

11 March 2016

Alex Harris
c/o fyi.org.nz

Dear Alex

Review of the Ministry of Justice Official Information Act 1982 charging guidelines

I refer to your request of 17 February 2016 requesting, under the Official Information Act 1982 (OIA), “all advice and communications on [the review of the OIA charging regime]”.

A review of the charging guidelines, as you note in your request, is in its very early stages. No advice has been developed. The Ministry of Justice has, however, held a cross-government Official Information Forum (the Forum) workshop (on 3 December 2015) which will contribute to the review.

The Forum is a 2014 Cabinet mandated initiative designed to encourage consistent administration of the OIA, improve access to information of public interest, and reduce the burden of responding to official information requests. As well as being an opportunity for experienced OIA practitioners to share best practice and develop practical solutions for shared issues, the Forum has also produced a number of guidelines to assist public servants. These can be viewed at:

- www.justice.govt.nz/publications/global-publications/p/processing-a-basic-oia-request
- <http://www.justice.govt.nz/publications/global-publications/r/responding-to-large-and-broadly-defined-requests/>
- www.justice.govt.nz/publications/global-publications/c/contacting-people-who-have-requested-information-under-oia

The workshop was an opportunity to critique the current charging guidelines, and explore how they might be revised to ensure charging is carried out appropriately. The workshop discussed, for example, properly situating the practice of charging in the context of a range of tools designed to assist with responding to large requests, and what a reasonable threshold for charging might be.

Attached are emails and other materials relating to the workshop. The table below summarises these documents. Officials' names have been redacted under section 9(2)(a) of the OIA – to protect the privacy of natural persons. Some information is also redacted because it is outside the scope of your request.

Document #	Date	Description
1	6 October 2015	Email informing cross-government Official Information Forum of 3 December 2015 workshop on reviewing the charging guidelines
2	4 November 2015	Email informing cross-government Official information Forum of general approach to 3 December 2015 workshop
3	1 & 2 December 2015	Emails to cross-government Official Information Forum providing more information about 3 December meeting and workshop
4	2 December 2015	Reviewing the charging guidelines: workshop summary
5	2 December 2015	Reviewing the charging guidelines: workshop facilitator notes
6	2 December 2015	Background material: Law Commission's recommended objectives of a revised charging framework
7	3 December 2015	Reviewing the charging guidelines: Group worksheet 1
8	3 December 2015	Reviewing the charging guidelines: Group worksheet 2

While releasing materials related to the workshop, the content recorded during the workshop itself is withheld under section 9(2)(g)(i) of the OIA – to maintain the effective conduct of public affairs through the free and frank expression of opinions between employees of any department in the course of their duty. Releasing the contributions of various government officials before the review is concluded may prejudice the review's final outcome.

You have the right under section 28(3) of the OIA to complain to the Ombudsman about the decisions made in relation to your request.

Yours sincerely



Chris Hubscher
Manager, Electoral and Constitutional