

9 July 2020

Amy Lovatt

By email to: [fyi-request-12984-0b586a5e@requests.fyi.org.nz](mailto:fyi-request-12984-0b586a5e@requests.fyi.org.nz)

Dear Amy

**Re Official Information Request – Publication of DHB policies, protocols and best practice documents**

I refer to your official information request dated 30 May 2020 requesting and our response to you dated 29 June 2020 where you are requesting additional clarification to our response:

Thank you for your responding to my OIA request; however, I note that the ADHB response dated 10 June 2020 did not provide any lawful justification for the refusal as required under the OIA. Given that the ADHB response was prior to the 20 working days allowed, I would be pleased to provide WrdHB with an opportunity to comply with my request by the legislative time-frame or to provide a lawful reason for the refusal, pursuant to section 23 of the OIA, prior to my lodging a formal complaint with the Office of the Ombudsman.

**Clarification:**

ADHB has stated in the response dated 10 June 2020 that making electronic documents (policies, protocols, best practice documents, etc), which are accessible on ADHB intranet and thus would only require changing the setting from private to public, would take considerable time and resources. The personal opinion of a ADHB employees is not a lawful justification, under the OIA, for refusing an OIA request. Further, I fail to understand this response. The changing from private to public only requires a click of a button. This process could be automated and accomplished in a short amount of time through a short script, written by someone in your IS department. Indeed it would be more labor intensive if a person were to manually change the settings, one document at a time; however, this is still quite achievable in a short time frame (6 days by ADHB estimate).

Thank you for the providing Auckland DHB with the opportunity to clarify its response to you, however, we do not wish to make any changes. Questions 1 and 3 of your request are requests for Auckland DHB to alter its practice in relation to publishing its policies, protocols and best practice documents on its website on an on-going basis. This is not a request for Official Information and is not how the Official Information Act was designed to be used. The legal justification for declining your request is that questions 1 and 3 of your request do not meet the definition of official information as it is not a request for information but instead a request for the DHB to alter its practices.

Ultimately, it is a decision for the DHB as to how to achieve its transparency goals. In this case, a decision has been made not to make all policies, protocols and best practice documents publically available on the website for the reasons outlined in our original response to you.

You are entitled to seek a review of the response by the Ombudsman under section 28(3) of the Official Information Act. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that this response, or an edited version of this response, may be published on the Auckland DHB website.

Yours faithfully



Ailsa Claire, OBE  
Chief Executive