

Official Information: Your right to know

How to find out
what you want to know
from Central and
Local Government.

MINISTRY OF
JUSTICE

OFFICIAL INFORMATION

What is Official Information?

Official Information is any information held by the Government, including:

- Ministers of the Crown in their official capacity;
- Government departments and organisations;
- Local authorities, territorial and regional councils and community boards;
- State-owned enterprises;
- Educational institutions, including Boards of Trustees;
- Public hospitals.

A full list of the organisations that you can request information from can be found in the Directory of Official Information, which is published by the Ministry of Justice every two years. The Directory is available in public libraries, and on the Ministry of Justice website www.justice.govt.nz

What is the law on access to official information?

There are two Acts that govern access to official information:

- the Official Information Act 1982; and
- the Local Government Official Information and Meetings Act 1987.

The guiding principle is that information must be made available unless good reason exists under the Acts for withholding it.

The purpose of the law is to:

- increase the availability of official information to promote more effective public participation in the making and administration of laws and policies;
 - to promote the accountability of Ministers of the Crown and government officials; and
 - protect sensitive information where necessary in the public interest or to preserve personal privacy.
-

What information can you ask for?

You can ask for:

- access to any specified official information;
- reasons for decisions made about you;
- internal policies, principles, rules or guidelines; and
- meeting agendas and minutes of public bodies, including those not open to the public.

You can also ask for personal information about yourself.

However, this type of information is covered by the Privacy Act 1993, not the Official Information Act. If you are requesting personal information about someone other than yourself this is covered by the Official Information Act.

- If a person or an organisation holds personal information about you then you have rights under the Privacy Act. The Act applies to personal information held by almost every person or organisation in New Zealand, though there are some specific exceptions, including Members of Parliament, the Ombudsmen, the Courts and the news media.
- The Privacy Act controls how people and organisations collect, use, disclose, store and give access to personal information. For example, under the Act you can apply to the relevant person or organisation if you want a copy of, or access to, personal information held about yourself. You may also ask for it to be corrected.
- Any person may make a complaint to the Privacy Commissioner if they think that there has been a breach of their privacy by a person or organisation holding their personal information.
- For further information on your specific rights or on how to make a complaint you can contact the Privacy Hotline on (0800) 803 909 or look at the Office of the Privacy Commissioner's website at www.privacy.org.nz

How do you request information?

Making a request is simple:

- Contact the Minister, department, organisation or local authority (Mayor, councillor or council staff) concerned and ask for the information;
- Be as specific as you can in identifying what information you are looking for;
- Requests are best made in writing, but you can ask for the information in person or by telephone too; and
- Keep a note of when, how and who you made your request to (and keep a copy of any requests made in writing).

To help you identify what specific information you require the Directory of Official Information provides the following details about each organisation:

- its structure, functions and responsibilities;
- the kinds of documents it holds;
- the manuals or other documents which contain policies, principles, rules or guidelines; and
- the contact details of the people within the organisation to send the request to.

Can anyone request official information?

Anyone who is in New Zealand can request official information. New Zealand citizens overseas, and corporate bodies with a place of business in New Zealand can also apply.

Do you have to pay?

There may be a charge, but it must be a reasonable one.

- You should be told of the charge, or given an estimate, before the information is provided;
- Any charge will be related to the cost of the labour and materials involved in making the information available; and
- If you think the charge is unfair you can complain to the Ombudsman (see below).

How long will it take?

- Your request must be answered within 20 working days. The time limit for answering requests can be extended in some cases but if this happens you must be told of the extension and the reasons for it.
- If you need the information urgently you can ask for the request to be treated as urgent but you must explain why.

How will information be provided?

If you want the information to be provided in a particular way you should state this in your request:

- you can ask for a copy of the information or to look at it;
- you may listen to a tape recording or see a film or videotape and you can ask for a transcript;
- where information is stored in a computer you may ask for a printout of that information.

Can information be withheld?

Yes. Requests can be refused, but:

- only if good reason exists under the Act for not releasing the information (see below);
- you must be told of the reason for the refusal; and
- you must be informed of your right to ask the Ombudsman to investigate the refusal.

A request for information can be refused under the Official Information Act 1982. These reasons include:

- the national security or defence of New Zealand;
- the maintenance of the law;
- trade secrets and commercial confidentiality;
- personal privacy;
- legal professional privilege;
- the health and safety of the public;
- the effective conduct of the decision making and policy advice processes of government; and

-
- the administrative capacity of the organisation concerned to process a request.

Sometimes you may be given some but not all information requested, e.g. a document with sensitive parts deleted.

Can you complain about a decision?

Yes. You can complain to the Ombudsmen (see below) if:

- you are refused access to any information;
- the person handling your request does not reply to you within the time limit;
- you are not happy with the length of an extended time limit;
- you believe that you have been charged an unreasonable amount for the information;
- you are not happy with the way the information has been made available or with any conditions placed on the use of the information.

What is the Office of the Ombudsmen?

The Ombudsmen are independent Officers of Parliament who can investigate complaints concerning New Zealand central, regional and local government organisations and agencies.

If an Ombudsman thinks your request for information should not have been refused, or that your complaint is justified in any way, he or she may make a recommendation to the Minister, department, organisation or local authority concerned.

Recommendations are usually accepted. Many complaints are resolved in the course of an Ombudsman's investigation.

How do you make a complaint to the Ombudsman?

There is no charge for making a complaint to the Ombudsmen. Simply address a letter to the Ombudsmen saying:

- what information you asked for;
- who you requested it from, and when; and
- what the reply was to your request.

Attach copies of any relevant correspondence.

If you would like further information, or you have trouble writing a complaint you can call the office of the Ombudsmen on freephone (0800) 802 - 602 or visit their website at www.ombudsmen.govt.nz

Contacts

Complaints about refusals to release official information should be directed to one of the Offices of the Ombudsmen:

PO Box 10 - 152,
The Terrace,
Wellington
Freephone (0800) 802 - 602
www.ombudsmen.govt.nz

Level 5,
17 Albert Street,
Auckland

Level 6,
764 Colombo Street,
Corner Colombo and Armagh Street,
PO Box 13-482,
Christchurch

Complaints about refusals to release or correct personal information should be directed to one of the Offices of the Privacy Commissioner:

Box 466,
Auckland
Freephone (0800) 803 909
www.privacy.org.nz

Box 10 - 094,
The Terrace,
Wellington

Any other information can be obtained from the Ministry of Justice at:

PO Box 180,
Wellington,
www.justice.govt.nz