

## Charging for responses to OIA requests

The Official Information Act (the OIA) allows us the option of charging requesters for retrieving and preparing the information that we send to them. The Ombudsman has taken the view that the standard charging regime set out in the Ministry of Justice guidelines is reasonable. However, the Ombudsman has warned that an agency must consider all the relevant factors when assessing whether a charge is “reasonable” in all the circumstances of the request, including factors such as the ability of the requester to pay the charge or the public interest in the release of the information.

The Senior Management Group has agreed to the following charging policy for responses to OIA requests.

Charges will be levied for responses to OIA requests:

- Only where a decision has been made to release information in response to a request.
- To requests that involve more than one hour of chargeable work.  
Initial management of a large request (prior to charging) should be by asking the requester to refine the request to a smaller scale.
- To requesters who make a large volume of requests in a short period of time – i.e. a rolling 2-month average of more than 2 requests per month.

No charges will be levied for responses to OIA requests from:

- MPs and political party researchers.
- Requesters who make small occasional or intermittent requests.
- Where no information exists to release. (No basis for charging if information is not provided).
- Where a decision is made to not release information. (No basis for charging if information not provided).

If imposing a charge, the Bank will use the guidelines and charges established by the Ministry of Justice – i.e. first hour is free then charges are \$38 per half hour. For any copying necessary in providing the information (usually at the stage when redactions are being made) there are 20 sheets free then 20c per sheet for copying. The Bank will use double sided copying and scanning, where possible, to reduce the charges imposed on OIA requesters.

If charges are likely, the Bank will formally advise the requester of:

- Our decision to release information.
- The estimated total amount of proposed charges.
- The basis for proposed charges.
- The requester’s right to seek an Ombudsman’s review of the proposed charges

The need to pay charges may be modified or waived at the Reserve Bank’s discretion, if:

- Charges might cause financial hardship for the requester.
- Releasing the information is likely to contribute significantly to public understanding of the Reserve Bank and its work, and release of the information is not primarily in the commercial interest of the requester.
- If the information already in the public domain in a form which the requester could acquire without substantial cost.

## What is chargeable, and what isn't?

Not all work is chargeable when responding to an OIA request.

### Chargeable work

- Searching an index to establish the location of information that has been requested (e.g. by Knowledge Services Group).
- Physically locating and extracting the information from the place where it is held.
- Reviewing the information to establish that it is in scope (e.g. by Communications and/or subject matter experts in the Bank).
- Physically going through the information to redact material being withheld (black-lining) and making redacted copies for release to the requester (typically done by Comms)
- Supervising access to the information where a requester comes into the Bank to read it.

### Non-chargeable work

- Extra time spent locating and retrieving information when it is not where it ought to be
- Time spent deciding whether or not access should be allowed and in what form – i.e. the decision making and approvals part of the process is not chargeable.
- Administrative tasks and internal processes that the Bank uses for responding to requests – i.e. filing records, filling in timesheets, writing correspondence.

### Management of charging

If requests are made for large amounts of information that require substantial collation and research, the first step is to work with the requester to refine the request to a smaller scale or scope that is less likely to involve charges.

Where request is still chargeable and likely to be expensive, give the requester further opportunity to refine the scope of the request and thereby reduce or eliminate charges.

Charges can only be imposed if a decision is made to release information. Charges can only relate to the information actually released. Do not impose charges when no information is provided.

Do an estimate of the likely charges. [Example here](#)

Track time spent on the request, including time spent by KSG on research and retrieval. Send a letter to the requester informing them of likely charges. [Time tracker here](#)

Require the requester to pay a deposit of half the estimated total charge.

A deposit may only be requested after a decision has been made to make the information available.

The OIA requires us to inform a requester of our decision within 20 days but we are not required to provide the information at the same time we declare our decision. Where charges are involved, it is likely that there will be a difference in timing of informing the requester about our decision to provide

information and actually providing the information that is subject of the decision. The Ombudsman has stated that work on the request may be suspended pending receipt of a deposit.

Any unused portion of any deposit should be refunded to the requester together with a statement detailing how the balance was expended.

