



Health and Disability Commissioner  
*Te Toihau Hauora, Hauātanga*

11 October 2019

Gloria Ashton

By email: [fyi-request-11212-fb0daa1a@requests.fyi.org.nz](mailto:fyi-request-11212-fb0daa1a@requests.fyi.org.nz)

Dear Ms Ashton

**Re: Information Request**  
**Our ref: E19HDC02019**

Thank you for your email of 13 September 2019 requesting a copy of “any policies or guidelines regarding processing of information requests”.

I have considered your request under the Official Information Act 1982. Please find **enclosed** a compilation of our policies and procedures on information requests taken from our Standard Operating Procedure manual. For your information the manual can be accessed from our website: <https://www.hdc.org.nz/media/5210/hdc-standard-operating-procedure.pdf>.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Shirlene Anand', is written over a light blue horizontal line.

**Shirlene Anand**  
**Deputy Chief Legal Advisor**

## **2.2 FACTORS TO CONSIDER WHEN ASSESSING A CONTACT**

### **2.2.5 Has the person requested information from HDC?**

- Consider whether this should be treated as an Official Information Act (OIA) or Privacy Act (PA) request (refer to 16.3 External requests for information from HDC).

## **12.6 FILE NOTES**

As a general rule, under the Privacy Act, anyone is entitled to information HDC holds about them. In addition, the Commissioner is subject to the OIA, and so third parties may also be entitled to obtain information from HDC.

## **14.2 WHEN TO SEEK LEGAL ADVICE**

### **14.2.1 Complaints Assessment Team**

Formal legal advice should always be sought in the following circumstances:

- Requests for information from HDC. These must be sent to the Legal Team as OIA or PA requests (see 16.3 External requests for information from HDC). A copy of both the request and the requested information should be sent to the Legal Team as soon as possible after the request is received. Requests do not need to be sent to the Legal Team where the information requested has already been provided to the complainant by HDC (for example, a copy of the Commissioner's decision letter that was sent previously) or where the person requesting the information provided it to HDC initially (for example, a copy of the original complaint may be provided to the complainant on request).

#### Process

The template on ECDS for legal advice requests should be completed before referring a file to the Legal Team for consideration.

#### Relevant template

- OIA PA request

#### ECDS action:

- Legal advice — OIA

## **16.3 EXTERNAL REQUESTS FOR INFORMATION FROM HDC**

The Commissioner is subject to both the OIA and PA. This means that all information held by HDC, regardless of whether that information is on the physical file, is subject to the OIA and PA and may be required to be disclosed under those Acts. Requests for statistics or information about HDC's internal procedures should be treated as OIA requests. While both Acts provide grounds for withholding certain information, these apply only in particular restricted circumstances.