

Official Information Act Policy

Mā te kimi ka kite, Mā te kite ka mōhio, Mā te mōhio ka mārāma.
Seek and discover. Discover and know. Know and become enlightened.

Purpose

1. This Official Information Act Policy describes how Health New Zealand (Te Whatu Ora) will ensure we meet the spirit of the Official Information Act 1982 (OIA) and comply with initiatives to increase the availability of official information to the people of New Zealand.

Context

2. The OIA is an important part of New Zealand's constitution and gives New Zealanders the legal right to ask for official information so that they can more fully participate in democracy and to hold the Government, public sector agencies and independent statutory entities such as Te Whatu Ora to account. When New Zealanders ask for information, government agencies and independent statutory entities need to assist and be responsive, and approach requests in line with the principle of availability.
3. It also recognises there may be good reasons under the Act to withhold information, but such a decision often needs to be weighed against the public interest. All requests are potentially requests for official information, including requests for publicly available and previously released information.

Application

4. This Official Information Act Policy applies to all Te Whatu Ora staff, including permanent, seconded, contracted and temporary employees, and to Board members. If a person requests their own personal information, this is a request under the Privacy Act 2020. These requests should be managed under Te Whatu Ora's Privacy Policy.

Definitions

5. Official information generally means any information held by Te Whatu Ora or our employees as per section 2 of the OIA. It includes:
 - Documents, reports, memoranda, letters, texts and emails.
 - Non-written information, such as digital, video or tape recordings.
 - Manuals which set out internal rules, principles, policies or guidelines for decision making.
 - Information which is known to an agency but may not be written down.

Key Principles

6. **All decisions regarding Te Whatu Ora's management of OIA requests are guided by principles that are aligned. In particular:**

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- Te Whatu Ora will release official information that is requested, either orally or in writing, unless there is a legislated reason not to do so
- Information will only be withheld from release by Te Whatu Ora in accordance with specific sections in the OIA and where public interest considerations do not apply, or do not outweigh, the interests being maintained
- Requestors will be advised of the reasons information is not provided and informed of their right to complain to the Ombudsman about Te Whatu Ora's decision
- Te Whatu Ora is not obliged to create information to respond to requests under the OIA. However, where circumstance and resources permit, Te Whatu Ora is willing to provide what information we can to meet a requestor's needs.

7. Reasonable assistance will be provided to all people requesting official information:

- We will work with requestors, including refining and clarifying any requests that are broad in scope or unclear, to ensure that we meet our obligations without adversely impacting our operations
- We will explain to requestors that questions or requests that require Te Whatu Ora to create information, form an opinion, or provide an explanation are not official information requests. However, there may be other avenues available to meet the requestor's needs and we will do our best to make the requestor aware of this, as appropriate.

8. Requests should be acknowledged and clarified as soon as possible, and responses provided within 20 working days:

- Acknowledgements, clarifications and responses regarding requests for official information will be responded to as soon as is practical
- Responses will be sent to the requestor within 20 working days of Te Whatu Ora receiving a request or receiving a clarification of a request. Should this not be feasible, a notification of time extension should be sent as soon as the need becomes apparent
- When a decision on an OIA request is sent, but the information requested is not included, this information will be provided within a reasonable period and without undue delay.

9. Extensions to the due date for a decision will only be made after reasonable consideration:

- An extension to the due date for a response is to be considered as soon as the need for this becomes apparent, and, where possible, the decision to extend should be made well before the original due date.
- The reason for an extension to the due date is to be recorded and relate to either the quantity of information to be searched or provided, or the need to consult
- The requestor is to be advised of the reason for the extension, the new due date and that they have the right to make a complaint to the Ombudsman about the decision.

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10. Requests relating to information that may be held by other agencies should be transferred within 10 working days:

- If Te Whatu Ora does not hold the information requested and understands another agency does, or understands it is more closely connected to the functions of another agency, we will transfer the request, or the relevant part of the request, to the agency that holds it. This is to be completed within 10 working days from the date the request is received by Te Whatu Ora.
- The requestor is to be advised that their request, or part of their request, has been transferred to another agency.

11. Charging for providing official information will be based on the Ministry of Justice guidelines:

- We will consider charging if the response involves substantial volumes of information, or requires substantial hours of preparation, only after consultation with the requestor seeking refinement of the scope of their request
- We will be guided by the Ombudsman as to what constitutes ‘substantial’ research or collation and base the calculation of charges on the Ministry of Justice guidelines
- The requestor is to be provided with an estimate of the possible charges and they must agree to these before collation of the request begins.

12. In responding to official information requests, we will preserve the privacy of natural persons by:

- Te Whatu Ora will exercise due diligence in considering the preservation of personal information over public interest in any information requested. Each situation is to be considered with respect to the individual circumstances that apply
- When information about a client, or third party, is requested, or is included in information to be provided, we consult with them for their view on our proposed course of action
- Where requests for information contain the names or contact details of staff members, we will consider whether there is a need to withhold the information in line with the [Ombudsman’s guidance](#). Each situation is to be considered with respect to the individual circumstances that apply.
- Te Whatu Ora will comply with the requirements and observe the spirit of the OIA by demonstrating integrity, honesty and sound judgement in the management of OIA requests.
- Te Whatu Ora will exercise due diligence and assess the potential effect of reactively or proactively releasing official information including considerations relevant to the preservation of safety, security and personal privacy.
- Te Whatu Ora will support increased proactive release in line with the OIA’s purpose of progressively increasing the availability of official information to the people of New Zealand, including the publication of appropriate OIA responses.

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- Te Whatu Ora will take account of the particular needs of the requestor and release official information in accessible and usable forms wherever possible.
- Te Whatu Ora will consult or notify other relevant stakeholders, in particular MHA before releasing official information, including the consulting or notifying the relevant Ministerial Office on the reactive or proactive release of pertinent official information in advance on a “no surprises” basis.
- Te Whatu Ora will drive a culture of continuous improvement in official information practice that empowers staff to learn, enhance performance, and innovate to best meet the needs of Māori and the New Zealand public.

Approach to reactive requests

13. Te Whatu Ora will adhere to the statutory timeframes for responding to requests.
14. In interpreting a request, Te Whatu Ora will consider the intent of that request and give reasonable assistance to the requestor to help them make requests and ensure their needs are met.
15. Te Whatu Ora will regularly review and monitor its performance and capability to respond to requests for official information.

Watermarks, redactions, and publication

16. Redactions and watermarks should be made using Te Whatu Ora’s redaction software Adobe Pro DC.
17. Where information is being withheld reference to the legislative authority or other reason under which the decision to withhold was made should be stated in the body of the text at each deletion point.
18. Formal advice to Ministers should also be released with a watermark identifying that the material has been proactively released by Te Whatu Ora. The watermark should state Information proactively released by Te Whatu Ora.
19. Publication will be actioned by the Communications team at the request of the Ministerial Servicing team.

Roles and Responsibilities

Person/Party	Responsibilities
The Board of Te Whatu Ora	<ul style="list-style-type: none"> • Accountable to the Public Service Commissioner for Te Whatu Ora’s performance in respect of the Act and this policy. • Responsible for promoting a culture of openness and transparency, by championing positive engagement with official information legislation. Make clear regular statements to staff and stakeholders in support of the principle and purposes of official information legislation and reminding staff of their obligations.

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Person/Party	Responsibilities
Chief Executive	<ul style="list-style-type: none"> Responsible to the Board for all responses prepared and, unless delegated, approve all responses to requests for official information. They also approve all draft responses prepared for Ministerial requests, unless delegated. Responsible for promoting a culture of openness and transparency, by championing positive engagement with official information legislation. Make clear regular statements to staff and stakeholders in support of the principle and purposes of official information legislation and reminding staff of their obligations.
Senior Leaders	<ul style="list-style-type: none"> Responsible for promoting a culture of openness and transparency, by championing positive engagement with official information legislation. Make clear regular statements to staff and stakeholders in support of the principle and purposes of official information legislation and reminding staff of their obligations.
Managers	<ul style="list-style-type: none"> Demonstrate clear knowledge and support of OIA requirements, and internal processes for managing OIA's. Ensure staff complete internal training modules on the OIA and have access to internal guidance and tools. Ensure staff maintain records relevant to OIA requests and releases in line with departmental recordkeeping policy and procedure.
Manager Ministerial Services (Policy Owner)	<ul style="list-style-type: none"> Ensuring this policy is reviewed by the set review date. Promoting a culture of openness and continuous improvement in OIA practice. The Policy Owner has the overall responsibility for monitoring the policy for effectiveness and compliance.
All staff	<ul style="list-style-type: none"> Comply with the requirements of this policy, and related departmental policies and procedures, when handling official information and managing official information requests and proactive releases

Proactive release of previous OIA responses

20. At least once a quarter, Te Whatu Ora will publish responses to OIA requests that are appropriate for wider publication. When deciding whether to proactively publish a response to an OIA request, relevant considerations include:

- whether there has been more than one request for the information, or on the topic the information covers.
- whether the information would be of general interest to the public.

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21. Te Whatu Ora will advise requestors of official information that our response to them may be published on our website. Before publication, we will remove any personal details that would reveal the identity of the requester.
22. Refer to Te Whatu Ora Proactive Release of Information policy.

OIA reporting

23. Every six months Te Whatu Ora will provide comprehensive information on the number of OIA requests received, and the number of complaints notified by an Ombudsman, to the PSC. We will also advise how we met the timeliness requirements of the OIA.

Non-compliance with policy

24. Failure by staff to fully comply with this policy may result in Te Whatu Ora taking disciplinary action in accordance with the Code of Conduct.

Further Information

Related Policies and Procedures

Privacy Policy
Information Security and Acceptable Use Policy
Information Management Policy
Code of Conduct

Related Legislation

[The Official Information Act 1982](#)
[The Privacy Act 2020](#)
[The Ombudsmen Act 1975](#)
[The Public Records Act 2005](#)
[The Public Service Act 2020](#)

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