

Understanding OIAs

A presentation by Ministerial and Executive Services



We help New Zealanders to help themselves to be safe, strong and independent
Ko ta mātou he whakamana tangata kia tū haumarū, kia tū kaha, kia tū motuhake



MINISTRY OF SOCIAL
DEVELOPMENT
TE MANATŪ WHAKAHIA TO ORA

Official Information Act

In 1982 the OIA replaced the Official Secrets Act of 1951.

New Zealand is a democratic country and the Official Information Act 1982 (OIA) is a key piece of legislation, promoting 4 principles:

- **Participation**
- **Accountability**
- **Transparency**
- **Good Governance**

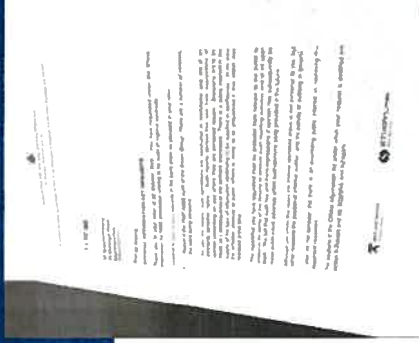




Official and Parliamentary Information

OIAs
PQs

Information policies
and audit



Ministerial and Executive Correspondence

Ministerials
CE Letters

Speeches and Visits
i-Requests
Info@msd

Correspondence
standards



Privacy and Official Information Services

Requests for information
held on CYF client files

Private Secretaries
Managing provision of Private
Secretaries for Ministers' offices



Quick stats

- **Official Information Act requests**
 - 500-600 per year
- **CYF POI requests – 7,200 per year**
- **44 staff in MaES working on OIAs**
- **1.7 million pages of CYF info considered for release in 2014**



Who makes requests & why?

Who makes requests?

Why?

**What impact does receiving
the information have on
peoples lives?**



Group exercise 1

Question:

How many items or pages of information did you create yesterday during your working day?



Group exercise 2

At your tables, discuss:

How much information did you disseminate to the public in the previous week?

What sort of information was it?

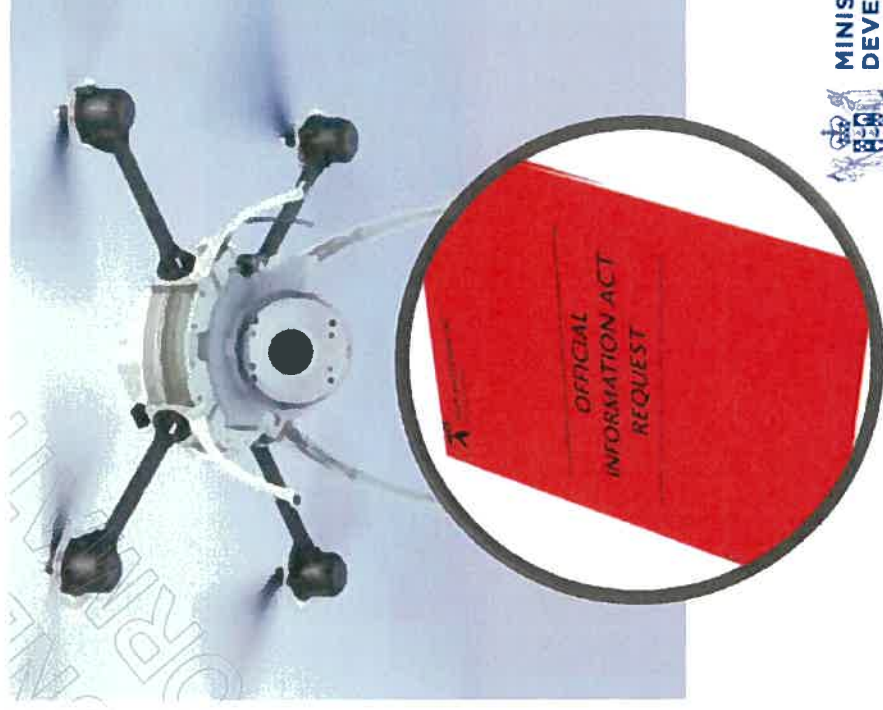


Group exercise 3

At your tables, discuss:

What will our client expectations be of information availability be in 2035?

How will government adapt?



Helping New Zealanders...

We are culture warriors championing transparency and accountability to deliver an organisational culture shift

We empower people by giving them the information they need to be safe, strong and independent



Hot topics in the OIA world

Chief Ombudsman launches major review of OIA practices

Proactive release of information

Increased expectation of information being made available online

Social housing



We want you...

Help us to promote

Transparency

Accountability

Participation

Good governance



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Get in touch....we don't bite 😊

Level 8 Bowen State & Ground Floor West Block

NAT_POI_Requests@cyf.govt.nz

MaES_enquiries@msd.govt.nz

OIA_requests@msd.govt.nz

<http://doog.le.ssi.govt.nz/business-groups/helping-staff/corporate-governance/who-we-are/ministerial-executive-services/index.html>



MINISTRY OF SOCIAL
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TE MANATU WHAKAHIAO ORA

Access requests for personal information

Guidance material for Ministry staff

May 2018



MINISTRY OF SOCIAL
DEVELOPMENT
TE MATIATU WHAKAHĀTO ORA

i safe

The purpose of this document

The Ministry is strongly committed to protecting personal information properly. Our clients and our staff trust us to keep their information safe.

This document contains some information about:

- personal information and what it is
- people's rights to access personal information
- the process for handling access requests.

Call the **Information Privacy and Sharing team** and we will help you through.

The basics

What is “personal information” about someone?

Personal information is information that identifies a person. In other words, it's anything which tells us something about a specific individual. In this document, it is information about the requester themselves.

At the Ministry, we hold many different kinds of personal information such as people's names, addresses and other contact details, birthdates, etc. In relation to clients, we may also hold medical, financial and employment information, and information about their families and living situation.

This information is held on documents, emails, notes and reports, and is stored in many places such as CMS, EDRMS (Objective), physical files, and core systems like SWIFTT, TRIM, and HIYA.

A person doesn't need to be named for the information to be “personal information”. If it tells us something about them, and our systems can link it back to them, then it is personal information.

People have a right to ask for their own personal information

Under the Privacy Act 1993, people are entitled to ask us:

- whether the Ministry has personal information about them
- for access to any personal information that we hold about them.

We call these ‘access requests’.

Generally, we give it to them

There’s a limited range of reasons for refusing an access request. For example, some of the information may not be provided if the information would endanger the life or health of the requester or another person.

It doesn’t matter why they want it

People don’t have to give us a reason for asking for access to their information. If it’s about them, they’re entitled to get it, unless the law allows us to say no.

They don’t have to spell out what they want

People often ask for “all the information you have about me”.

The Privacy Act doesn’t require you to be more specific and people often can’t be more specific because they don’t know what we hold – that’s why they’re asking.

Talk to the requester

It’s fine to have a conversation with the person about what they need – that might be helpful for them. They may ask for information we hold about them, but in fact only want to know how we’ve calculated their benefit, or what records we have about their medical history.

By talking to them, you might be able to narrow down the search parameters, much of which will make it quicker and easier or you to respond to them. However, if they want everything, we must consider their request.

They don’t have to mention the Privacy Act

Requesters don’t always mention the Privacy Act when they ask for their information. Sometimes they get it wrong and talk about the Official Information Act instead.

It doesn’t matter. It’s up to us to know that if they ask for information about themselves, then the Privacy Act applies.

The Process

1 Assess and acknowledge the request

Privacy Act requests have to be answered within 20 working days. So it's important to make sure that:

- we've got a record of the request and when it was received
- it ends up on the desk of the person that can answer it quickly
- we confirm to the person that we've received their request.

You can use the [acknowledgement template](#).

2 Are we able to give people the information?

Before we release information to people, we need to make sure that they are who they say they are and they're requesting information about themselves.

While you're doing this, it's a good idea to ask the requester things like:

- checking what form they want the information in (e.g. electronic or paper)
- making sure we've got the right details for where to send the information and how to send it
- clarifying, as far as possible, exactly what information they want.

If someone's asking for information on someone else's behalf, make sure you verify that they're authorised to represent the person.

3 Find out if we have the information

If we don't hold the information and don't know who does

We can refuse the request on the grounds that we don't hold the information, or that it doesn't exist or can't be found.

You can use this [template letter](#) to decline the request.

4 Find the information

Sometimes it's easy to track down the information that someone's asked for. But sometimes, it means going into different systems.

We only need to provide what the client asks for, so once you clarify the request, you can contain your search to the required information. This will mean you can respond more quickly.

For most client requests, you'll need to look in core client systems (e.g. CMS), physical files, and (if the client is case managed) the emails and text messages of that case manager.

5 Prepare the release

Give yourself space

If you have a pile of physical documents, try to go to a clear desk, away from your phone or email, or other distractions.

If you have electronic documents, it's important that you concentrate fully on the content of the documents while you're preparing them.

Check if anything needs to be withheld

You can only withhold information if one of the reasons in the Privacy Act applies. So it's important to be aware of these reasons and look out for them in the documents.

The most common things you'll find that could be withheld include information:

- about another person other than the requester
- that is legal advice that we've asked for or received from a lawyer
- that could endanger someone if it was revealed to requester
- that could affect a current fraud investigation if it was revealed now

The Information Privacy and Sharing team are experts who can help if you're not sure whether the information should be withheld, so make sure to contact them if you have any questions.

How do you withhold information?

We mustn't withhold a whole document if we can protect the information by deleting part of it instead. This is known as 'redacting'.

When you're redacting information, make sure you do it properly so the information genuinely can't be seen.

The best way to redact information is to use special software. Adobe Pro is a product that's available for MSD staff at additional cost. Adobe Pro will enable you to remove information on electronic documents and each office should have a licence, if your budget allows.

A less technical option is to use a Sharpie or Vivid pen to draw over the information you want to redact. For large blocks of text, you could also cut and paste paper or tape over the relevant information. It's a little messy and you need to be careful to:

1. Print your document one sided
2. Be careful not to accidentally cover content that needs to be provided to the requester
3. If you're withholding information for a number of reasons, indicate on the documents which Privacy Act section the redaction is made under
4. Scan or photocopy the redacted documents and provide the copy to the requester (this is to ensure that the original text can't be seen underneath).

State the reasons for withholding information

You must explain to the requester why you've withheld the information, and cite the relevant Privacy Act section/s in your covering letter.

Check before releasing

Make sure the information is complete, that all redactions are properly made, and that you haven't inadvertently included anyone else's information or scooped up another piece of paper from the printer.

Make sure you're sending the right information to the right person at the right address.

Getting someone else to double-check it can be useful.

Make a copy of what you're releasing

Keep a copy of what you're releasing and what you withheld. It's also a good idea to ensure the pages are numbered for convenience.

The quickest way to copy the release is usually to:

- scan a complete copy of the unredacted information that was covered by the request, and
- scan a complete, redacted copy of what you release and keep a copy on the client file.

You probably won't be able to remember what you withheld and what you released later. The requester may come back in a few months asking for the information again, or an update to the information. Keeping a copy of the release means you don't have to prepare it all again from the start.

If the Privacy Commissioner ends up investigating our response to the request (e.g. in response to a complaint), you'll need to show what you sent to the requester and provide complete copies of anything that you withheld.

Release the documents

Your covering letter needs to tell the requester that they have a right to complain to the Privacy Commissioner about the response.

If you've withheld any of the information, you can use this [template cover letter](#). If you're providing the information in full with nothing withheld, you can use this [specific template cover letter](#). In either situation, you will probably need to make changes to the template to fit the circumstances, and to personalise it for the requester.

When you send the response:

- for paper documents, use a signature-required courier, or
- for electronic documents, email them in a zip file with a password, and send the password separately by text or phone call. Note: If your computer doesn't have the capability to zip a file, contact the IT team to request installation of 7-Zip for free.

RELEASED UNDER THE
OFFICIAL INFORMATION ACT

RELEASSED UNDER THE
OFFICIAL INFORMATION ACT

Home » Helping You » Information Hub » Managing Ministry Information » Releasing information under the Official Information Act or Privacy Act

Releasing information under the Official Information Act or Privacy Act

Everyone has the right to access information – information about themselves, and official information. Here are some FAQs covering the basics of responding to requests for information under the Official Information Act 1982 and the Privacy Act 1993.

On this Page:

Who can help me with requests?

As soon as you receive an Official Information Act 1982 (OIA) or Privacy Act 1993 request, talk to your manager about how to handle it.

Depending on whether the request is made under the OIA (an OIA request) or the Privacy Act, different teams will be able to assist you.

All **Official Information Act (OIA)** requests are handled at National Office by the [Ministerial and Executive Services \[http://doogle/business-groups/people-culture-strategy/maes/index.html\]](http://doogle/business-groups/people-culture-strategy/maes/index.html) (MaES) team, and because we only have a limited time to respond to them, they must be sent straight to:

OIA_requests@msd.govt.nz [mailto:OIA_requests@msd.govt.nz]

Privacy Act requests are usually handled by frontline staff directly, but the Information Privacy and Sharing team is available to provide advice when help is needed:

privacyofficer@msd.govt.nz [mailto:privacyofficer@msd.govt.nz]

If you're unsure about whether a request for information has been made under the Official Information Act or the Privacy Act, contact the [Privacy team \[http://doogle/helping-you/information-hub/privacy-and-security-of-information/privacy-of-information/about-the-privacy-team.html\]](http://doogle/helping-you/information-hub/privacy-and-security-of-information/privacy-of-information/about-the-privacy-team.html) for guidance in the first instance.

What's the difference between an Official Information Act (OIA) request and a Privacy Act request?

An **OIA** request is when someone asks for information about:

Government policy, Ministry operations, or a topic or issue of particular interest.

Other people (not the person requesting the information).

A provider or contractor who has received government funding to provide a service or advice to the Ministry or Minister.

Requests made under the OIA can be made to the Chief Executive or Minister of the Crown for a response, and the legislative timeframes for responding to OIAs mean they should be referred promptly to Ministerial and Executive Services (MaES).

A **Privacy Act** request is when someone asks:

whether the Ministry has personal information about them
for access to any personal information that we hold about them.

Sometimes, Privacy Act requests are made on someone's behalf by an authorised party (such as a lawyer, advocate, or family member).

People don't have to give us a reason for asking for access to their information. If it's about them they're entitled to get it, unless the law allows us to say no.

Requests under the Privacy Act can be made to any part of the business for response. The request does not have to be in writing, but it should be clear what the requester wants.

What is 'personal information'?

Personal information is any information about an individual that could be used to identify who they are, even if details like their name are not included.

It doesn't have to be sensitive or private – anything that can identify them is personal information. This includes opinions and facts, and it doesn't have to be correct.

A person doesn't need to be named for the information to be "personal information". If it tells us something about them, and our systems can link it back to them (that is, that it's possible to identify them) then it is personal information.

It only covers information about living human beings – information about deceased people or companies is not personal information.

Find out more about [personal information](http://doogle/helping-you/information-hub/managing-ministry-information/collecting-correcting-information.html) (<http://doogle/helping-you/information-hub/managing-ministry-information/collecting-correcting-information.html>)

What must I do when I get a request?

Requesters don't always mention the Privacy Act or OIA when they ask for information and sometimes they get it wrong. It doesn't matter, it's up to us to know which law applies and how to deal with the request. Requests can easily be for information about the requester AND official information. If that's the case, you need to think about both Acts, and contact the MaES team or the Privacy team for assistance.

If it's an **OIA** request, send it straight to:

OIA_requests@msd.govt.nz [mailto:OIA_requests@msd.govt.nz]

If it's a **Privacy Act** request:

Acknowledge the request, so the requester knows you've got it

If necessary, check whether the requester is who they say they are by verifying their identity. If someone's asking for information on someone else's behalf, and they're not a lawyer, make sure that we have authority on file

Tell the appropriate people (such as your manager) that the request has been received

Note it in the calendar so it doesn't get forgotten – preferably a central calendar that other people can see if you're away

Look at the scope of the request to understand exactly what is being asked for. Consider whether:

All of the information is about the person who is requesting the information.

Something specific has been requested.

Talk to the requester if you're unsure what information they want – this will help to narrow the scope of the request, and make it clearer what information you have to find

Pull together all of the information covered in the request – do this on a clear desk so that other information doesn't get mixed in

Consider whether there is a good reason under the Privacy Act to withhold some or all of the information. If there is, make the appropriate redactions (you can ask the Privacy Team for assistance)

We can't withhold the whole document if we can redact (ie black out) the information instead. If you need to redact, make sure you do it properly so the information can't be seen

Check each page thoroughly for any information that you shouldn't be sending – make sure there isn't information about another client that has been included by mistake

Before you send it to the requester, make a copy of the information that you're about to release – this is so that we can prove what was released if the Privacy Commissioner needs to know later

Check that the address you are sending the information to is correct and that the information is being sent safely (ie if you are using a courier, the client has to show identification and sign for the delivery).

Send the information to the requester, including a cover letter that sets out the withholding grounds, and tells them that they can complain to the Privacy Commissioner.

How long do I have to respond to a request?

Under the OIA and the Privacy Act, we are required to make a decision about whether to provide the information requested as soon as reasonably practicable.

The decision must be made within a maximum of 20 working days, unless there is a good reason to extend (eg if there's an unusually large amount of information involved) – so it's important to get onto the request quickly.

Send **OIA** requests straight to:

OIA_requests@msd.govt.nz [mailto:OIA_requests@msd.govt.nz]

For a **Privacy Act** request, start collating the information straight away – and remember the [Privacy team](http://doogle/helping-you/information-hub/privacy-and-security-of-information/privacy-of-information/about-the-privacy-team.html) [\[http://doogle/helping-you/information-hub/privacy-and-security-of-information/privacy-of-information/about-the-privacy-team.html\]](http://doogle/helping-you/information-hub/privacy-and-security-of-information/privacy-of-information/about-the-privacy-team.html) is always available to provide advice too.

If you think you might need more time, don't leave it until day 20 to request this. Contact the requester as soon as it becomes apparent you need more time, and let them know when they can expect to hear from you.

What if an OIA request isn't responded to within 20 working days?

How government agencies respond to requests for information under the OIA is monitored by the Office of the Ombudsman. A failure to comply with a time limit may be the subject of a complaint to the Ombudsman. Information on timeliness and the number of complaints received about government agencies is also published.

What if a Privacy Act request isn't responded to within 20 working days?

How agencies respond to Privacy Act requests is monitored by the Privacy Commissioner. People can complain to the Commissioner if we ignore or refuse their request, or if we delay too much in providing the information.

If we fail to provide people with information that they're entitled to get under the Privacy Act and if the matter ends up in front of the Human Rights Review Tribunal, we might also have to pay them compensation.

What if the Ministry doesn't hold the information that has been requested?

We can't provide information that we don't hold, so that's a good reason to refuse a request – we just have to let the requester know that we don't have it.

If we think the information is held by another agency, the request should be transferred to that agency and the requester advised that this is what we have done. Transfers have to occur within 10 working days of receiving the request.

What if the information we have has come from another agency?

It's really the other agency's decision whether to release the information rather than ours, because it's more closely connected with what they do than with what we do. Examples of this might include information that's been sent to us for consultation.

If we think the information requested has come to us from another agency, the request should be transferred to that agency and the requester advised that this is what we have done. Transfers have to occur within 10 working days of receiving the request.

What can I do to make it easier for others and ensure we get it right?

It isn't always easy to find the information that someone has requested, but with careful handling of our information we're better able to respond quickly, accurately and completely.

You can help yourself and others do this by:

Saving and storing the right information in the right place

Using our repositories and tools (e.g. EDRMS, TRIM, CYRAS) in the right way

Being consistent in your practices when you're working with information

Release of staff names in Official Information Act requests

This guidance should be used by managers and staff, when a request for information under the Official Information Act (OIA) asks specifically for the release of staff names.

[Read the guidance for the release of staff names in OIA requests \[http://doogle/helping-you/information-hub/managing-ministry-information/guidance-for-oia-requests-for-the-release-of-staff-names.html\]](http://doogle/helping-you/information-hub/managing-ministry-information/guidance-for-oia-requests-for-the-release-of-staff-names.html)

For further assistance feel free to:

Contact the [Official and Parliamentary Information \(OPI\) team \[http://doogle/business-groups/people-culture-strategy/maes/official-and-parliamentary-information-team.html\]](http://doogle/business-groups/people-culture-strategy/maes/official-and-parliamentary-information-team.html) for more detailed information about managing OIA requests, Parliamentary Questions (PQs) and Archives requests.

Check out the Info Hub on Doogle for more about how to manage Ministry information using Ministry information systems, or email the Information Management team at [infohelp@msd.govt.nz \[mailto:infohelp@msd.govt.nz\]](mailto:infohelp@msd.govt.nz).

Check out the Privacy pages in the [Info Hub \[http://doogle/helping-you/information-hub/index.html\]](http://doogle/helping-you/information-hub/index.html) for more detailed privacy guidance, or contact the [Privacy team \[http://doogle/helping-you/information-hub/privacy-and-security-of-information/privacy-of-information/about-the-privacy-team.html\]](http://doogle/helping-you/information-hub/privacy-and-security-of-information/privacy-of-information/about-the-privacy-team.html) for advice and support.

Content owner: [Ministerial and Executive Services](#) **Last updated:** 13 August 2018