 OIA; s 6 LGOIMA.

<sup>35</sup> See s 10 OIA; s 8 LGOIMA.

<sup>36</sup> See s 9 OIA; s 7 LGOIMA.

<sup>37</sup> See s 22 OIA; s 21 LGOIMA.

<sup>38</sup> See s 23 OIA; s 22 LGOIMA.

<sup>39</sup> See s 24 OIA; s 23 LGOIMA.

## Reasons must be given for refusing requests

If your request for official information is refused, the agency must advise you of:

- the reason for the refusal;<sup>40</sup>
- if you ask, the grounds supporting that reason (unless doing so would itself harm an interest protected by the OIA or LGOIMA);<sup>41</sup> and
- your right to complain to an Ombudsman about the refusal.<sup>42</sup>

## Releasing information

### How will the information be provided?

There are a number of different ways an agency can make information available to you. These include:<sup>43</sup>

- giving you a reasonable opportunity to inspect the information;
- releasing a hard copy or electronic copy of the information;
- arranging for you to hear or view the information;
- providing you with a written transcript of the information;
- providing partial disclosure of the information—for example:
  - releasing a document with some information deleted ('redacted');
  - releasing a summary of the information;
  - releasing an excerpt, or particular passage, from a document; or
- providing you with an oral briefing.

The agency may also decide to:

- release the information subject to certain conditions, such as restricting you from disclosing the information to others;<sup>44</sup>

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<sup>40</sup> See s 19(a)(i) OIA; s 18(a)(i) LGOIMA.

<sup>41</sup> See s 19(a)(ii) OIA; s 18(a)(ii) LGOIMA.

<sup>42</sup> See s 19(b) OIA; s 18(b) LGOIMA.

<sup>43</sup> See ss 16(1), 16(1A) and 17(1) OIA; ss 15(1), 15(1A) and 16(1) LGOIMA.

<sup>44</sup> The imposition of conditions is allowed by s 28(1)(c) of the OIA (s 27(1)(c) of LGOIMA), which provides that an Ombudsman may investigate any condition imposed on the use, communication or publication of information released in response to a request.

- release the information with an additional statement to put it into context;
- release other relevant information in the public interest.

If you want the information to be provided in a particular way, you should say this in your request. Generally speaking, information should be released to you in the **way you prefer**.<sup>45</sup> If information is not provided in the way you would prefer, the agency must explain:

- the reasons why it decided not to give it to you in the way you wanted to receive it; and
- if you ask, the grounds supporting that reason (unless doing so would itself harm an interest protected by the OIA or LGOIMA).

## Making information publicly available

An agency may, whether in response to your request or of its own accord, decide to publish information. For example, the agency may put the information on its website.

Public release of information by agencies promotes good administration, openness and transparency, and fosters public trust and confidence. It also has benefits for the agency including ease of handling or reduced requests for information that is readily accessible.

## What can I do if I am unhappy with the response to my request?

If you are unhappy with the response to your request, you can complain to the Ombudsman. There is no charge for making a complaint.

The Ombudsman can consider most matters concerning an agency's decision making on an official information request.

Under the OIA and LGOIMA, an Ombudsman can investigate complaints about:

- a decision to refuse (or partially refuse) a request for information;
- delays in making a decision or in releasing information;
- a decision to extend any of the maximum time limits;
- a decision to charge for supplying information;
- the way in which information has been made available; and
- conditions imposed on the release of information.

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<sup>45</sup> See s 16(2) OIA; s 15(2) LGOIMA.

An Ombudsman also has specific power to investigate, under the Ombudsmen Act 1975 (OA), complaints about requests:

- for internal rules or guidelines for decisions;
- for statements of reasons for a decision affecting you; or
- by corporate entities for their personal information.

In addition to these specific matters, an Ombudsman may also be able to consider complaints about the administrative conduct of an agency in responding to your request for information. Such complaints would be considered under the Ombudsman's general powers under the OA, provided the agency in question is subject to that Act.<sup>46</sup> This could include the processes followed by an agency during its consideration of your information request, such as transferring the request to another agency, or a decision not to grant urgency.

A complaint to the Ombudsman should be put in writing. The most straightforward way to make a complaint, and to ensure we have all the information we need from you, is to use the [online complaint form](#).

You can also make a complaint by:

- email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz);
- fax: (+64) 04 471 2254; or
- letter addressed to: Office of the Ombudsman, PO Box 10 152, Wellington 6143.

Your complaint should include the following information:

- your personal contact details, including your postal address;
- copies of your request and the agency's response (or full details if it is not possible to provide copies);
- the concerns you have; and
- the outcome you are seeking.

There is no obligation to tell the Ombudsman why you want the information, but it can be helpful in the overall consideration of your complaint.

If there are particular aspects of an agency's decision that you wish the Ombudsman to focus on, please say what these are. For example, if there are different parts to an agency's response, but you only want to complain about one part, or if you only need some of the information that has been refused rather than all of it, let us know. This may make it faster for us to deal with your complaint.

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<sup>46</sup> See [Schedule 1](#) of the OA. While an Ombudsman cannot investigate decisions by a Minister or at a meeting of the full council of a local authority under the OA, any advice provided to the Minister or full council by agency officials may be able to be investigated.

For more guidance on making a complaint visit [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz). If you have any further queries, you can also telephone us on freephone 0800 802 602.

## Appendix 1. Tips for making requests

- Make some general enquiries first—for example, a request for details of the work being done on a particular topic you are interested in may assist you to make a more specific, follow-up request for the exact information you are seeking.
- Be as clear and specific as possible about the information you are seeking:
  - If it is a particular document, name it or, if you are not sure of its name, describe it with reference to author, date, content and/or subject matter.
  - If it is information on a particular topic or subject, explain in detail the information you are seeking. You do not have to say why you want the information or what you intend to do with it, but sometimes providing this explanation may be helpful to the agency to identify all the relevant information that you would like to receive.
  - If you are seeking information held on a particular topic or subject that may span months or years, give a specific (and if possible limited) timeframe for the information you are seeking.
  - If you don't want to receive certain types of information (for example, internal emails, draft documents, or personal information about others) make that clear in your request so the agency doesn't waste time on these—or resources that you may be charged for.
  - If you are seeking reasons why a decision or recommendation was made about you, say so. You may be entitled to a statement of reasons created by the agency, even if it does not hold much documented information about the decision. In requesting a statement of reasons, it is helpful to refer to your specific right to seek reasons under section 23 of the OIA.
- If you are making multiple requests, prioritise the order in which you wish your requests to be answered or clearly state what is most important to you.
- If you need the information urgently say so, give the reasons why and the timeframe within which you hope to receive it.
- Tell the agency if you are happy to receive the information in an alternative form, for example, oral briefing, viewing or summary.
- Provide your contact details and, if you are happy to discuss your request with the agency, invite it to do so.
- Keep copies of any requests made in writing. If you make an oral request, make a note of when, how and who you made your request to.
- Consider following-up your request if you don't receive an acknowledgement within a reasonable period of time. While agencies are not required to acknowledge requests, many do. If no acknowledgement is received, it may mean your request has gone astray. Early follow-up can help ensure a more timely response is received.

## Appendix 2. Template letter—request for official information

[Your full name]

[Your address]

[Phone number/email]

[Date]

[Name and address of the organisation]

Dear Sir or Madam

**Official information request: [brief detail of the subject matter of the request]**

Please supply the following information under the [Official Information Act (OIA) / Local Government Official Information and Meetings Act (LGOIMA)]:

[give specific details of the information you are seeking, such as a particular document or file, or information on a particular topic created within a stated time frame]

If you need any more information from me please let me know as soon as possible.

I understand that a decision on a request for information under the [OIA/LGOIMA] should be made within 20 working days of receiving that request.

If you do not normally deal with official information requests, or you need advice on dealing with this request, guidance is available from the Ombudsman at

[www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Yours faithfully

[Signature]