

MBIE OIA Procedures

The document contains information regarding the OIA procedures for departmental and Ministerial OIA requests, records and filing, template letters and general guidance. It supports and underpins the [MBIE OIA Policy](#).

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MBIE OIA Procedures – Departmental OIA Request

[Link to STEP-BY-STEP DAILY GUIDE Requiring Ministerial Consultation](#)

[Link to STEP-BY-STEP DAILY GUIDE – No Ministerial Consultation](#)

1 Receipt, logging and allocation

Steps

Step	Who	Action
Request received by MBIE	All staff	Send request to oia@mbie.govt.nz
Check requester eligibility	Ministerial Services	Contact requester
Request logged into The HIVE	Ministerial Services	Details entered into The HIVE and folder created
Acknowledgement letter sent by Ministerial Services	Ministerial Services	Letter sent
Request allocated to writing or self-servicing team	Ministerial Services	Team receiving request confirms ownership
Transferring the request	Ministerial Services or team receiving request	Ministerial Services informed. Letters can be sent via oia@mbie.govt.nz address by Ministerial Services
Timeframe for transferring request	Ministerial Services or team receiving request	Even if a transfer is made out of time, it will not invalidate the transfer.

Request received by MBIE

OIA requests may be received anywhere in MBIE; by email, letter, text message, through social media, someone asking at reception, by phone call or in any other form. If you get a request for information that is not freely available on our public websites or in any other publications, and the information cannot be made available quickly as part of business as usual, process it in accordance with this procedure.

As soon as the OIA request is received and considered appropriate for this process, send it to [Ministerial Services](#). Ministerial Services are the central collection point for all MBIE and Ministerial OIAs and must be notified. The email address is oia@mbie.govt.nz.

Check Requester eligibility

Consider whether the requester is eligible to make a request under the OIA. Only the following people or body corporates may do so:

- New Zealand citizens or permanent residents
- Any person in New Zealand
- Anybody corporate which is incorporated in New Zealand
- Anybody corporate incorporated outside New Zealand which has a place of business in New Zealand.

If you cannot identify the requester's eligibility, you can request evidence of status. Before doing so, seek advice from Ministerial Services. Even if a person is not eligible to make a request for official information, they can still ask an agency for the information they are seeking.

Request logged into The HIVE

Ministerial Services will log the request in The HIVE. The HIVE is MBIE's Ministerial servicing workflow, database and reporting tool.

Acknowledgement letter sent by Ministerial Services

Ministerial Services can send an acknowledgement of receipt of the request to the requester confirming the text of the request. ([See Acknowledgement letter template](#))

Request allocated to Ministerial Services writing team or self-servicing team

Ministerial Services will allocate the request to a Ministerial Services writing team or self-servicing team for completion and will ask the team to confirm ownership of the request.

Some requests relate to information held across MBIE. If the scope of the request covers the whole of MBIE (for example, MBIE's spending on international travel or the use of contractors and consultants), Ministerial Services will coordinate and complete the request in consultation with relevant parts of the business, depending on the portfolio and subject matter of the request.

Note - If you receive a request and the information is not held by your team, contact Ministerial Services straight away so it can be reallocated and dealt with within the 20 working day timeframe.

To help you answer the request, the allocation email will include an OIA tracking number. This number must be quoted on all documentation and in all correspondence with Ministerial Services to ensure there is no confusion between similar requests or frequent requesters. Ultimately the request will be filed (electronically) using this OIA tracker number, for example OIA 1718 0123.

Transferring the request

MBIE must transfer a request to another agency if some or all of the information requested is:

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

Where the above circumstances only apply to part of the information requested, only the relevant part of the request should be transferred, rather than the whole request. The transfer should make it clear what parts of the request are being retained by MBIE, and what parts are being transferred.

Check that the agency to which you want to transfer the request is subject to the OIA or the Local Government Official Information and Meetings Act 1987 (see Schedule 1 of the [OIA](#) or [Ombudsman Act](#)).

Use the transfer letter templates to [transfer the request](#) and to [inform the requester](#). Copy in Ministerial Services so that The HIVE can be updated.

Timeframe for transferring a request

Any decision to transfer a request to another agency must be made no later than 10 working days after the agency received the request (unless a valid extension of that time is made within 20 working days of the original request). However, a delay in transferring the request will not invalidate the transfer. Even if a transfer is made out of time, it will still have the effect of shifting the responsibility for reaching a decision on the request to the most appropriate agency.

Note – If a request is transferred outside of maximum or extended time limit, this could potentially be the subject of complaint to the Ombudsman under the OIA. Nevertheless, a delay will not invalidate the transfer.

2 Scoping meeting

Steps

Step	Who	Action
Risk profile assessment	Writer in consultation with subject matter expert, manager or communications	Give key staff early heads-up about incoming request Make an initial assessment with communications and others as required
Arrange scoping meeting	Writer or analyst responsible for request	Contact attendees
Invite attendees	Writer or analyst responsible for request	Invite subject matter experts, legal (if likely to involve complex issues), communications (high risk), manager and others as required

Scoping the request is one of the most important things to do at the beginning of preparing a response to an OIA. A scoping meeting should be arranged within three days of the OIA request being received by MBIE and held as soon as possible. This will ensure that you have all the relevant information you need for a quality answer that meets the 20 working day or extended time requirement.

Risk profile assessment

Before you invite participants consider the risk associated with the request. This assessment will impact on who needs to be involved, whether or not the Minister or Minister's office needs to be briefed and the level of sign-out and oversight required. High risk requests are defined as those requests received from Opposition MPs, Opposition parties, media, bloggers, lobby groups and unions, or those concerning high profile or topical issues. These types of requests have the potential to be controversial or may reflect on the reputation of MBIE.

High risks requests should be signed out by a third tier manager or General Manager. In some case it may be appropriate for the Chief Executive or relevant Deputy Chief Executive to sign-out a response. Whatever arrangements are made, they should be kept informed of key developments. Ministers must be consulted on all high risk requests and an intended response notified to them in advance of release.

Business as usual requests that are being responded to through the OIA process can usually be assessed as **medium** or **low** risk. These usually relate to requests from the public, clients or customers and the subject matter is not of a controversial nature. If in doubt about the risk profile of a particular request you are dealing with, consult Communications or Ministerial Services.

Arrange scoping meeting

Ideally a scoping meeting should be arranged and held within three working days of the request being received. For simple requests it may be possible to conduct this stage via emails. However for large, complex and sensitive requests a scoping meeting should always be held. It is the responsibility of the writer to arrange the scoping meeting.

Invite attendees

Who attends depends on the nature of the request. In all cases a key contact or subject matter expert is essential. For medium to high risk requests it is also advisable to invite the relevant Communications manager and subject manager if a particular approach to a response needs consideration. If detailed legal advice or significant withholding decisions are likely it is also advisable to invite Legal Services and potentially the manager.

3 Scoping the request

Steps

Steps	Who	Action
Conduct a preliminary assessment of the request	Scoping meeting participants	Do you understand what is being requested? <ul style="list-style-type: none">• Do you need to consult the requester?• Do you need to clarify the request?
Consider how much time is needed to complete the request	Scoping meeting participants	Discuss how long it will take to research and collate the information requested?
Consider whether the time limit needs extension	Scoping meeting participants	Check whether a manager or general manager needs to sign out an extension
Consider whether there are other administrative reasons to refuse the request	Scoping meeting participants	Discuss if another option may be more practical when responding to the request than releasing redacted information
Document decisions and agreements in a scoping plan	Writer or analyst responsible for request	Circulate scoping plan to meeting participants for their records
Update The HIVE record	Writer or analyst responsible for request	Email oia@mbie.govt.nz

Conduct a preliminary assessment of the request

At the meeting the participants should conduct a preliminary assessment of the request to decide or establish the following factors:

What is the request literally seeking?

Interpretation of a request is vital in determining what information may fall within its scope. To be a valid request, the information sought must be “*specified with due particularity*”. This means that MBIE must be reasonably able to identify what information is being requested. We have a duty to provide reasonable assistance to a requester, and you should consider if there are other ways to meet request in preference to refusing it outright.

Does the information requested involve substantial collation or research?

Refusing a request on the grounds of substantial collation or research is a last resort, to be done only if there is not a reasonable basis for managing an administratively challenging request.

“*Research*” means finding the information and “*collation*” means bringing it together. These terms can encompass the following tasks:

- identifying the requested information;
- determining whether the requested information is held;
- searching for the requested information;
- retrieving the requested information;
- extracting the requested information; and
- assembling or compiling the requested information.

Collation or research can also include reading and reviewing information, and consulting on the request, but only to the extent that these tasks are necessary in order to find what has been requested, and bring it together.

The requester may be unaware of the amount of information within the scope of their request. It is appropriate to ask for refinement of the information requested. If you need refinement or clarification, get managerial approval before contacting the requester. While section [18\(f\)](#) of the Official Information Act 1982 does allow for refusal

“because the information request cannot be made available without substantial collation or research”, you **cannot** refuse a request on these grounds if asking the requester for clarification ([see section 18B](#)) would remove the issue.

Before refusing under section [18\(f\)](#), you must also consider whether charging for the information ([see section 15](#)) or extending the timeframe ([see section 15A](#)) would enable the request to be met.

For the purpose of refusing a request on the grounds of substantial collation or research, you may combine multiple requests received simultaneously or in short succession from the same requester about the same or similar subject matter. ([See letter template for refusing request – section 18 administrative reasons](#))

Do you need to consult the requester?

If the request is unclear, the OIA allows you to ask the requester for clarification (see sections [12\(2\)](#) and [13\(b\)](#)). Obtain the approval of a manager before engaging directly with a requester. Contact should be made by phone or email. If by phone, follow this up with written confirmation to the requester of the discussion. If the requestor amends or clarifies the request, the requester will receive the specific information he or she is seeking and may receive a faster response. If the request is high risk, you should also consult Communications, Legal Services or Ministerial Services. ([See letter template for requesting clarification – section 18\(f\)](#)).

What is the effect of amending or clarifying a request on statutory timeframes?

If the requestor amends or clarifies their request on their own initiative and it is clear that it is intended to replace the original request then MBIE does not need to respond to the original request.

Where MBIE consults with the requestor and seeks clarification or amendment, the clarified request will be treated as a new request that replaces the original request and re-starts the statutory time limit. However, this only applies if MBIE sought the amendment or clarification after within 7 working days of receiving the original request and the amendment or clarification is received by MBIE within the 20 working days. If no response is received within the 20 working days, or MBIE seeks clarification outside of the 7 working days, the original timeframe applies.

Whenever a new due date is set make sure to inform Ministerial Services so that The HIVE can be updated.

What are the other options for processing administratively challenging requests?

The other options include:

- Releasing a subset or sample of the information requested – MBIE may consider releasing a subset or sample of the information at issue, for example, key documents e.g. (final reports, advice to decision-makers), instead of all the information that has been requested
- MBIE may consider releasing other information that is already to hand or able to be collated without difficulty. This could be because it has already been compiled for other purposes (for instance, for provision to Parliament or in response to another similar OIA request)
- Releasing the information in an alternative form such as by inspection or providing a summary or excerpt –if meeting the requester’s preference would “*impair efficient administration*” (refer section 16).
- Releasing the information on conditions – MBIE can impose conditions on the use, communication or publication of official information released in response to a request.

Does the information requested exist or cannot be found?

If a document sought does not exist, or cannot be found, grounds for refusal may apply ([see section 18\(e\)](#)). However, if the information cannot be found, you must have made reasonable efforts to locate the document before refusing on this ground. MBIE does not need to create information in order to respond to a request. [Section 18\(g\)](#) covers the situation where MBIE does not hold the information requested. This may be relevant where there was no need to report in a particular activity or only certain information was recorded in a system. However, a simple cross

checking exercise for information held on multiply files or systems may not need the requirements of this ground. If in doubt, contact Ministerial Services or Legal Services to discuss further.

([see letter template for seeking clarification – section 18\(e\)](#)).

Is the information requested already publicly available or soon to be released?

If this is the case for some or all of the information, you can refuse the whole request or just the publicly available aspect of the request ([see section 18\(d\)](#)). In responding to the requester, where the information is already publicly available you should provide a reasonable timeframe and specific details of how and where to access the information wherever possible, for example, a hyperlink. Where information is soon to be released you should have an element of certainty as to when the information will be made available.

Does the Minister hold the information?

Consider whether the request, or part of it, should be transferred to the relevant Minister's Office. Ask Ministerial Services for advice if needed. If you do not transfer the request, adopt a "no surprises" approach and keep the Minister's Office informed at all stages as appropriate. A Minister must agree to the release of documents in their name such as Cabinet papers, and briefings.

Has the request also been made elsewhere?

Some requests will be made across multiple parties (including to the Minister and other government departments or agencies). If you know or suspect this is the case, discuss it with your manager or Ministerial Services at the earliest possible opportunity and liaise with those agencies. This will ensure that the response is handled in a coordinated and consistent way.

Has the requester indicated urgency?

A requester may ask for the request to be treated as urgent if they give a reason. If a reason has not been provided you can ask for one. You are not obliged to treat any request urgently, but you must assess the request on a case-by-case basis and respond appropriately. Tell the requester as soon as possible if you think the urgent timeframe cannot be met and tell them why, for example, the practicalities of collating information from multiple work groups or agencies. You can provide your reasons by phone, email or formal letter. Remember to keep good notes about the decision you made and how it was made. Seek advice from your manager, Legal Services or Ministerial Services if needed. You may also consider releasing some information as a matter of urgency and providing the remainder within the normal time limits.

Note - The OIA does not authorise the investigation by an Ombudsman of complaints about failure to accord urgency. However, such complaints could be investigated under the Ombudsmen Act 1975. Therefore it is important that MBIE acts reasonably in relation to any requests for urgency.

Consider how much time is needed to complete the request

The OIA's legal timeframe requirements for responding to requests for official information are to:

- **make a decision and communicate it** to the requester "*as soon as reasonably practicable*" and no later than 20 working days after the request is received ([section 15\(1\)](#))
- **make available** any official information it has decided to release without "*undue delay*" ([section 28\(5\)](#)).

Note – You can check the deadline for 20 working days using the OIA Response Calculator on the front page of the [Ombudsman's website](#). Scroll down to bottom the left-hand side of the webpage for the calculator and enter the received date.

Consider the timeframes for preparing your OIA response and whether you will need an extension. Things to think about:

- Is it going to need to go to the Minister for consultation? **Five working days minimum.** Check when the courier bags go to the Minister's Office to make sure you can make it in time. OIAs are due in Ministers' Offices at midday.
- How long will your manager need to review the draft? **Minimum two working days.** Does it need to go to Legal Services? **Minimum two working days.** You should take advice from Legal Services or Ministerial Services if you need to withhold or refuse all or part of a request or need advice on scope interpretation.
- Review by Communications can be done concurrently as they often do not need to see it until later. **Minimum two working days.**
- Who will do your peer review? How long will they need?
- How long will you need to pull the information together, copy it, and redact/delete any information that needs to be withheld?
- Do you need to consult anyone else to release any of this information? (If this is a third party consultation)
- How long will preparing the final response take? (Normally this would take as little as a couple of hours, but if it is a large document and significant scanning is required it can be more).
- Does it need GM or DCE sign off?

Consider whether the time limit needs extension

At the scoping stage it can become apparent that a request cannot be completed within 20 working days. MBIE may extend the maximum time limits for making a decision and communicating it to the requester ([see section 15A](#)) if:

- *the request is for a large quantity of information, or necessitates a search through a large quantity of information, and meeting the original timeframe would unreasonably interfere with the agency's operations;*
or
- *consultations necessary to make a decision on the request are such that a proper response cannot reasonably be made within the original time limit.*

Make sure you are realistic about the timeframe, particularly if the Minister's Office, senior managers or other agencies are involved, or if the request requires substantial collation and research. It is preferable to extend when in doubt rather than provide a response a few days late. If the time limit is exceeded, it is generally treated as a delay deemed refusal of the request and may be the subject of an Ombudsman complaint.

Extensions must be for "a reasonable period of time having regard to the circumstances". The circumstances include the other work that MBIE has on hand at the time, and that will be unreasonably impacted upon, should it be required to meet the original 20 working day maximum timeframe.

An extension enables MBIE to fit the work required in order to respond to a request in with its other work, so that one need not be sacrificed to the other. It can enable us to spread the work required to process the request over time. ([Letter template to advise requester of an extension](#)).

Consider whether there are other administrative reasons to refuse the request

If there are administrative reasons to refuse a request, these should be considered and a decision made and communicated as soon as possible so the requester gets a reply quickly. If a request will result in substantial collation or research, MBIE must consult the requester to explore whether the request can be amended or narrowed before refusing it.

The administrative reasons available ([section 18](#)) for refusing a request includes:

- The information is, or will soon, be publicly available, does not exist or cannot be found
- Release would be contrary to a specific enactment or constitute contempt of court or of the House of Representatives
- The information requested cannot be made available without substantial collation or research
- The information is not held by MBIE and the request cannot be transferred to another organisation
- The request is frivolous or vexatious or the information requested is trivial.

([Letter template to refuse a request - section 18 administrative reasons](#))

Document decisions and agreements in a scoping plan

It is recommended that a record of any decisions and agreements about the approach to be taken, who is tasked with completing what functions and agreed timeframes is prepared and circulated to ensure everyone is clear about their roles and responsibilities. A scoping OIA meeting checklist can be found [here](#). This will allow you to track all deliverables against the time frames and escalate as necessary.

If the request involves information held across teams make sure a manager or, if appropriate, a staff member is coordinating the response. This can be agreed at the scoping meeting.

Remember to save all documentation relating to the request. Ministerial Services will set up an electronic folder for all OIAs that it allocates. Save the documents to that folder. Save documents with appropriate names and details using the naming conventions set out in the procedures to identify the main documents.

Update The HIVE record

When an extension, transfer or amended requests is acknowledged, make sure that Ministerial Services is copied in to any correspondence using the oi@mbie.govt.nz address to ensure that The HIVE is updated.

4 Gathering information

Steps

Steps	Who	Action
Official information gathered	Subject matter experts and team members	Provide official information to the writer
Indicate what information can be released and any that needs to be withheld	Subject matter experts and team members	Identify if any withholding provisions are applicable
Conclusive reasons for withholding information	Writer or analyst responsible for the request	Consult with Ministerial Services, Legal
Other substantive reasons for withholding information	Writer or analyst responsible for the request	Consult with Ministerial Services, Legal
Prepare a document table	Subject matter experts and team members	Send document table to writer

Official information gathered

On the basis of the interpretation made at the scoping meeting as to what information falls within the scope of the request, the official information needs to be gathered together and provided to the writer. Official information is defined as any information held by MBIE. It also includes information held by independent contractors who are working on our behalf. The OIA covers information, not just documents.

Examples of official information include but are not limited to:

- Reports, memos, letters and other documents
- Emails, social media messages and texts
- Draft documents
- Voicemail and other audio
- Video and images
- Financial information
- External and internal information
- Handwritten notes
- Recollections or memory.

Note – There are often concerns about the accuracy or completeness of information. MBIE is only required to provide information that was already held at the time of the request, and it only needs to take reasonable steps to ensure that what is provided is accurate and complete.

Once the official information has been gathered consideration should be given in line with discussions at the scoping meeting and any subsequently to what information needs to be withheld.

Indicate what information can be released and any that needs to be withheld

In providing the information to the writer the subject matter experts of those gathering the information should clearly indicate what information can be released and what information may need to be withheld.

There must be good reason to refuse all or part of a request. There is useful Ombudsman guidance on the reasons that provide examples of their application. The grounds for refusing requests are set out in [section 18](#) of the OIA. As well as the administrative reasons, these include the substantive reasons set out in sections [6](#) and [9](#).

Before withholding information under [section 9\(2\)](#) you must consider whether there is a public interest in releasing the information that outweighs the reasons for withholding it ([section 9\(1\)](#)).

The decision to refuse or withhold all or part of a request must be approved by your manager. Legal Services or Ministerial Services should be consulted. Legal Services must be consulted on high or critical risk requests.

Note - A decision to refuse or withhold information can be subject to a complaint under the OIA or Ombudsmen Act. Document all decisions, including sign-offs, approval and sign-out and record them on the risk impact and sign-off sheet.

The reasons for withholding information are listed below in summary form. You must read and consider the relevant provisions in the OIA before withholding or refusing information.

Conclusive reasons for withholding information

[Section 6](#) includes reasons such as:

- Release would be prejudicial to the security or defence of New Zealand or the New Zealand Government's international relations
- Release would prejudice the entrusting of information to the New Zealand Government on a confidential basis by other governments or international organisations
- Release would prejudice the maintenance of the law
- Release would endanger the safety of a person
- Release would seriously damage the New Zealand economy.

Other substantive reasons for withholding information

[Section 9\(2\)](#) includes reasons such as:

- Relating to privacy of natural persons
- Release of the information would disclose a trade secret or prejudice the commercial position of the person who supplied the information
- Release may impact on constitutional provisions which protect ministerial responsibility, the political neutrality of officials and the confidentiality of advice from Ministers or officials
- Release may impact on the ability of officials and Ministers to express opinion freely and frankly
- Withholding the information may be necessary to protect Ministers or officials from improper pressure or harassment
- The information released may be used for improper gain or advantage
- Withholding the information is necessary to maintain legal professional privilege
- Release may prejudice or disadvantage commercial activities
- Release may prejudice negotiations including commercial or industrial negotiations.

[\(See letter template for refusing a request under Section 9\)](#)

Note - Employee names and contact details

MBIE must take all reasonable steps to protect the privacy and security of its staff members when responding to requests for information, however, MBIE staff do not have an absolute expectation of privacy in their official capacity. Relevant reasons for refusing to release staff personal information under the OIA include protecting privacy ([s9\(2\)\(a\)](#)), maintaining the effective conduct of public affairs through free and frank expressions of opinion ([s9\(2\)\(g\)\(i\)](#)), and protecting employees from improper pressure and harassment ([s9\(2\)\(g\)\(ii\)](#)). Final decisions should be made on a case-by-case basis in consultation with the staff member, and if in doubt consult the Privacy Team, Legal Services or Ministerial Services.

Prepare a document table

When briefing the Minister, consideration should be given to including a table in the response letter if a large number or complex set of documents are within scope. Create a table of the proposed information to be released and any documents that are to be withheld and/or refused and the reasons for withholding/refusing the information under the OIA. This will make it easier to identify if a document is being released in full or under what grounds information is being withheld from a document. A template table is included in the [briefing report templates](#).

Example:

OIA 2017-1234 - Documents released			
#	Date	Document Title	Withholding status
1	10 April 2017	Status Report #110 – Week beginning: Monday 10 April 2017	N/A
2	8 May 2017	Status Report #113 – Week beginning: Monday 8 May 2017	N/A
3	17 May 2017	Briefing: 5678 16-17 – Unit Titles Act Review: Consultation outcomes and final policy approvals	s9(2)(a), s9(2)(b)(ii), s9(2)(f)(iv) and s9(2)(g)(i)
4	20 July 2017	Briefing: 0910 16-17 - Unit Titles Act Review: Additional policy approvals and draft Cabinet paper	s9(2)(a), s9(2)(b)(ii), s9(2)(ba)(i), s9(2)(g)(i) and s9(2)(f)(iv)

Decisions on withholding or refusing information will be made on a case-by-case basis. Legal Services or Ministerial Services should be consulted before editing or redacting any information. Legal Services must be consulted on high risk requests.

5 Drafting reply

Steps

Steps	Who	Action
Draft a decision or covering letter	Writer or analyst responsible for the request	Consult the subject matter expert or communications if contextual information required.
Granting a request	Writer or analyst responsible for the request Sign-out manager	Consider communicating the decision to the requester and provide the information at a later date
Redacting information	Writer or analyst responsible for the request	Redact information using Adobe Acrobat or PDF docs Indicate withholding provisions

The main components when drafting a reply are the decision or covering letter and the information to be released, with or without redactions or both.

Draft a decision or covering letter

An agency must make a decision and communicate it to the requester “as soon as reasonably practical” and no later than 20 working days after the day on which the request was received. The 20 working days is the maximum unless it is extended appropriately.

The covering letter should state when the request was received, repeat the request and if applicable if it was extended. It should clearly explain whether the request has been refused or if information has been withheld, under what grounds it has been withheld.

Depending on what information is being released it may also be important to provide contextual information to assist the requester to understand what has been provided or to mitigate any risks associated with the information being released.

If information is being withheld under section 9 of the OIA, a statement about public interest considerations is needed. If information is being released or withheld the requester must be advised of their review rights through the Ombudsman. The letter must be signed out by a manager with appropriate delegated authority.

[\(See Letter Template to accompany release under the OIA - No information withheld\)](#)

[\(See Letter Template Letter to accompany release under the OIA - some or most information withheld\)](#)

Granting a request

The requester should receive a decision on whether the information will be released or withheld within 20 working days of receipt of the request and the information as soon as it is ready. Where a request is granted and the information is provided at a later date, the timeframe for providing the information must be reasonable and indicated in the decision letter. For instance, if you know that you will release information subject to some redactions but the process of preparing the material for release will take a bit longer.

When it has been determined that this approach should be followed, a letter needs to be sent to the requester granting the request. A [template letter](#) has been developed for this purpose. In most cases it will be apparent what sections may be used to withhold any of the information to be made available later and these should be stated in the letter so that the requester is aware of what information they will receive.

If a decision is made to release the information, MBIE must not unduly delay in making it available. In some cases MBIE may be justified in providing the information to the requester at a later date, for example, when a substantial

amount of information needs to be processed or redactions made. This approach should be used sparingly and with the agreement of the relevant manager. This approach should generally be applied to requests that are:

- Relatively straightforward and non-controversial
- Not from opposition MPs or political parties and the media without good reason
- Likely to be granted in full or where only a small amount of information is to be withheld
- Difficult to estimate the time necessary to process beyond 20 working days.

You will also need to notify Ministerial Services at OIA@mbie.govt.nz that this has been actioned and the sent email saved in MAKO.

Redacting information

If you need to withhold any information follow these steps:

- Photocopy and scan all original documents (do not write on or amend originals)
- Save the scan and file the hard copy as your **clean copy** using the document naming conventions. **Do not staple documents.** Use paper clips and/or clear filing pockets
- Redact using appropriate redaction software or mark up a copy of the documents to indicate which parts you want to withhold.
- Get Legal Services advice on complex and high or critical risk requests
- Redact the information
- Save a **redacted copy** of the information and an **audit or marked up copy**. The latter will be useful if the response is subject to an OIA complaint to the Ombudsman.

Redactions should be made using appropriate redaction software such as Adobe Acrobat or PDF docs and the withholding provision must be indicated. Redacting software provides a professional and standard look, saves paper and can easily be printed onto OIA imprinted paper. If you do not have access to redacting software, contact the IT Service Desk to apply for a licence.

Print the redacted scan or photocopy the hand redacted version onto OIA imprinted paper. Then scan again to make the release set and file copy. This is referred to as the "**Redacted copy**".

You should now have:

- A **clean copy** (electronic scan and hard copy) of all information in scope of the request.
- An **audit or marked up copy** of all information in scope of the request with relevant information deleted/redacted, either as a scan or in hard copy
- A **redacted copy** of information (electronic scan and hard copy) on OIA paper with all relevant information deleted/redacted.

Note - If you withhold information you must note using the redaction software against each deletion which section of the OIA applies, even if for the whole response only one section is used. If you are deleting because the information is out of scope of the request, then redact/delete and include "Out of Scope". If several pages are to be deleted under the same ground, just include one page with the withholding provision clearly identified in the **redacted copy**.

Never send the PDF version with live redacting as it can be un-redacted.

6 Review

Steps

Steps	Who	Action
Prepare folder for review	Writer or analyst responsible for the request	Collate the full OIA folder
Provide folder to reviewer or reviewers	Writer or analyst responsible for the request	Email or deliver a hard copy of the OIA folder to reviewers
Types of review	Peer, Communications, Legal Services, Ministerial Services	Review and provide feedback to the writer or analyst
Incorporate feedback and follow-up issues	Writer or analyst responsible for the request	Finalise response letter for manager sign-out

Prepare file for review

You will need to collate the following documents to make up the full OIA folder in MAKO:

- A copy of the draft response (letter) to the requester
- A document table/schedule if applicable
- A copy of the briefing or coversheet, which may include the risk impact and sign-off sheet
- A copy of the working documents about the request, for example, the original request, significant relevant emails relating to the request
- A clean copy original set in hard copy (clipped together and/or in a sleeve) of all information in scope of the request.
- A redacted copy set in hard copy on OIA paper (clipped together and/or in a sleeve) of all information in scope of the request, with relevant information redacted and appropriate OIA provisions identified. Information released under the OIA should be provided on OIA imprinted paper and documents numbered
- A hard copy sign off sheet.

Keep the folder tidy and all sets of papers in the same order. This will make it easier if you have to make changes, or need to list the documents being released or withheld. It will also make it easier to refer back to the folder if there is an Ombudsman complaint, a subsequent request for the same information, or a request from the same person about the same issue.

Provide folder to reviewer or reviewers

Depending on the size of the OIA response and the material for release, you can either provide an email or hard copy of the OIA folder for review. The OIA folder should be accompanied by a hard copy [sign-out sheet](#), for each reviewer to sign, which is necessary for the managers sign-out.

Types of review

Peer review -

This is typically a quality review and sense check from a fellow team member, and may include editing, formatting, and proofreading.

Communications review –

This review is an opportunity for the Communications team to provide feedback on the response letter; the wording used and if further context is required. Depending on the risk profile of the OIA, Communications may also decide to prepare reactive talking points and a communications plan.

Legal Services review -

Legal will advise on whether the proposed redactions have been applied in accordance with the Act. In some circumstances it may also be appropriate for Legal Services to advise on overall risk and generally on issues of scope, including how the request has been interpreted and the approach taken by the business.

Ministerial Services review -

This review is generally completed by a Ministerial Services team leader or manager and is the final quality review before going to the relevant manager for sign-out.

Incorporate feedback and follow-up issues

If receiving conflicting advice from the reviewers, then you may need to organise another meeting to follow-up to further discuss and determine on the right approach in responding to the OIA request.

This may mean providing the sign-out manager with a final draft response and providing any conflicting advice separately.

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7 Approval

Steps

Steps	Who	Action
Provide OIA folder to manager	Writer or analyst responsible for the request	Check the manager's availability
OIA Sign-out	manager	Review and provide any feedback, and sign out response letter
Incorporate feedback and follow-up issues	Writer or analyst responsible for the request	Amend letter following manager feedback Finalise response letter

Provide OIA folder to Manager

Letters to requesters and memos, or briefings to Ministers if required, must be signed out by a manager with appropriate authority. Depending on the business group, Deputy Chief Executives have delegated OIA sign off to either Tier 3 or Tier 4 managers. If there is any uncertainty, confirm that the manager has appropriate authority before a response is signed and sent.

In providing the OIA folder to the manager, it pays to check in advance either their availability to review and/or to set up a time to discuss the OIA. Set a deadline for when you need a response back by.

You should make sure a manager has reviewed all relevant information material to the requests, including any conflicting advice received in preparing the response – he or she will own the decisions made on the release of information.

OIA Sign-out

The manager is to review the OIA folder, provide any feedback, changes or comments and sign the response letter.

Incorporate feedback and follow-up issues

The manager has final approval over the OIA as they are responsible for the content of the response.

8 Brief Minister or Minister's Office

Steps

Steps	Who	Action
Consider consulting the Minister's office	Sign-out manager	Decision if consulting the Minister's office is necessary to maintain a 'no surprises' approach
Prepare a briefing or Aide Memoire	Writer or analyst response for the request	Use the right template as required by that Minister's office and attach full OIA information set
Manager sign-out	manager	Finalise response letter

Consider consulting the Minister's office

The need for Ministerial consultation will be identified by the Minister's Office or relevant business group. Even if it is not flagged, discuss with your manager whether consultation or notification is necessary. He or she will decide on a case-by-case basis if consultation is needed to maintain a "no surprises" approach. The State Services Commission guidelines on Ministerial consultation are available [here](#). Also refer to MBIE's Official Information Act 1982 Requests Policy "No Surprises" section found [here](#).

Note - Consultation on corporate/ownership/ministry-wide requests are required with the Minister for Economic Development's office, as the Minister Responsible for MBIE. Briefings, attaching the response, need to be provided to the Minister's Office at least five full working days (unless otherwise specified in the [Ministerial preferences document](#)) prior to the OIA being released. All briefings need to be run past Communications before going to the Minister's Office.

Prepare a briefing or aide memoire

OIA requests that need Ministerial consultation or sign out must be with the Minister at least 5 working days before the 20 working day deadline for the response to the requester. If the response is complex or a large amount of information is involved, consider extending the timeframe.

Follow these steps if you need to consult with a Minister:

- Prepare a briefing or aide memoire. Briefing requirements may vary slightly for each Minister or Minister's office. Ensure you use the correct template. Contact Ministerial Services for advice.
- Attach the full OIA information set (as outlined in [Step 6](#) above). If no information was withheld you only need to send the release set.
- Send the physical file containing the Briefing and Aide Memoire together with the relevant documents and information to the Minister's Office via the ministerial bags and wait for a response (if multiple Ministers need to be consulted, make sure they all receive a copy). Ministerial Services, will give you details of timings for Ministers' bags. You may also wish to email a copy. If your OIA includes a large amount of documents it may be too big for the bags. Take advice from Ministerial Services on alternative delivery methods.
- Notify Ministerial Services at OIA@mbie.govt.nz that the OIA has been sent to the Minister's office for consultation. Update The HIVE with the status and save the sent email in MAKO.
- Consider the response from the Minister's Office and get final signature from your manager on the response if the request is completed.
- If changes are necessary or more information is needed arrange this and return the papers or provide the information to the Private Secretary. Make changes to the marked up set – it is much quicker to make changes and reprint onto OIA paper and scan.

- The Minister's Office will return the file with the signed briefing to Ministerial Services who will put it in the internal mail to you to obtain the final signature and send to the requester. Notify Ministerial Services as soon as an OIA response and been sent by emailing them at OIA@mbie.govt.nz and providing the email sent to the requester as evidence.

Note - Most Ministers like papers to be tagged for ease of reference. Check the Minister's requirements with a manager or contact the Private Secretary.

Manager Sign-out

The manager will have final sign-out for OIA response as they are responsible for the content.

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9 Feedback from Minister's Office

Steps

Steps	Who	Action
Seeking feedback from the Minister's office	Writer or analyst responsible for request	Follow up with the Minister's office
Incorporating feedback from Minister's office	Writer or analyst responsible for request	Liaising with the Minister's office
Manager sign-out	manager	Finalising response for release

The Minister's Office will note the response and may provide feedback. Make sure that questions or requests for more information or context are responded to as quickly as possible to ensure an OIA is not held up.

Seeking feedback from the Minister's office

This approach may differ for each Minister's office that will have a preferred way of operating. If you have not received feedback from the Minister's office by the morning of the fifth working day you should follow up and remind them that a response is due.

Incorporating feedback from Minister's office

The final decision on a request for official information rests with the agency. The Ombudsman has provided specific [Guidance](#), as to what is considered appropriate ministerial input.

'Appropriate ministerial input is aimed at helping the agency to make a proper decision on the request for official information. It includes comments and suggestions regarding:

- *the proper application of the withholding grounds and the public interest test;*
- *the release of additional information that the agency may not be aware of, including explanatory material to place the information that is being released in its proper context; and*
- *the proactive release of the same information to others, provided there is no undue delay in providing that information to the requester.*

Inappropriate input can include raising irrelevant considerations (like political embarrassment) or asking or instructing others to:

- *withhold official information without any proper statutory basis (for example, just because a document is a "draft");*
- *delay the release of official information without any proper statutory basis; or*
- *act in some other way that is known to be contrary to the requirements of the OIA (for example, releasing information to others before releasing it to the requester).'*

Manager Sign-out

The manager will have final sign-out for OIA response as they are responsible for the content.

Note - This step may be unnecessary if manager approval was sought when briefing the Minister's office and no feedback was received.

10 Send response to the requester

Steps

Steps	Who	Action
Save records before sending response	Writer or analyst responsible for the request	Scan and save the records as a locked PDF in the folder in MAKO
Check covering letter	Writer or analyst responsible for the request	Double check the covering letter has been signed Save covering letter as a locked PDF.
Check information to be released	Writer or analyst responsible for the request	Double check the information for released and relevant redactions have been made
Send the response	Writer or analyst responsible for the request Ministerial Services	Either send the response to the requester or forward to OIA@mbie.govt.nz for release from the response from MBIE's generic OIA mailbox

Save records before sending response

Before you send the response letter and all the information to be released to the requester make sure you have scanned as a locked PDF all documents generated by the request. This should include:

- the original request (if this is an email Ministerial Services will have done this)
- acknowledgement letter (supplied to you by Ministerial Services who scan the letter also)
- a clean copy original set of all information in scope of the request to be released
- an audit or marked up copy set of all information in scope of the request with relevant information deleted/redacted
- all briefings to the Minister or Minister's Office including copies of all information sent with the briefing. The most important version of the briefing to scan and save is the one that comes back signed or cleared by the Minister or his/ her Office. You may also wish to scan and save the briefing as sent to the Minister
- final signed response letter to the requester including the redacted copy set of information. Depending on the amount of information, you may wish to scan and save documents separately, together or in batches
- any other correspondence relating to the request, for example, letters requesting transfer, time extensions
- any other significant documentation relating to the request such as emails or checklists.

File all documents using the [MBIE OIA document naming conventions](#).

Note - You should usually provide information to the requester in the form in which they made the original request. For example, if the request was made by email, send electronically (but in PDF format). Make sure you send the electronic version of the redacted copy set of information. This will ensure that no electronic redacting is "live" in the document.

The requester may also specify how they want the information to be made available to them and this must be respected, unless it would impair efficient administration, or for any of the other reasons set out in section 16(2).

Check covering letter

Check that the covering letter has been signed and is consistent with the letter that was approved. The covering letter must be a locked PDF.

Check information to be released

Check that the information to be released is the right version of information and that the relevant redactions have been made. The information to be released must be a locked PDF.

Send the response

Either send the response to the requester or forward the response to Ministerial Services who will send it from the generic oa@mbie.govt.nz mailbox. If you send the response from your own email or mailbox be sure to copy in oa@mbie.govt.nz so The HIVE can be updated. This information is essential for performance reporting and audit. In some cases information may be provided using a compact disc or other data storage device. Be sure to ensure that Ministerial Services is notified.

Note - It is in your best interests to scan ALL documents. If a complaint is made to the Ombudsman, or a file needs to be reviewed (for example, a further request by the same requester in relation to a closed request), it is easy to search the scanned records. Refer to the naming conventions guidance for how to name documents appropriately to make identification and searching easier and effective.

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MBIE OIA procedures – Ministerial OIA Request

[Link to STEP BY STEP DAILY GUIDE](#)

1 Receipt, logging and allocation

Steps

Step	Who	Action
Request received and acknowledged by the Minister's office	Private Secretary	Send acknowledgement receipt to requester
Request sent to MBIE for advice	Private Secretary	Send request to uia@mbie.govt.nz
Request logged into The HIVE	Ministerial Services	Details entered into The HIVE and folder created
Request allocated to writing or self-servicing team	Ministerial Services	Team receiving request confirms ownership

Request received and acknowledged by the Minister's Office

An OIA request is received by the Minister. The Private Secretary will acknowledge receipt. If the request is too broad, the Private Secretary will go back to the requester to amend or clarify the request.

If it appears that all or part of the Ministerial OIA should be transferred, consultation should be undertaken with the Private Secretary, branch and/or Ministerial Services, and the manager currently handling the Ministerial OIA. A letter of transfer would be signed by the Private Secretary.

Request sent to MBIE for advice

As soon as the OIA request is received the Private Secretary will send it to [Ministerial Services](#) at uia@mbie.govt.nz. Ministerial Services are the central point for all MBIE related Ministerial OIAs and must be notified.

Request logged into The HIVE

Ministerial Services will log the request in The HIVE. Please note that the acknowledgement will have been sent by the Private Secretary in the Minister's Office.

Request allocated to Ministerial Services writing team or self-servicing team

Ministerial Services will allocate the request to a Ministerial Services writing team, or self-servicing team for completion and ask you to confirm the ownership of the request.

If the scope of the request covers the whole Ministry, Ministerial Services will coordinate and complete the request. If the scope of the request is not Ministry-wide, Ministerial Services will allocate the request to a Ministerial Services writing team or self-servicing team based on the substantive content of the request.

Note - The request will be emailed to you. The email will include a Ministerial OIA tracking number. This number must be quoted on all documentation and in all correspondence with Ministerial Services to ensure there is no confusion between similar requests or frequent requesters. Ultimately, the request will be filed (electronically) using this tracker number.

2 Scoping meeting

Steps

Step	Who	Action
Risk profile assessment	Writer in consultation with subject matter expert, manager or communications	Give key staff early heads-up about incoming request
Arrange scoping meeting	Writer or analyst responsible for request	Contact attendees
Risk profile assessment	Writer or analyst responsible for request	Make an initial assessment with communications and others as required
Invite attendees	Writer or analyst responsible for request	Invite subject matter experts, legal (if likely to involve complex issues), communications (high risk), manager and others as required
Involve the Minister's office	Writer or analyst responsible for request	Liaise with the Minister's office through the Private Secretary

Scoping the request is one of the most important things to do at the beginning of preparing a response to an OIA. A scoping meeting should be arranged within three days of the OIA request being received by MBIE and held as soon as possible. This will ensure that you have all the relevant information you need for a quality answer that meets the 20 working day or extended time requirement.

Risk profile assessment

Before you invite participants consider the risk associated with the request. This assessment will impact on who needs to be involved, whether or not the Minister or Minister's office needs to be briefed and the level of sign-out and oversight required. High risk requests are defined as those requests received from Opposition MPs, Opposition parties, media, bloggers, lobby groups and unions or those concerning high profile or topical issues. These types of requests have the potential to be controversial or may reflect on the reputation of MBIE.

High risks requests should be signed out by a third tier manager or General Manager. In some case it may be appropriate for the Chief Executive or relevant Deputy Chief Executive to sign-out a response. Whatever arrangements are made, they should be kept informed of key developments. Ministers must be consulted on all high risk requests and an intended response notified to them in advance of release.

Business as usual requests that are being responded to through the OIA process can usually be assessed as **medium** or **low** risk. These usually relate to requests from the public, clients or customers and the subject matter is not of a controversial nature. If in doubt about the risk profile of a particular request you are dealing with, consult Communications or Ministerial Services.

Arrange scoping meeting

Ideally a scoping meeting should be arranged and held within three working days of the request being received. For simple requests it may be possible to conduct this stage via emails. However for large, complex and sensitive requests a scoping meeting should always be held. It is the responsibility of the writer to arrange the scoping meeting.

Invite attendees

Who to attend depends on the nature of the request. In all cases a key contact or subject matter expert is essential. For requests medium to high risk requests it is also advisable to invite the relevant Communications and subject manager if a particular approach to a response needs consideration. If detailed legal advice or significant withholding decisions are likely it is also advisable to invite Legal Services and potentially the manager.

Involve the Minister's office

As this is a Ministerial OIA request, it is essential that the Minister's office is kept up to date with significant developments via the Private Secretary. The request will concern only information held by the Minister, so it is important that his or her office plays a role in scoping the request and assessing the level of risks.

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3 Scoping the request

Steps

Steps	Who	Action
Conduct a preliminary assessment of the request	Scoping meeting participants	Do you understand what is being requested? <ul style="list-style-type: none"> Do you need to consult the requester? Do you need to clarify the request?
Consider how much time is needed to complete the request	Scoping meeting participants	Discuss how long it will take to research and collate the information requested?
Consider whether the time limit needs extension	Scoping meeting participants	Check whether a manager or general manager needs to sign out an extension
Consider whether there are other administrative reasons to refuse the request	Scoping meeting participants	Discuss if another option may be more practical when responding to the request than releasing redacted information
Document decisions and agreements in a scoping plan	Writer or analyst responsible for request	Circulate scoping plan to meeting participants for their records
Update The HIVE record	Writer or analyst responsible for request	Email oa@mbie.govt.nz

Conduct a preliminary assessment of the request

At the meeting the participants should conduct a preliminary assessment of the request to decide or establish the following factors:

What is the request literally seeking?

Interpretation of a request is vital in determining what information may fall within its scope. To be a valid request, the information sought must be “specified with due particularity”. This means that MBIE must be reasonably able to identify what information is being requested.

What information does a Minister hold?

Consideration should be given to whether the request is for information sent to or received by a Minister or Minister’s Office. An important factor is whether the Minister has seen or considered the information at issue. Generally requests to Ministers should be interpreted as requests for information or documents they have personally been involved in and hold. In some cases a transfer to MBIE may be appropriate, if that is not the case.

Does the request cover Cabinet papers?

There is no blanket exemption for Cabinet papers under the OIA, each request for Cabinet material must be considered on its merits against the criteria in the Act. There is no requirement to consult the [Cabinet Office](#) on the release of Cabinet material, except in the case of Cabinet material of a previous opposition administration.

Cabinet papers under active consideration should generally be withheld. This is to allow Ministers and Cabinet to make decisions. If Cabinet papers include Budget Initiatives (Budget bids) or related information, consideration should be given to whether the bid was successful or whether it may be resubmitted as part of a future budget cycle. If budget bids are likely to be proposed again they can be withheld.

Are draft documents involved?

Draft documents are official and may fall within the scope of a request. For example, if the requestor is explicitly seeking “preparatory material”. However, in most cases, final documents will be the starting point. For requests seeking “all” documents it might be necessary to say in the response that final versions are being provided or those considered by the Minister. You may need to check that the Minister actually saw or considered, or was otherwise involved with the information being considered for release.

Has MBIE provided suggested press statements, speech notes, talking points or questions and answers?

Where MBIE provides this type of material to the Minister it is important to consider whether the request includes draft information that was not used by the Minister. It may be appropriate to withhold the information as free and frank advice, or for the request or parts of the request to be transferred to MBIE for the advice it provided.

Does the request include weekly reports?

In the past the Ombudsman has accepted that weekly report to Ministers may be withheld for up to 3 months, then after that consideration should be given to whether there are good reasons for continuing to withhold information.

Does the information requested involve substantial collations or research?

Refusing a request on the grounds of substantial collation or research is a **last resort**, to be done only if there is not a reasonable basis for managing an administratively challenging request. We have a duty to provide **reasonable assistance** to a requester, and you should consider if there are other ways to meet request in preference to refusing it outright.

“Research” means **finding** the information and “collation” means **bringing it together**. These terms can encompass the following tasks:

- identifying the requested information;
- determining whether the requested information is held;
- searching for the requested information;
- retrieving the requested information;
- extracting the requested information; and
- assembling or compiling the requested information.

Collation or research can also include reading and reviewing information, and consulting on the request, but **only** to the extent that these tasks are necessary in order to find what has been requested, and bring it together.

The requester may be unaware of the amount of information within the scope of their request. It is acceptable to ask for refinement of the information requested. If you need refinement or clarification, get Managerial approval before contacting the requester. While section [18\(f\)](#) does allow for refusal “because the information request cannot be made available without substantial collation or research”, you **cannot** refuse a request on these grounds if asking the requester for clarification ([see section 18B](#)) would remove the issue.

Before refusing under section [18\(f\)](#) you must also consider whether charging for the information ([see section 15](#)) or extending the timeframe ([see section 15A](#)) would enable the request to be met.

For the purpose of refusing a request on the grounds of substantial collation or research, you may combine multiple requests received simultaneously or in short succession from the same requester about the same or similar subject matter.

Do you need to consult the requester?

If the request is unclear, the OIA (see sections [12\(2\)](#) and [13\(b\)](#)) allows you to ask the requester for clarification. If the request is too broad the Private Secretary will go back to the requester to amend or clarify the request.

What is the effect of amending or clarifying a request on statutory timeframes?

Consultation with a requester often results in an amended or clarified request. An amended or clarified request will be treated as a new request that replaces the original request unless MBIE sought the amendment of clarification after 7 working days of receiving the original request.

If amendment or clarification of a request is sought within 7 working days, the time in which to communicate a decision is reset and starts from the date the new request is confirmed. This may be more than 7 working days from receipt of the original request. Whenever a new due date is set make sure to inform Ministerial Services so that The HIVE can be updated.

What are the other options for processing administratively challenging requests?

The other options include:

- Releasing a subset or sample of the information requested – MBIE may consider releasing a subset or sample of the information at issue, for example, key documents e.g. (final reports, advice to decision-makers), instead of all the information that has been requested
- Releasing other information that is already to hand or able to be collated without difficulty – MBIE may consider releasing other information that is already to hand or able to be collated without difficulty. This could be because it has already been compiled for other purposes (for instance, for provision to parliament or in response to another similar OIA request)
- Releasing the information in an alternative form such as by inspection or providing a summary or excerpt – information may be provided in an alternative form to that requested if meeting the requester's preference would "impair efficient administration" ([refer section 16](#)).
- Releasing the information on conditions – conditions can be imposed on the use, communication or publication of official information released in response to a request.

Does the information requested exist or cannot be found?

If the information sought does not exist, you do not have to create it to respond to the request. It may be that there was no need to report on the activity or that it was not recorded in a way that information can be easily retrieved and reported on. This is especially the case where information may be held on multiple individual client files. If the information cannot be found, you must have made reasonable efforts to locate the document before refusing on this ground.

Is the information requested already publicly available or soon to be released?

If this is the case for some or all of the information, you can refuse the whole request or just the publicly available aspect of the request ([see section 18\(d\)](#)). In responding to the requester, you should provide a reasonable timeframe and specific details of how and where to access the information wherever possible, for example, a hyperlink.

Has the request also been made elsewhere?

Some requests will be made across multiple parties (including other government departments or agencies). If you know or suspect this is the case, discuss it with your private secretary at the earliest possible opportunity to liaise with those agencies. This will ensure that the response is handled in a coordinated and consistent way.

Has the requester indicated urgency?

A requester may ask for the request to be treated as urgent if they give a reason. If a reason has not been provided you can ask for one. You are not obliged to treat any request urgently, but you must assess the request on a case-by-case basis and respond appropriately. The Minister's office should communicate as soon as possible if the urgent timeframe cannot be met and tell them why, for example, the practicalities of collating information from multiple work groups or agencies. Reasons can be provided by phone, email or formal letter. Consider releasing some information as a matter of urgency and providing the remainder within the normal time limits.

Note - The OIA does not authorise the investigation by an Ombudsman of complaints about failure to accord urgency. However, such complaints could be investigated under the Ombudsmen Act 1975. Therefore it is important that MBIE acts reasonably in relation to any requests for urgency.

Consider how much time is needed to complete the request

The OIA's legal timeframe requirements for responding to requests for official information are to:

- **make a decision and communicate it** to the requester "*as soon as reasonably practicable*" and no later than 20 working days after the request is received ([section 15\(1\)](#)).
- **make available** any official information it has decided to release without "*undue delay*" ([section 28\(5\)](#)).

Note – You can check the deadline for 20 working days using the OIA Response Calculator on the front page of the [Ombudsman's website](#). Scroll down to bottom the left-hand side of the webpage for the calculator and enter the received date.

Consider the timeframes for preparing your OIA response and whether you will need an extension, discuss it with your Private Secretary in the first instance. Things to think about:

- How long does the Minister's office need to review the draft and for the Minister to sign it out? **five working days minimum**. Check when the courier bags go to the Minister's Office to make sure you can make it in time. OIAs are due in the Ministers' Offices at midday.
- How long will your manager need to review the draft? **Minimum two working days**. Does it need to go to Legal Services? **Minimum two working days**. You should take advice from Legal Services or Ministerial Services if you need to withhold or refuse all or part of a request or need advice on scope interpretation.
- Review by Communications can be done concurrently as they often do not need to see it until later. **Minimum two working days**.
- Who will do your peer review? How long will they need?
- How long will you need to pull the information together, copy it, and redact/delete any information that needs to be withheld? It is preferable to extend when in doubt rather than provide a response a few days late.
- Do you need to consult anyone else to release any of this information? (If this is a third party consultation)
- How long will preparing the final response take? (Normally this would take as little as a couple of hours, but if it is a large document and significant scanning is required it can be more).
- Does it need GM or DCE sign off?

Extensions must be for "*a reasonable period of time having regard to the circumstances*". The circumstances include the other work that MBIE has on hand at the time, and that will be unreasonably impacted upon, should it be required to meet the original 20 working day maximum timeframe.

An extension enables MBIE to fit the work required in order to respond to a request in with its other work, so that one need not be sacrificed to the other. It can enable us to spread the work required to process the request over time.

Consider whether the time limit needs extension

At the scoping stage it can become apparent that a request cannot be completed within 20 working days. The Minister's office may extend the maximum time limits for making a decision and communicate it to the requester ([see section 15A](#)) if:

- *the request is for a large quantity of information, or necessitates a search through a large quantity of information, and meeting the original timeframe would unreasonably interfere with the agency's operations;*
- or
- *consultations necessary to make a decision on the request are such that a proper response cannot reasonably be made within the original time limit.*

Make sure you are realistic about the timeframe, particularly if senior managers or other agencies are involved, or if the request requires substantial collation and research. If the time limit is exceeded, it is generally deemed a refusal of the request and may be the subject of an Ombudsman complaint.

Check in with the Minister's office

It is essential that the Minister's office is kept up to date with significant developments. If it is considered that the time limited for the request needs an extension, or the request needs to be transferred or an administration refusal can be made, the Minister must make the decision. In such cases MBIE's advice would need to be communicated to the Minister's office and a decision recommended. It is the role of MBIE to prepare appropriate correspondence or communications if requested.

Discuss interpretation and scope early with the Minister's office. If there is any uncertainty as to the scope of the request or documents and information held by the Minister, it is advisable to liaise with the Minister's office on such issues promptly. Once the scoping is complete it may also be useful to confirm what documents or information is within scope and the likely approach to be recommended or taken. Engagement with the requester can often be useful. In the case of Ministerial OIAs the Minister's office must decide if this is appropriate and how it should be handled.

Consider whether there are administrative reasons to refuse the request

If there are administrative reasons to refuse a request, these should be considered and a decision made and communicated as soon as possible so the requester gets a reply quickly. If a request will result in substantial collation or research, the Minister's office must consult the requester to explore whether the request can be amended or narrowed before refusing it.

The administrative reasons available ([section 18](#)) for refusing a request includes:

- The information is, or will soon be, publicly available, does not exist or cannot be found
- Release would be contrary to a specific enactment or constitute contempt of court or of the House of Representatives
- The information requested cannot be made available without substantial collation or research
- The information is not held by MBIE and the request cannot be transferred to another organisation
- The request is frivolous or vexatious or the information requested is trivial.

Document decisions and agreements in a scoping plan

It is recommended that a record of any decisions and agreements about the approach to be taken and who is tasked with completing what functions and timeframes, is prepared and circulated to ensure everyone is clear about their roles and responsibilities. A scoping OIA meeting checklist can be found [here](#). Track all deliverables against the time frames and escalate as necessary.

If the request involves information held across teams make sure a manager or, if appropriate, a staff member is coordinating the response. This can be agreed at the scoping meeting.

Remember to save all documentation relating to the request. Ministerial Services will set up an electronic folder for all OIAs that it allocates. Save the documents to that folder. Save documents with appropriate names and details using the [naming conventions](#) set out in the procedures to identify the main documents.

Update The HIVE record

When an extension, transfer or amended requests is acknowledged, ensure that Ministerial Services is copied in to any correspondence using the uia@mbie.govt.nz address to ensure that The HIVE is updated.

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4 Gathering information

Steps

Steps	Who	Action
Official information gathered	Subject matter experts and team members	Provide official information to the writer
Indicate what information can be released and any that needs to be withheld	Subject matter experts and team members	Identify if any withholding provisions are applicable
Conclusive reasons for withholding information	Writer or analyst responsible for the request	Consult with Ministerial Services, Legal
Other substantive reasons for withholding information	Writer or analyst responsible for the request	Consult with Ministerial Services, Legal
Prepare a document table	Subject matter experts and team members	Send document table to writer

Official information gathered

On the basis of the interpretation made at the scoping meeting as to what information falls within the scope of the request, the official information needs to be gathered together and provided to the writer. Official information is defined as any information held by the Minister's office. The OIA covers information, not just documents.

Examples of official information include but are not limited to:

- Reports, memos, letters and other documents
- Emails, social media messages and texts
- Draft documents
- Voicemail and other audio
- Video and images
- Financial information
- External and internal information
- Handwritten notes
- Recollections or memory.

Note – There are often concerns about the accuracy or completeness of information. You are only required to provide information that was already held at the time of the request, and it only needs to take reasonable steps to ensure that what is provided is accurate and complete.

Once the official information has been gathered consideration should be given in line with discussions at the scoping meeting and any subsequently to what information needs to be withheld.

Indicate what information can be released and any that needs to be withheld

In providing the information to the writer the subject matter experts of those gathering the information should clearly indicate what information can be released and what information may need to be withheld.

There must be good reason to refuse all or part of a request. These reasons have been tested in many cases and precedents set. All grounds for refusing requests are set out in [section 18](#) of the OIA.

Before withholding information under [section 9\(2\)](#) you must consider whether there is a public interest in releasing the information that outweighs the reasons for withholding it ([section 9\(1\)](#)).

The decision to refuse or withhold all or part of a request must be approved by your manager. Legal Services or Ministerial Services should be consulted. Legal Services must be consulted on high or critical risk requests.

Note - A decision to refuse or withhold information can be subject to a complaint under the OIA or Ombudsmen Act. Document all decisions, including sign-offs, approval and sign-out and record them on the risk impact and sign-off sheet.

The reasons for withholding information are listed below in summary form. You must read and consider the relevant provisions in the OIA before withholding or refusing information.

Conclusive reasons ([Section 6](#)) for withholding information

These include reasons such as:

- Release would be prejudicial to the security or defence of New Zealand or the New Zealand Government's international relations
- Release would prejudice the entrusting of information to the New Zealand Government on a confidential basis by other governments or international organisations
- Release would prejudice the maintenance of the law
- Release would endanger the safety of a person
- Release would seriously damage the New Zealand economy.

Other substantive reasons ([Section 9\(2\)](#)) for withholding information

These include reasons such as:

- Relating to privacy of natural persons
- Release of the information would disclose a trade secret or prejudice the commercial position of the person who supplied the information
- Release may impact on constitutional provisions which protect ministerial responsibility, the political neutrality of officials and the confidentiality of advice from Ministers or officials
- Release may impact on the ability of officials and Ministers to express opinion freely and frankly
- Withholding the information may be necessary to protect Ministers or officials from improper pressure or harassment
- The information released may be used for improper gain or advantage
- Withholding the information is necessary to maintain legal professional privilege
- Release may prejudice or disadvantage commercial activities
- Release may prejudice negotiations including commercial or industrial negotiations.

Note - Employee names and contact details

MBIE must take all reasonable steps to protect the privacy and security of its staff members when responding to requests for information, however, MBIE staff do not have an absolute expectation of privacy in their official capacity. Relevant reasons for refusing to release staff personal information under the OIA include protecting privacy ([s9\(2\)\(a\)](#)), maintaining the effective conduct of public affairs through free and frank expressions of opinion ([s9\(2\)\(g\)\(i\)](#)), and protecting employees from improper pressure and harassment ([s9\(2\)\(g\)\(ii\)](#)). Final decisions should be made on a case-by-case basis in consultation with the staff member, and if in doubt consult the Privacy Team, Legal Services or Ministerial Services.

Prepare a document table

When briefing the Minister, consideration should be given to including a table in the response letter if a large number or complex set of documents are within scope. Create a table of the proposed information to be released and any documents that are to be withheld and/or refused and the reasons for withholding/refusing the information under the OIA. This will make it easier to identify if a document is being released in full or under what grounds information is being withheld from a document. A template table is included in the [briefing report templates](#).

Example:

OIA 2017-1234 - Documents released			
#	Date	Document Title	Withholding status
1	10 April 2017	Status Report #110 – Week beginning: Monday 10 April 2017	N/A
2	8 May 2017	Status Report #113 – Week beginning: Monday 8 May 2017	N/A
3	17 May 2017	Briefing: 3022 16-17 – Unit Titles Act Review: Consultation outcomes and final policy approvals	s9(2)(a), s9(2)(b)(ii), s9(2)(f)(iv) and s9(2)(g)(i)
4	20 July 2017	Briefing: 4072 16-17 - Unit Titles Act Review: Additional policy approvals and draft Cabinet paper	s9(2)(a), s9(2)(b)(ii), s9(2)(ba)(i), s9(2)(g)(i) and s9(2)(f)(iv)

Decisions on withholding or refusing information will be made on a case-by-case basis. Legal Services or Ministerial Services should be consulted before editing or redacting any information. Legal Services must be consulted on high risk requests.

5 Drafting the recommended reply

Steps

Steps	Who	Action
Draft a briefing to the Minister	Writer or analyst responsible for the request	Recommend what information should be released or withheld
Draft a decision or covering letter	Writer or analyst responsible for the request	Consult subject matter expert or Communications if contextual information is required
Redacting information	Writer or analyst responsible for the request	Redact information using Abode Acrobat or PDF docs Indicate withholding provisions

Draft a briefing to the Minister

Each recommended response must be accompanied by a briefing to the relevant Minister. As the Minister is the decision-maker, it is up to him or her whether they accept the advice or wish to make a different decision. The main difference between a departmental and Ministerial OIA briefing is that with the latter, MBIE is recommending to the Minister what information should be released or withheld. The final decision rests with the Minister as the OIA is addressed to them and relates to information he or she holds.

Draft a decision or covering letter

The Minister must make a decision and communicate it to the requester "as soon as reasonably practical" and no later than 20 working days after the day on which the request was received. The 20 working days is the maximum unless it is extended appropriately.

The covering letter should state when the request was received, repeat the request and, if applicable, if it was extended. It should clearly explain whether the request has been refused or if information has been withheld, under what grounds it has been withheld.

Depending on what information is being released it may also be important to provide contextual information to assist the requester to understand what has been provided or to mitigate any risks associated with the information being released.

If information is being withheld under section 9 of the OIA, a statement about public interest considerations is needed. If information is being released or withheld the requester must be advised of their review rights through the Ombudsman. The letter must be signed out by a manager with appropriate delegated authority.

[\(See Letter Template to accompany release under the OIA - No information withheld\)](#)

[\(See Letter Template Letter to accompany release under the OIA - some or most information withheld\)](#)

Redacting information

If you need to recommend withholding any information follow these steps:

- Photocopy and scan all original documents (do not write on or amend originals)
- Save the scan and file the hard copy as your **Clean copy** using the document naming conventions. **Do not staple documents.** Use paper clips and/or clear filing pockets
- Redact using appropriate redaction software or mark up a copy of the documents to indicate which parts you want to withhold.
- Get Legal Services advice on complex and high or critical risk requests
- Redact the information

- Save a **Redacted copy** of the information, and an **Audit** or **Marked Up copy**. The latter will be useful if the response is subject to an OIA complaint to the Ombudsman.

Redactions should be made using appropriate redaction software such as Adobe Acrobat and the withholding provision must be indicated. Redacting software provides a professional and standard look, saves paper and can easily be printed onto OIA imprinted paper. If you do not have access to redacting software, contact the IT Service Desk to apply for a licence or contact Ministerial Services for assistance.

If you are redacting electronically use the scanned copy of your documents. Remember to save it with a different name so you keep a clean copy of the documents. Refer to the [naming conventions](#) for more details.

Print the redacted scan or photocopy the hand redacted version onto OIA imprinted paper. Then scan again to make the release set and file copy. This is referred to as the “**Redacted copy**”.

You should now have:

- A **Clean copy** set (electronic scan and hard copy) of all information in scope of the request.
- An **Audit** or **Marked up copy** set of all information in scope of the request with relevant information deleted/redacted, either as a scan or in hard copy
- A **Redacted copy** set of information (electronic scan and hard copy) on OIA paper with all relevant information deleted/redacted.

Note - If you withhold information you must note using the redaction software against each deletion which section of the OIA applies, even if for the whole response only one section is used. If you are deleting because the information is out of scope of the request, then redact/delete and include “Out of Scope”. If several pages are to be deleted under the same ground, just include one page with the withholding provision clearly identified in the **Redacted copy**.

Never send the PDF version with live redacting as it can be undeleted.

6 Review

Steps

Steps	Who	Action
Prepare file for review	Writer or analyst responsible for the request	Collate the full OIA folder
Provide file to reviewer	Writer or analyst responsible for the request	Email or deliver a hard copy of the OIA folder to reviewers
Types of review	Peer, Communications, Legal Services, Ministerial Services	Review and provide feedback to the writer or analyst
Incorporate feedback and follow-up issues	Writer or analyst responsible for the request	Finalise response letter for manager sign-out

Prepare file for review

You will need to collate the following documents to make up the full OIA folder in MAKO:

- A copy of the draft response (letter) to the requester
- A document table/schedule if applicable
- A copy of the Briefing or coversheet, which may include the Risk Impact and Sign-Off Sheet
- A copy of the working documents about the request, for example, the original request, significant relevant emails relating to the request
- A **Clean copy** original set in hard copy (clipped together and/or in a sleeve) of all information in scope of the request.
- A **Redacted copy** set in hard copy on OIA paper (clipped together and/or in a sleeve) of all information in scope of the request, with relevant information redacted and appropriate OIA provisions identified. Information released under the OIA should be provided on OIA imprinted paper and documents numbered
- A hard copy sign off sheet.

Keep the folder tidy and all sets of papers in the same order. This will make it easier if you have to make changes, or need to list the documents being released or withheld. It will also make it easier to refer back to the folder if there is an Ombudsman complaint, a subsequent request for the same information, or a request from the same person about the same issue.

Provide folder to reviewer or reviewers

Depending on the size of the OIA response and the material for release, you can either provide an email or hard copy of the OIA folder for review. The OIA folder should be accompanied by a hard copy [sign-out sheet](#), for each reviewer to sign, which is necessary for the manager's sign-out.

Types of review

Peer review -

This is typically a quality review and sense check from a fellow team member, and may include editing, formatting, and proofreading.

Communications review –

This review is an opportunity for the Communications team to provide feedback on the response letter; the wording used and if further context is required. Depending on the risk profile of the OIA, Communications may also decide to prepare reactive talking points and a communications plan.

Legal Services review -

Legal will advise on whether the proposed redactions have been applied in accordance with the Act. In some circumstances it may also be appropriate for Legal Services to advise on overall risk and generally on issues of scope, including how the request has been interpreted and the approach taken by the business.

Ministerial Services review -

This review is generally completed by a Ministerial Services team leader or manager and is the final quality review before going to the relevant manager for sign-out.

Incorporate feedback and follow-up issues

If receiving conflicting advice from the reviewers, then you may need to organise another meeting to further discuss and determine on the right approach in responding to the OIA request.

This may mean providing the sign-out manager with a final draft response and providing any conflicting advice separately.

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7 Approval

Steps

Steps	Who	Action
Provide OIA folder to manager	Writer or analyst responsible for the request	Check the manager's availability
OIA Sign-out	manager	Review and provide any feedback, and sign out response letter
Incorporate feedback and follow-up issues	Writer or analyst responsible for the request	Amend letter following manager feedback Finalise the proposed response letter

Provide OIA folder to Manager

The briefing to the Minister's office must be signed out by a manager with appropriate authority. Depending on the business group, Deputy Chief Executives have delegated OIA sign out to either Tier 3 or Tier 4 managers. If there is any uncertainty, confirm that the manager has appropriate authority before a response is signed and sent.

In providing the OIA folder to the manager, it pays to check in advance either their availability to review and/or to set up a time to discuss the OIA. Set a deadline for when you need a response back by.

You should make sure a manager has reviewed all relevant information material to the requests, including any conflicting advice received in preparing the response – he or she will own the decisions made on the release of information.

OIA Sign-out

The manager is to review the OIA folder, provide any feedback, changes or comments.

Incorporate feedback and follow-up issues

The manager has final approval over the OIA before it goes to the Minister's office with recommendations on information to be released or withheld.

Note - Depending on the business group, Deputy Chief Executives have delegated OIA sign off to either Tier 3 or Tier 4 managers.

8 Recommended response sent to Minister

Steps

Steps	Who	Action
Check covering letter	Writer or Analyst responsible for response	Check that the covering letter is consistent with the letter that was approved
Check information to be released	Writer or Analyst responsible for response	Make sure relevant redactions have been made as necessary.
Attached full Ministerial OIA information set	Writer or Analyst responsible for response	Collate full information set
Send to Minister's office	Writer or Analyst responsible for response	Send the OIA information set Email oia@mbie.govt.nz

Check covering letter

Check that the covering letter is consistent with the letter that was approved.

Check information to be released

Check that the information to be released is the right version of information and that the relevant redactions have been made as necessary.

Attach the full Ministerial OIA information set

At this point you should have a full Ministerial OIA information set made up of:

- A draft response letter to the requester. Please note this will be in the format appropriate for your Minister's Office.
- A Briefing to the relevant Minister outlining what is recommended to be released under the OIA, and where appropriate, noting any risks, including the Risk Impact and Sign-Off Sheet.
- A Clean copy original set on plain paper (clipped together and/or in a sleeve) of all information in scope of the request.
- A Redacted copy set on OIA imprinted paper (clipped together and/or in a sleeve) of all information in scope of the request, with relevant information deleted/redacted.
- The working documents about the request, for example, the original request, relevant emails relating to the request, a list of any documents being refused release.

Note - Most Ministers like papers to be tagged for ease of reference. Check the Ministers requirements with the manager or contact the Private Secretary.

Keep the file tidy and all sets of papers in the same order. This will make it easier if you have to make changes, or need to list the documents being released or withheld. It will also make it easier to refer back to the file if there is an Ombudsman complaint, a subsequent request for the same information, or a request from the same person about the same issue.

Send to the Minister's office

Send the file containing the briefing together with the relevant documents and information to the Minister's Office. Notify Ministerial Services at OIA@mbie.govt.nz that this has been sent to the Minister's office for consultation and/or update The HIVE with the sent date and sent email saved in MAKO. If amendments are to be made the Private Secretary will either make them or send it back to the manager.

9 Minister's Office sends response to requester

Steps

Steps	Who	Action
Minister's office sends response	Private Secretary	Send the OIA response to the requestor
Private Secretary sends records to MBIE	Private Secretary	Copy provided to Writer or Analyst
Save records	Writer or Analyst responsible for the request	Save the records into the relevant MAKO folder

Minister's Office sends response

The decision must be communicated by the Minister to the requester. The Private Secretary in the Minister's office will send the response. If any changes to the covering or decision letter are needed or any amendments to the information being released, be prepared to provide support as necessary.

Private Secretary sends records to MBIE

The Private Secretary should provide a copy of the final response to the responsible writer or analyst for storage in MAKO and for future reference.

Save records

Once you have the final response, scan all documents generated by the request as a locked PDF. This should include:

- the original request (if this is an email Ministerial Services will have done this)
- acknowledgement letter (supplied to you by Ministerial Services who scan the letter also)
- a Clean copy original set of all information in scope of the request to be released
- an Audit or Marked up copy set of all information in scope of the request with relevant information deleted/redacted
- all Briefings to the Minister or Minister's Office including copies of all information sent with the briefing. The most important version of the Briefing to scan and save is the one that comes back signed or cleared by the Minister or his or her Office. You may also wish to scan and save the Briefing as sent to the Minister
- final signed response letter to the requester including the Redacted copy set of information. Depending on the amount of information, you may wish to scan and save documents separately, together or in batches
- any other correspondence relating to the request, for example, letters requesting transfer, time extensions
- any other significant documentation relating to the request such as emails or checklists.

File all documents using the MBIE OIA [naming conventions](#) to the relevant MAKO folder.