

9 March 2021

Amy Van Wey Lovatt
Email - fyi-request-14865-6396d66d@requests.fyi.org.nz

Dear Amy,

Response - Official Information Request

I refer to your request for information received on 07/03/2021. Your request has been considered under the Local Government Official Information and Meetings Act 1987 (LGOIMA) and I provide the following information.

In 2017, it came to light that the former CE of Horowhenua District Council had engaged in the interception of communications without the consent of the intended recipient or the consent of the sender. The CE referred to this interception as a "communication plan". The Ombudsman had ruled that it was wrong, amongst other things, and recommended the Horowhenua District Council to modify their email and communication policies with the assistance of the Privacy Commissioner.

Ombudsman Opinion, "Investigation into Council's email quarantining practice" (12 November 2018), Ombudsman Case numbers - 459861, 459877, 462166, 465831 and 470152.

I request all documents Horowhenua DC received from Ombudsman and Privacy Commissioner regarding recommended changes to communication and email policies at Horowhenua DC. I request copies of the communication and email policies before and after the implementation of the recommended changes. I ask that these documents be in electronic form and in searchable form (e.g., pdf rather than scanned documents).

As stated in the Ombudsman's investigation report, Horowhenua District Council (HDC) did not have a formal policy in place regarding the quarantining of emails. As there was no policy, before and after copies cannot be provided. The Ombudsman's report correctly identifies HDC's processes and practices prior to implementing its policy.

The Ombudsman's investigation report also stated:

"I consider the Council's new Electronic Communications (E-mail Quarantine) Policy that was introduced on 12 October 2017, addresses the administrative concerns identified above. In particular, the new policy:

- a. defines (insofar as possible), behaviour that will trigger the quarantine process (and defines the process itself);*
- b. introduces appropriate, standardised notification to individuals who are/may become subject to the policy;*

- c. *is readily accessible on the Council's website;*
- d. *requires the designated Privacy Officer to check quarantined emails for legitimate business content, and pass that on;*
- e. *introduces a six-monthly review of the status of quarantined individuals;*
- f. *has an appropriate reporting structure (to the Chief Executive and Finance, Audit and Risk Subcommittee); and*
- g. *introduces a complaints process for affected individuals.*

The policy also excludes emails sent to elected officials. However, elected officials may manage inappropriate email communications at their own discretion (with assistance from Council) and taking into account the guidelines in the new quarantine policy."

HDC's Electronic Communications (Email Quarantine) Policy is available on our website should you wish to access it: <https://www.horowhenua.govt.nz/Council/Local-Bylaws-Policies/Electronic-Communications-E-mail-Quarantine-Policy>

In summary, HDC did not have an email quarantining policy until October 2017; there were complaints and an investigation into previous practices, and a new policy was written and endorsed by the Ombudsman as per the above. If you are requesting official information sent to HDC by either the Office of the Ombudsman or the Privacy Commissioner regarding this investigation, HDC's preference would be for you to send your request directly to those agencies as the originators of that information.

We provide a copy of the *Investigation into Council's email quarantining practice*, dated 12 November 2018 – Ombudsman.

Other relevant links of interest are available on our website -

Email quarantine practices unreasonable but interference claims quashed - <https://www.horowhenua.govt.nz/News-Notices/News/Email-quarantine-practices-unreasonable-but-interference-claims-quashed>

Email Quarantining Policy-Adopted - <https://www.horowhenua.govt.nz/News-Notices/News/Email-Quarantining-Policy-Adopted>

Electronic Communications (E-mail Quarantine) Policy - <https://www.horowhenua.govt.nz/Council/Local-Bylaws-Policies/Electronic-Communications-E-mail-Quarantine-Policy>

If you have any queries regarding this information, please contact Steven Magi, Information Services Manager, on 06 366 0999 or email stevenm@horowhenua.govt.nz

Horowhenua District Council publishes responses to Local Government Official Information and Meetings Act 1987 (LGOIMA) requests that we consider to be of wider public interest, or which relate to a subject that has been widely requested. To protect your privacy, we will not generally publish personal information about you, or information that identifies you. We will publish the LGOIMA response along with a summary of the request on our website. Requests and responses may be paraphrased.

Yours sincerely,



Lisa Slade
Executive Sponsor - LGOIMA