



6 September 2012

Mr Phil Lyth
Fyi-request-522-90394a93@requests.fyi.org.nz

Dear Mr Lyth

I refer to your request dated 27 August 2012 in which you asked for "all policies of New Zealand Police relating to responding to official information requests made by means other than by post".

I attach excerpts from Police instructions and from a document entitled "Guidelines for processing information requests" which I hope will address your request.

Yours sincerely

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Executive Support Group

Safer Communities Together

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> Disclosing personal and official information

Disclosing personal and official information

Publication Number:

Disclosure under the Official Information Act 1982

Introduction

This section explains:

- when the Official Information Act applies
- the provisions you must consider before responding to a request.

Official information defined

In summary, "official information" is any information held by a Department, a Minister of the Crown in their official capacity, or an organisation. It includes any information held outside New Zealand by any branch or post of a Department or organisation ([s2\(1\)](#) Official Information Act 1982).

When the Official Information Act applies

All requests made to a public sector agency for information that is **not** about the requester must be considered under the Official Information Act 1982.

The Act only applies in response to a request.

Principle of availability

Official information requested under the Official Information Act must be provided unless there is good reason for withholding it ([s5](#)).

The grounds for withholding information under the Act are set out in sections [6](#) to [9](#) and section [18](#).

Privacy interest

One of the purposes of the Official Information Act 1982 is to "protect official information to the extent consistent with the public interest and the preservation of personal privacy". Accordingly, one of the permitted reasons for withholding information is to protect privacy interests.

You may withhold information to protect the privacy of natural persons, unless, in the circumstances of the particular case, the withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available ([s 9\(2\)\(a\)](#)).

For further information about balancing the privacy and public interest in making information available, see [When to withhold non-personal \(official\) or third party information](#) in this chapter.

Who can make a request

A request can be made by:

- a New Zealand citizen
- a person who is a resident or is in New Zealand
- a body corporate incorporated in New Zealand or having a place of business in New Zealand.

([s 12](#))

The form of the request

Requests can be made in writing or orally. You cannot require that the request be written, but can ask the requester to put their request in writing. (Ask them to complete a [Request for information held by Police](#)).

You have an obligation to provide assistance.

Information requested must be specified with due particularity. If you receive a vague request, go back to the requester and ask for it to be clarified ([s12](#)).

Making official information available

Official information may be made available by:

- allowing the person to inspect the original document
- providing the person with a copy of the document
- allowing the person to listen to an audio recording or watch a video recording
- providing a written transcript
- giving a summary of the contents
- telling the person about its contents.

If the requester asks for the information to be provided in a particular way, it must be provided in that way unless doing so would:

- impair efficient Police administration, or
- be contrary to a legal duty of the Police in respect of the document, or
- prejudice the interests protected by sections [6](#), [7](#) or [9](#) of the Official Information Act and, in the case of section 9, there is no countervailing public interest.

If you are unable to provide the information in the way requested, give the requester the reason and, if requested, the

grounds for that reason, unless doing so would prejudice the interests referred to above.
(s16)

Transferring official information requests

When the information requested is not held by Police but is believed by the person dealing with the request to be:

- held by another organisation, or
- more closely connected with the functions of another organisation...

...you must, not later than 10 working days after the day on which the request is received, transfer the request to the other organisation, and inform the requester of the transfer (s14).

Time limits and extensions (official information)

The request must be processed and a decision made on whether and how to grant it and the requester notified accordingly, as soon as reasonably practicable but not later than 20 working days from the day after the request is received (s15(1)).

When you can have an extension

If the decision whether to disclose official information cannot be made within the time limit (20 working days), that limit can be extended when:

- the request is for a large volume of material or necessitates searching through a large quantity of information, and meeting the time limit would unreasonably interfere with Police operations, or
- consultations on the decision are required and as a result a proper response cannot reasonably be made within the original time limit.

The extension period must be reasonable in the circumstances and be notified before the 20 working day limit expires. (s15A).

How to notify an extension

Notify the requester of:

- the period of the extension (a good rule of thumb is 20 working days, but contact the Privacy Office at PNHQ if this will not be adequate time)
- reasons for it
- their right under section 28(3) to complain to the Office of the Ombudsmen.
- any other relevant information.

(s 15A(4)).

For a standard letter notifying an extension see [Notification of extension](#).

Urgent requests

If the requester wants their official information request dealt with urgently, they must give reasons for the urgency (s12(3)). You should do your best to respond with urgency.

Statutory protection when releasing information in good faith

If information is released in good faith in response to a request under the Official Information Act, you have statutory protection against civil and criminal proceedings (s 48).

Excerpt from Guidelines for processing information requests

Section 13 of the Official Information Act imposes a duty on Police to assist a person with their request.

It is preferable that a request for information is made in writing, so that Police can ensure that the request is properly answered. However, the legislation does not require a request to be made in writing, and consequently Police must accept an oral request for information. Police may ask a person making an oral request to put the request in writing but cannot refuse to accept the request if they do not. In those circumstances, it is important to clarify the information request, and record the request straight away, and if possible read it back to the requester and ask them to confirm that you have recorded it correctly.

Requests that are made over the telephone ought to be treated in the same manner as written requests.