



# Disclosure under the Official Information Act 1982 (OIA)

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Version : 1.0

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## **Disclosure under the Official Information Act 1982 (OIA), continued...**

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### **Executive summary**

Key points to note:

- Requests made to Police for information that is **not** about the requester must be considered under the Official Information Act.
- Requests for official information must be logged and managed through the [Information Request Database](#) - see the Police Intranet homepage > 'Essential Links')
- You must give reasonable assistance to the requester, e.g. to enable them to clarify or redirect the request.
- Decisions on requests for personal information must be made and communicated within 20 working days (unless an extension is notified)
- Transfers of requests must be done within 10 working days and extensions notified before time limit of 20 working days expires.
- Official information must be provided unless there is good reason for withholding it — the grounds for withholding information or refusing requests are listed in sections [6](#), [9](#) and [18](#) of the Official Information Act.
- You must follow the procedures in [Electronic redaction and disclosure](#) for electronically blanking out information to be withheld to ensure the information cannot be restored or the document modified by the recipient.



# Disclosure under the Official Information Act 1982 (OIA), continued...

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## Overview

This section contains these topics:

- [Purpose of this part](#)
- [Official information defined](#)
- [Purpose of the Official Information Act](#)
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## Purpose of this part

This part of the '[Privacy and official information](#)' chapter details Police procedures and requirements under the [Official Information Act 1982](#) (OIA) for responding to requests for information:

- that is **not personal** in nature (e.g. Police policies or procedures from the Police Manual)
- that is **personal about third parties** (e.g. a request from the media or from one family member for information about another).

These requests are governed by the [Official Information Act 1982](#).

See '[Disclosure under the Privacy Act 1993](#)' for the legislation and procedures relating to requests for personal information or about proactively disclosing personal information under the [Privacy Act 1993](#).

## Official information defined

"Official information" means any information (including personal information) held by a Department, a Minister of the Crown in their official capacity, or an organisation (which includes New Zealand Police). It includes any information held outside New Zealand by any branch or post of a Department or organisation.

It excludes certain categories of information, such as evidence in a commission of inquiry, information contained in a victim impact statement, or information relating to an investigation by the Ombudsman or the Privacy Commissioner.

(s2(1))

## Purpose of the Official Information Act

The purpose of the Official Information Act 1982 is to:

- make official information more freely available, and
- protect official information to the extent consistent with the public interest and the preservation of personal privacy.

The Act states as a principle that **official information must be provided unless there is good reason for withholding it.**

(s5)

## When the Official Information Act applies

The Act only applies when responding to a request for [official information](#). Requests made to Police for information that is **not** about the requester must be considered under the Official Information Act.

See '[Introduction to disclosure of information](#)' for more guidance on determining when the Official Information Act applies.

## Related information

See also:

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## **Disclosure under the Official Information Act 1982 (OIA), continued...**

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- these related parts of the 'Privacy and Official Information' chapter:
  - [Information Privacy Principles](#)
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  - [Disclosure under the Privacy Act 1993](#)
  - [Applying the Criminal Records \(Clean Slate\) Act 2004](#)
  - [Community disclosure of offender information](#)
  - [Privacy breach management](#)
- '[Criminal disclosure](#)' for the law and procedures relating to the disclosure of information to the defence before trials
- the [Official information legislation guides](#) on the Office of the Ombudsman's website.



# Disclosure under the Official Information Act 1982 (OIA), Continued...

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## Requests for official information

This section contains these topics:

- [Who can make a request](#)
  - [Information may be released to a non-entitled requester](#)
- [Identifying the requester](#)
- [The form of the request](#)
  - [Requests must be clear as to the information required](#)
  - [Police must assist a requester to make their request correctly](#)

### Who can make a request

A request under the Official Information Act (OIA) can be made by:

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

(s12)

### Information may be released to a non-entitled requester

Where a requester is not entitled under the OIA to make a request, Police may still release information, especially where it is non-personal, non-sensitive official information, it will not impact too heavily on Police resources to do so, and there is a public interest in disclosure (e.g. an Australian researcher asks for NZ Police's policy on the Adult Diversion scheme).

### Identifying the requester

It is not necessary to verify the identity of an OIA requester (unless they are a NZ body corporate requesting personal information about the requester (s25)) and they do not have to provide personal details. However, if you have concerns about the nature of the information sought and whether they meet the section 12 requirements of a person entitled to make a request (i.e. NZ citizen/permanent resident/in NZ), you may ask for a reasonable level of evidence, e.g. a NZ address or phone number, but you cannot demand proof of identity.

The purpose of checking eligibility is to ensure the Official Information Act applies to your response, including the 'good faith' protection from court proceedings provided by section 48.

If the OIA request is for **personal** information about a third party:

- the requester must provide sufficient information, such as evidence of their relationship, to assist you in assessing whether the public interest in releasing the information to them outweighs any privacy interest (e.g. a request from a parent or guardian for information about offending by their young child), or
- you must be satisfied that the request is properly authorised by the individual whose information is being requested.

### The form of the request

Requests can be made in writing or orally. You cannot require that the request be written, but you can ask the requester to put their request in writing. Offer the relevant Police Form which can be printed and handed to the requester, or you can direct the requester to the Police website portal to download/complete/print or to make a request for official information online.



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Otherwise, make a written record of an oral request for official information, including the exact wording of the request and the requester's details needed to complete and deliver Police's response.

### **Requests must be clear as to the information required**

Information requested must be specified with "due particularity". That does not mean the request cannot be broad or for a large amount of information, but if what is being requested is vague or unclear, go back to the requester immediately and ask for it to be clarified.

(s12)

### **Police must assist a requester to make their request correctly**

You must assist a requester so that their request is made in the correct manner or to the appropriate agency.

(s13)



# Disclosure under the Official Information Act 1982 (OIA), continued...

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## How to action an OIA request

This section contains these topics:

- [Procedure](#)
- [Business owners' responsibilities for OIA requests](#)
- [Template letters](#)

### Procedure

Follow this procedure to action a request for information under the Official Information Act. This can be done through the O/C of the District File Management Centre or at PNHQ through Executive and Ministerial Services.

Step	Action														
1.	Make a file for the request (optional). If the request has been made orally, job sheet it or otherwise record it in writing.														
2.	Log the request on the <a href="#">Information Request Database</a> (IRD) - see the <b>Police Intranet homepage &gt; 'Essential Links'</b> and allocate it to the appropriate business owner. This is the workgroup that holds or is likely to hold the information requested.  When the request covers information across a number of workgroups, allocate it to the group responsible for the biggest part of the request and they must then work in consultation with other groups to consider and provide a single response to the request.														
3.	If a request is allocated to your workgroup but you do not hold the information requested, immediately select the appropriate options in the IRD to reassign or return the request to Ministerial Services or the O/C FMC for re-referral.														
4.	OPTIONAL: If considered appropriate, enter the request in NIA and code the file 2D (e.g. if the requester has a NIA identity).														
5.	Consider the following preliminary matters:														
	<table border="1"> <thead> <tr> <th>If the information requested...</th> <th>Then...</th> </tr> </thead> <tbody> <tr> <td>Is not specific enough to enable the information to be identified</td> <td>Request clarification from the requester immediately).</td> </tr> <tr> <td>Is not held by Police or 'belongs' to another agency</td> <td>Transfer it within 10 working days (see <a href="#">Transferring OIA requests</a>).</td> </tr> <tr> <td>Is identified as appropriate to release but is extensive</td> <td>Consider whether <a href="#">charging for provision of the information</a> is appropriate.</td> </tr> <tr> <td>Is so extensive it requires an extension of time for a response (and the requester is not willing to narrow the scope of the request).</td> <td>Notify an extension (see <a href="#">Time limits and extensions</a>)</td> </tr> <tr> <td>Is classified</td> <td>Urgently consult the Manager Organisational Security at PNHQ. (Classified information must be declassified before it can be released.)</td> </tr> <tr> <td>Is held on NIA</td> <td>Forward the request to the O/C case (for specific records) or to the O/C FMC for coordination of response (including records from multiple districts).</td> </tr> </tbody> </table>	If the information requested...	Then...	Is not specific enough to enable the information to be identified	Request clarification from the requester immediately).	Is not held by Police or 'belongs' to another agency	Transfer it within 10 working days (see <a href="#">Transferring OIA requests</a> ).	Is identified as appropriate to release but is extensive	Consider whether <a href="#">charging for provision of the information</a> is appropriate.	Is so extensive it requires an extension of time for a response (and the requester is not willing to narrow the scope of the request).	Notify an extension (see <a href="#">Time limits and extensions</a> )	Is classified	Urgently consult the Manager Organisational Security at PNHQ. (Classified information must be declassified before it can be released.)	Is held on NIA	Forward the request to the O/C case (for specific records) or to the O/C FMC for coordination of response (including records from multiple districts).
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	Is from a Police file currently held by a Crown Solicitor, or relates to a current or past investigation	Forward it to the O/C case of that file for action. (If the O/C case cannot be found, has left Police or is unable to deal with the request, forward it to their supervisor or Area Commander).
6.	Draft the response and consider whether the request should be refused or whether any information should be withheld. (See <a href="#">When to withhold information in response to OIA requests</a> ). Use <a href="#">template letters</a> as a guide, depending on whether none, some or all information is withheld.  Prepare any material for release in accordance with the procedures in <a href="#">Making official information available</a> .	
7.	Consult with Legal Services if necessary, and Public Affairs, the Minister's office or other business units as appropriate, on the proposed draft and make any changes that are required.	
8.	Make and communicate your decision on the request within 20 working days (unless <a href="#">extended</a> ).	

### **Business owners' responsibilities for OIA requests**

Using the [Information Request Database](#) (IRD) Business owners of OIA requests are responsible for:

- Determining the scope of information requested and seeking clarification if necessary
- Deciding what information will be released to the requester
- Allocating resources to ensure the request is responded to on time and accurately
- Ensuring transfers of requests are done within 10 working days
- Ensuring extensions are notified before time limit of 20 working days expires
- Drafting the response to the request and peer review
- Seeking legal advice about the response if necessary
- Moving the draft response and proposed release of information through the Information Request Database (IRD) audit trail within the allocated time frame
- Making any amendments to the draft and/or proposed release or refusal
- Providing the response to the requester by their preferred means
- Retaining a copy of the information considered for release
- Retaining a copy of the information and response sent to the requester on the IRD
- Completing the IRD entry

### **Template letters**

Use the template letters available in **Police Forms > Information Requests > Official Information Act > OIA template letters** as a guide when responding to requests for information under the Official Information Act 1982, including when:

- transferring the request to another agency
- notifying an extension of the time for responding to the request
- responding to the request depending on whether all, some or none of the information is provided.



## **Disclosure under the Official Information Act 1982 (OIA), Continued...**

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### **Transferring OIA requests**

#### **When must OIA requests be transferred to other agencies?**

When the information requested is

- not held by Police but is believed by the person dealing with the request to be held by another agency, or
- more closely connected with the functions of another agency...

Police must, not later than 10 working days after the day on which the request is received, transfer the request to the other agency, and inform the requester of the transfer.

([s14](#))

Irrespective of how the request was made, advise the requester in writing (post or email).

#### **OIA template letters**

Use the template letters available in **Police Forms > Information Requests > Official Information Act > OIA template letters** when transferring the request and advising the requester of the transfer.



# Disclosure under the Official Information Act 1982 (OIA), Continued...

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## Time limits and extensions

This section contains these topics:

- [Time limits for responding to requests](#)
- [Extension of time limit](#)
- [When can you extend the time to respond to a request?](#)
- [How to notify an extension](#)
- [Urgent requests](#)

### Time limits for responding to requests

An OIA 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))

**Note** that failing to respond to a request within the time limit or undue delay in making the information available is deemed to be a refusal.

(s28(4)&(5))

### Extension of time limit

If you cannot communicate the decision within the 20 working-day limit, consider whether you can notify an extension.

### When can you extend the time to respond to a request?

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

- the request is for a large volume of material or requires 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 longer if necessary)
- the reasons for it
- their right to complain to the Office of the Ombudsmen (s28(3))
- any other relevant information.

(s15A(4)).

Use the template letter available in **Police Forms> Information Requests> Official Information Act**> OIA template letters when advising the extension.

### Urgent requests

If the requester wants their official information request dealt with urgently, they must give reasons for the urgency.

(s12(3))

You must consider the request for urgency and, if reasonably practicable, do your best to respond with urgency.

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## When to withhold information in response to OIA requests

This section contains these topics:

- [Introduction](#)
- [Grounds for withholding information or refusing requests](#)
  - [Main OIA withholding provisions relevant for Police](#)
  - [Other grounds for refusal](#)
- [Privacy versus public interest \(section 9\)](#)
  - [Considering the privacy interest](#)
  - [Considering the public interest](#)
- [Third party requests for personal information](#)
- [Diversion-related requests](#)
- [Classified information](#)
- [Requests relating to current investigations and court proceedings](#)

### Introduction

When you have identified what information has been requested, you must consider whether there are any good reasons why the requester should not access any or all the information requested.

This section covers:

- the grounds for withholding official information
- some common situations in which information should be withheld.

### Grounds for withholding information or refusing requests

Requests for official information may be refused entirely or in part. The grounds for withholding information or refusing requests are listed in sections [6](#), [9](#) and [18](#) of the Official Information Act, and are similar to the grounds under the [Privacy Act 1993](#). (See '[Disclosure under the Privacy Act 1993](#)').

### Main OIA withholding provisions relevant for Police

This table outlines the most relevant withholding provisions in the Official Information Act 1982 for Police.

Section	Withhold requested information if disclosure would be likely to...
<a href="#">s6(c)</a>	prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
<a href="#">s6(d)</a>	endanger the safety of any person
Section	Withhold requested information if it is necessary to...
<a href="#">s9(2)(a)</a>	protect the privacy of natural persons, including that of deceased natural persons (see <a href="#">Considering the privacy interest</a> below)
<a href="#">s9(2)(ba)(i)</a>	protect information that is subject to an obligation of confidence, if the release of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the <a href="#">public interest</a> that such information should continue to be supplied
<a href="#">s9(2)(f)(iv)</a>	maintain constitutional conventions, which protect the confidentiality of advice tendered by Ministers of the Crown and officials

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<a href="#">s9(2)(g)</a>	maintain the effective conduct of public affairs through: <ul style="list-style-type: none"> <li>the free and frank expression of opinions by, between or to Ministers of the Crown, members of an organisation, or officers and employees of any department or organisation in the course of their duty, or</li> <li>the protection of Ministers of the Crown, members of organisations, officers and employees from improper pressure or harassment</li> </ul>
<a href="#">s9(2)(h)</a>	maintain legal professional privilege. (Never release communications with Police legal advisers or the Crown without consulting Legal Services)
<p><b>Note:</b> If you want to rely on any withholding grounds in section 9, you must consider whether the <a href="#">public interest</a> in releasing the information outweighs the interest protected by those grounds.</p> <p><b>For more information</b> on the main grounds for withholding information see the <a href="#">Official information legislation guides</a> on the Office of the Ombudsman’s website.</p>	

### **Other grounds for refusal**

This table outlines other grounds for refusal.

<b>Section</b>	<b>A request can be refused if...</b>
<a href="#">s18(c)</a>	making the information available would constitute contempt of court
<a href="#">s18(d)</a>	the information requested is or will soon be publicly available
<a href="#">s18(e)</a>	the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found  You must first consider whether consulting the requester would assist them to make the request in a form that would remove the reason for the refusal ( <a href="#">s18B</a> ).
<a href="#">s18(f)</a>	the information requested cannot be made available without substantial collation or research  You must first consider whether: <ul style="list-style-type: none"> <li><a href="#">fixing a charge</a> or <a href="#">extending the response time</a> would enable the request to be granted (you can treat 2 or more requests as one if they are about similar topics or were received simultaneously or in short succession (<a href="#">s18A</a>))</li> <li>consulting the requester would assist them to make the request in a form that would remove the reason for the refusal (<a href="#">s18B</a>).</li> </ul>
<a href="#">s18(g)</a>	the information requested is not held (i.e. meeting the request would require the creation of information – such as statistics, costs, numbers, where Police does not hold the data or cannot readily produce it from a database. (You do not need to create information in order to meet a request.)

### **Privacy versus public interest (section 9)**

When assessing whether to withhold information under section 9(2)(a) of the Act, you must consider under section 9(1) whether the [public interest](#) in releasing the information is sufficient to outweigh the [privacy interest](#) associated with the information.

### **Considering the privacy interest**

Consider:

- how intimate, personal or private the information is. For example, the privacy interest associated with an address is not as high as that associated with the details of a rape victim’s medical examination



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- whether or not the requester already knows the information. If the requester is seeking confirmation of something they already know, the privacy interest tends to be less
- whether the person the information is about agrees to their information being released to the requester
- whether disclosure is consistent with Information Privacy Principle (IPP) 11 ([Limits on disclosure of personal information](#)) in section 6 of the Privacy Act. If disclosure would be consistent with this principle, the privacy interest is likely to be less. The most important features of the principle are found in IPP 11(e)(i), 11(e)(iv) and 11(f). These are discussed in the 'Proactive disclosure of personal information by Police' topic in '[Disclosure under the Privacy Act 1993](#)'. The privacy interest is also diminished if the source of the information is a publicly available document such as a newspaper (IPP 11(b)).

If the privacy interest outweighs the [public interest](#), decline the request under section 9(2)(a) of the Official Information Act 1982.

### **Considering the public interest**

Public interest does not mean "what is of interest to the public". In *British Steel Corporation v Granada Television Ltd* [1981] 1 All ER 417, 455, Wilberforce LJ stated: "There is a wide difference between what is interesting to the public and what is in the public interest to make known."

Consider whether disclosure will benefit only one individual or the whole community (though private interests of individuals can sometimes reflect wider public interests). For example, will it:

- help parents to keep their children safe
- help to make the roads safe to drive on
- ensure that New Zealand's horticulture industry is protected from disease?

If the public interest outweighs the privacy interest, release the information.

### **Third party requests for personal information**

Take special care when making decisions on requests for personal information about a third party. Common requesters in this category are parents of adult children, family members, lawyers, parties in Court proceedings, and reporters (see also [Requests from media](#)).

In general, do not disclose third party information unless:

- you are authorised or required by a specific statute or Court order to disclose it (see 'Which Act applies to disclosure of information?' in the '[Introduction to disclosure of information](#)')
- the third party has provided consent in writing, or
- the [public interest](#) in meeting the request is sufficient to outweigh the privacy interest associated with the information.

If none of these apply, decline the request under section 9(2)(a) of the Official Information Act 1982.

### **Diversion-related requests**

Do not disclose information relating to diversion to third parties, even with the consent of the person concerned. Disclosing such information would undermine the incentive for people to participate in diversion programmes. Such requests should, in general, be refused under sections 6(c) and 9(2)(a) of the Official Information Act. There may be



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limited circumstances where disclosure of diversion information is appropriate – see [Adult diversion scheme policy](#).

If a person seeks diversion information about themselves, process the request under the Privacy Act 1993 and provide the information unless there are good reasons not to do so. (See '[Disclosure under the Privacy Act 1993](#)')

### **Classified information**

Classified information cannot be withheld solely on the basis of its security classification or endorsement mark. Urgently refer classified information subject to an OIA request to the Manager Organisational Security at PNHQ. If the information is withheld, the reason given must be one of those specified in the Official Information Act.

### **Requests relating to current investigations and court proceedings**

If a request is made during the investigation phase and before the commencement of any court proceedings, or does not relate to criminal proceedings, or the requester is the subject of the investigation, the information sought is not covered by the Criminal Disclosure Act 2008, so the Official Information Act 1982 applies.

Information sought about current investigations or matters before the court may be able to be withheld under section 6(c) of the Official Information Act 1982 if it would prejudice the investigation or the right to a fair trial.

### **From the commencement of proceedings until the end of trial**

Obligations under the [Criminal Disclosure Act 2008](#) ("CDA") begin with the commencement of proceedings and continue until they are concluded.

All requests for official information that are covered by sections 12 and 13 of the CDA and are "relevant" to the matter before the court must be considered under the CDA. (See the [Criminal disclosure](#) chapter.) Any request for official information made by a defendant in the course of criminal proceedings should be refused under section 18(da) of the OIA as the request is made for information that could be sought, or has been disclosed or withheld, under the Criminal Disclosure Act.

Requests from the media or any person other than the defendant may be refused under section 6(c) of the OIA to avoid prejudice to the right to a fair trial.

### **After the trial**

The refusal ground in section 18(da) does not apply to requests for information relating to the court proceedings made after the trial has concluded. It only applies while criminal proceedings are ongoing and the requester is a defendant.

After the trial, the OIA (including any applicable withholding grounds) applies to requests for information held by Police relating to the court proceedings. Just because personal information has been released in criminal disclosure does not mean it must be released to the former defendant after the trial is over – for example, the privacy interests of a victim or witness are raised once the prosecution purpose has been met, and personal information about them may be withheld.



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## Conveying decisions and providing official information

This section contains these topics:

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- [What to tell the requester when information is withheld](#)
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- [How can official information be made available](#)
- [Information requested in a particular way](#)
- [Use a secure method of disclosure](#)
- [Statutory protection when releasing information in good faith](#)

### Sending Police's response to the OIA request

After considering the information within the scope of the request, you must respond to the requester by deciding to provide it, to withhold it, or to provide some of it (see [When to withhold information in response to OIA requests](#)). When responding, follow these steps.

Step	Action
1.	Use the template letters available in <b>Police Forms&gt; Information Requests&gt; Official Information Act&gt;</b> Forms when responding, depending on whether the request is granted or <b>some</b> or <b>all</b> of the requested information is withheld.  These letters cover the requirement to tell the requester that they are entitled to complain to the Ombudsman about Police's response.
2.	Provide the information in the way specified by the requester; otherwise, as photocopies or electronically. Follow the procedures in the ' <a href="#">Electronic redaction and disclosure</a> ' part of the <a href="#">Information Management, Privacy and Assurance</a> chapter) for redacting information being withheld and for the secure delivery/release of redacted files.  Mark envelopes 'Private & Confidential' and test email addresses before attaching sensitive or personal information.
3.	If information is withheld, inform the requester in writing of: <ul style="list-style-type: none"> <li>• the fact that information is being withheld</li> <li>• the grounds on which the decision to withhold has been made</li> <li>• their right to complain to the Office of the Ombudsmen if they are not satisfied with the decision.</li> </ul>
4.	Keep electronic copies in the Information Request Database of: <ul style="list-style-type: none"> <li>• the information provided (a replica of what was released)</li> <li>• any information that was withheld (the marked-up but unredacted version)</li> <li>• all correspondence relating to the request.</li> </ul>
5.	Record in writing what you have done to respond to the request. This process becomes important if a subsequent complaint is made to the Ombudsmen about Police's response.

### What to tell the requester when information is withheld

If any information sought is withheld, inform the requester in writing of:

- the fact that the information is being withheld
- the grounds on which the decision to withhold has been made
- their right to complain to the Office of the Ombudsmen if they are not satisfied with the decision.

### Redacting information that is withheld

This is an uncontrolled document printed for reference only.

The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.





## **Disclosure under the Official Information Act 1982 (OIA), continued...**

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Follow the procedures in '[Electronic redaction and disclosure](#)' - part of the [Information Management, Privacy and Assurance](#) chapter) for electronically blanking out (redacting) information to be withheld. These procedures ensure the redacted information cannot be restored or the document modified by the recipient.

### **How can official information be made 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.

### **Information requested in a particular way**

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 the withholding grounds in 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](#))

### **Use a secure method of disclosure**

While the usual method of disclosure is to provide a photocopy by hand or post/courier, requesters increasingly wish to receive the information by email. Take care to ensure the email address is correct and, if it includes personal information about other people, do not provide it by email unless specifically requested, as emails are often available to other users of a device. Sensitive or personal information should be couriered and marked 'confidential'.

### **Statutory protection when releasing information in good faith**

If information is released in good faith in response to an OIA request, you have statutory protection against civil and criminal proceedings.

([s48](#)).



# **Disclosure under the Official Information Act 1982 (OIA), continued...**

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## **Requests from media**

### **Introduction**

Every day, Police come under immense media pressure to release information about crimes, incidents and emergencies and the people involved in them.

See these media related Police Manual chapters for guidance on releasing appropriate personal information to the media and, at the same time, meeting the requirements of the Privacy Act or the Official Information Act:

- [Dealing with the media](#)
- [Media filming of Police operations](#)
- [Media interviews](#)
- [News releases](#)
- [Releasing information to the media](#)
- [Releasing information to the media after a sudden death](#)
- [Wanted persons postings](#)



# Disclosure under the Official Information Act 1982 (OIA), continued...

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## Charging for providing official information

This section contains these topics:

- [Right to charge for official information](#)
- [Decisions on charging](#)
- [Calculating charges](#)
- [What you cannot charge for](#)
  - [Privacy Act requests](#)
- [Deposit](#)
- [Informing the requester of charges](#)
- [Waiving the fee](#)
- [Accounting procedures](#)

### Right to charge for official information

Requesters may be charged for information supplied under section 15, but in reality Police rarely imposes a charge. The charge relates to processing a request for information, **not deciding on the response**.

If Police wants to charge for supplying official information, the requester should be notified first of that intention and the likely amount. Any charge fixed:

- must be reasonable
- may have regard to the cost of the labour and materials involved in making the information available, and to any costs incurred due to a request to make the information available urgently.

### Decisions on charging

Decisions on charging for information should be made in consultation with Legal Services, staff in the Ministerial Services Unit at PNHQ or the O/C of the District File Management Centre.

### Calculating charges

The [Charging Guidelines for Official Information Act 1982 Requests](#) issued by the Ministry of Justice:

- provide a basis for assessing a reasonable charge for Official Information Act requests
- give an indication of factors which may be relevant when assessing whether it is reasonable to charge for the supply of information.

This table outlines key charges recommended in the guideline.

Item	Charge rate or policy
Staff time spent processing a request	<p>The first hour is free. Additional time spent should be charged at a maximum of \$38 for each half hour or part thereof.</p> <p>Aggregate staff time can include searching for, abstracting and collating, copying and transcribing, and retrieving information, but not time spent locating information that was mislaid or incorrectly filed.</p> <p>If the request is for access by inspection, viewing or listening, the time can include searching for, locating and retrieving the information and supervising the access.</p>



## **Disclosure under the Official Information Act 1982 (OIA), continued...**

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Photocopying	Charge at the rate of 20 cents for each page after the first 20 pages.  This applies only to standard A4 sized paper. Non-standard size should be charged at cost.
GST	Include GST in all charges. Do not impose GST as an extra charge.
Other charges including: <ul style="list-style-type: none"><li>• providing documents on CD</li><li>• retrieving information held off-site</li><li>• reproducing photographs, films, videos and audio recordings</li><li>• arranging to hear audio or view video recordings.</li></ul>	Fix charges at an amount that recovers the actual costs involved.

### **What you cannot charge for**

Charges cannot be fixed for time spent or expenses (including legal expenses) incurred **deciding** on whether or not or to what extent information can be made available. Charges relate only to the costs incurred in **processing** the request.

For example, time spent on the decision to withhold information is not chargeable but time spent on the physical redacting/editing is chargeable.

### **Privacy Act requests**

Take care when considering requests containing a mix of personal and official information. Charges **cannot** be made for Privacy Act requests – that is, requests from individuals for information about themselves, unless this is specifically authorised by statute.

([s35](#) Privacy Act)

### **Deposit**

You can require a deposit if the charge is likely to exceed \$20 or you need an assurance that resources are not being wasted. In general, the deposit must be received before work on the request is begun. Any unused portion of a deposit must be refunded.

Alternatively in some instances it may be necessary to ask the requester to pay the amount of the charge before the request is processed.

### **Informing the requester of charges**

Inform the requester of:

- the intention to fix a charge
- the amount of any deposit, if sought, and the likely total charge
- the method used to calculate the charge
- their right to have an Ombudsman review the proposed charge.

See an example of a [letter explaining how charges have been calculated](#). Keep a copy of the letter and any background information so that you know how the charge was arrived at.

### **Waiving the fee**

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## **Disclosure under the Official Information Act 1982 (OIA), continued...**

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Police is not obliged to set a charge and you may choose not to do so for reasons such as:

- the inconvenience of imposing a charge
- the small amount by which the margins for aggregate time or photocopying are exceeded
- when the charge would cause financial hardship
- when the charge would impact badly on public relations or when there is a high public interest in making the information available.

### **Accounting procedures**

If you receive agreement from the requester to pay the estimated costs associated with their request, complete an [Invoice Request](#) form and send that to Shared Services. Shared Services will generate an invoice to the requester based on the information provided on the request form.

If you [require a deposit](#) from the requester before commencing the work, a second invoice must be generated for the final payment when the work is complete.