



LGOIMA GUIDE

Official information can include:

Reports, memoranda, letters, notes, emails, draft documents, material stored on computers, video/tape recordings, mobile devices, info known to AT but not yet recorded in writing and memory of a staff member.

Options

When responding to LGOIMA requests, in general we have the following options:

- 1. Grant** the request and release the information, either as it was requested or with conditions
- 2. Charge** the customer for the release of information, though we normally give the customer an opportunity to narrow their request to avoid charges
- 3. Extend** the timeframe to make a decision because the request:
 - a. involves a significant amount of information
 - b. is not clear and we need the customer to clarify/amend the request to make it clearer
 - c. involves internal consultation
- 4. Refuse** the request. The main reasons a request can be refused are as follows:
 - a. Information does not exist or we do not hold it (for the latter, we must transfer the request to the appropriate agency if this is known)
 - b. A request is not made with due particularity (cannot be identified). This amounts to an invalid request
 - c. Disclose commercial information of a third party or a trade secret
 - d. Endanger the H&S of any person
 - e. Breach privacy

To make a determination, an **initial assessment** of the request is required. This must be done as quickly as possible to ensure we meet our obligations under the Act including meeting the statutory timeframes.

Important note!

Remember that at the heart of the Act is the principle of availability of information.
The Act makes the official information held by local authorities more freely available.



Customer requests information

Objectives:

- Decision communicated within 20 working days
- Information released without undue delay

Options:

Do an initial assessment to determine one of the following options

IT IS A STRAIGHTFORWARD REQUEST

- Is the info easily accessible?
- Is some of the info easily accessible

Grant
the request

IT WILL TAKE MORE THAN 5 HRS TO COLLATE ALL THE MATERIAL

- Is there a lot of information which will take a long time to research and/or collate?

BEFORE DECIDING TO IMPOSE A CHARGE, CONSIDER THE FOLLOWING OPTIONS:

- Consulting with customer
- Extend timeframe
- Consider making the info available by another means
- Refuse the request but while doing so, ask the customer to narrow their request

Charge
for the release
of information

Otherwise

THE ISSUE IS COMPLEX OR THE NEED TO CLARIFY THEIR REQUEST

- Do you need the customer to clarify something about their request?
- Is there a lot of information to collate and/or research?
- Do you need to consult with other business units /internal consultation?
- Is the request too broad?

Extend
the timeframe
to communicate
decision

THE INFO IS SENSITIVE, DOESN'T EXIST OR WILL CAUSE AN ISSUE IF RELEASED

We cannot release the information because:

- We do not hold the information
- Information does not exist
- Info held by us, but more closely connected with functions/activities of another organisation
- It will endanger H&S
- It will breach privacy
- The info will soon be publicly available
- It would impair efficient administration
- Requires substantial collation and research

Refuse
the request

1. Granting the request

If the request can be granted, the decision must be released within 20 days and the information without undue delay.

Action

1. Assemble the information as soon as possible
2. Send response to CLT

What happens next

CLT will send the response to the customer and close the CRM case

2. Charging the customer

This scenario covers requests which take a long time to compile.

If you think it will take longer than 5 hours to research and collate the info, there are a number of options to consider before deciding to charge a customer.

Options

- consult with the customer to try to narrow or refine the request
- extend the time period for responding to the request
- consider making the information available in other ways e.g. by providing a summary or an oral briefing
- refuse the request on the basis of substantial collation and research but offer the customer a chance to refine their request

Action

1. Advise CLT how many hours you estimate the work to take (research, collation, photocopying or combination thereof). Note that this must not include the time it takes you to work out the estimate
2. Advise CLT what that amounts to in working days (for the new due date)
3. Do not do any further work on the request until CLT notify the customer of how we intend to proceed and the customer subsequently responds

What happens next

- CLT will liaise with the business unit to determine the preferred option from above
- If a decision is made to charge the customer, CLT will send a quote to the customer. This will outline:
 - o That we have granted their request subject to a charge
 - o The amount of the charge and how the charge is calculated
 - o The payment is required in 20 working days (AT policy)
 - o That the customer has a right to complain to the Office of the Ombudsman

Then what

- The customer can accept, decline, or refine their request
- The customer has 20 days to pay
- If payment is not received within this timeframe, or the customer does not reply, CLT will close the CRM case.

NB: The current charge is \$47.50 for every 30 mins of work over 5 HRS

3. Extending the timeframe

Timeframe extensions are permitted but only in certain circumstances and if done within 20 working days:

1. The request is for a large quantity of information or necessitates a search through a large quantity of information and meeting the original time limit would unreasonably interfere with our operations

OR

2. Consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

Action

Let CLT know within 10 working days that you need more than 20 days to make a decision. Explain your reasons

What happens next

- CLT will inform the customer of the following:
 - o we have decided to extend the time limit
 - o the specific period of the extension
 - o the reasons for the extension
 - o any other necessary information; and
 - o that the requester has a right to complain to the Ombudsman about the extension decision.

NB: While multiple extensions are permitted (if done within the first 20 working days), it is not encouraged as it can irritate the customer and reflect badly on us.

4. Refusing the request

The request can only be refused if it meets one of the withholding reasons under the Act.

<p>1. The request has not been made with 'due particularity'? That is, are you unable to identify what the customer is requesting</p>	<p>Action Let CLT know as soon as possible that you do not understand what the request is about</p> <p>What happens next CLT will contact the customer and ask them to reframe their request and provide them with assistance to do this.</p> <p>Notes The 20 working day timeframe does not apply. This is because requests of this nature are effectively invalid</p>
<p>2. The information does not exist</p>	<p>Action Let CLT know within 10 days that the information cannot be found</p> <p>What happens next</p> <ul style="list-style-type: none">• CLT will inform the customer that the information does not exist <p>Notes</p> <ul style="list-style-type: none">• This is still treated as a valid request and therefore the 20 day timeframe applies. This means we need to communicate this decision to the customer within 20 working days.• Opinions are excluded from LGOIMA. You are not required to create the information.• If you believe the information cannot be found, please make reasonable efforts to locate the document before refusing a request on this ground.
<p>3. We do not hold the information</p>	<p>Action Let CLT know within 5 days that the information is not held and which organisation holds it if this is known (e.g. AC, NZTA, Kiwirail etc.)</p> <p>What happens next CLT will formally transfer the request to the other organisation and inform the customer of this.</p> <p>Notes If we hold the information but believe it is more closely aligned with the function of another organisation or local authority, the request must also be formally transferred within 10 working days.</p>
<p>4. For all other reasons* (Refer to table overleaf)</p>	<p>Action</p> <ol style="list-style-type: none">1. Advise CLT the reason why you believe the information should be withheld or that the information does not exist or is not held.2. CLT will consult with Legal Services if necessary <p>What happens next CLT will inform the customer of the reason why the information is being withheld and that they have a right to complain to the Office of the Ombudsman</p> <p>Notes</p> <ul style="list-style-type: none">• Please do not delete or obscure that information yourself

*Other refusal reasons

Conclusive reasons

- Prejudice the maintenance of the law e.g. right to a fair trial
- Endanger the health and safety of any person

Other reasons (these reasons must cause a harm AND must not be outweighed by public interest to release the information)

- Protect the privacy of natural persons
- Disclose the commercial information of a third party or a trade secret
- Compromises the free and frank expression of opinions by, between or to employees in the course of their duty
- Compromises protection of staff/members (improper pressure or harassment)
- Breaches [legal professional privilege](#)
- Compromises ATs ability to carry out commercial activities without prejudice or disadvantage
- Compromises ATs ability to carry on negotiations (commercial and industrial) without prejudice or disadvantage.
- Be used for improper gain or improper advantage

Administrative reasons

- The information requested is, or will soon be publically available
- The document does not exist or cannot be found (NB: we must make reasonable efforts to locate the document before refusing a request on this ground)
- The information requested cannot be made available without substantial collation or research
- The request is frivolous or vexatious
- The request is trivial

Personal information

- Disclosure would involve the unwarranted disclosure of the affairs of another person or of a deceased person
- Breach an express or implied promise made to the supplier that the information (and/or their identity) would be held in confidence.

5. Amended / clarified requests

Do you need the customer to clarify any aspect of the request or to refine their request? If the LGOIMA request is too broad or vague, we are legally obliged to assist the customer make their request more specific. This could involve:

Options

- explaining the lack of clarity or difficulty involved with meeting the request as it is currently framed
- give options for how the issues or difficulties might be addressed such as providing contact details of a person the requestor can consult with
- provide the customer with options to refine their request e.g. timeframes, specific geographical regions

Action

1. Identify questions to ask the customer to help them clarify/amend their request
2. Let CLT know within **5 days** whether the request is too broad and that we need to ask the customer to refine/amend their request. Forward the questions to CLT to ask the customer

What happens next

- CLT will contact the customer. However in some instances, it might be better for you, the SME, to contact the customer by phone. This might resolve any ambiguity about the information they are seeking.
- Refer to table below:

Specific scenario	Outcome
<p>If the customer amends/clarifies their request within 20 working days</p>	<p>The new request supersedes the original request. The 20 day timeframe starts from the day after the new request is received.</p>
<p>If the customer provides an amended request outside 20 working days</p> <p style="text-align: center;">Or</p> <p>We do not seek clarity within 7 working days</p>	<p>The original request still stands which means the 20 day response timeframe starts from the date the request is received.</p> <ul style="list-style-type: none"> • Extend timeframe (to allow time for consultation with customer) • Convey our decision: <ul style="list-style-type: none"> o Grant as it stands o Charge o Extend o Refuse

NB: If a completely different request is received (opposed to an amended/clarified request), this counts as a new request and the 20 day timeframe starts the day after receiving the new request.

