

Auckland Council and CCO's
Protocols for Managing LGOIMA¹ Requests
via the Public Information Office (PIO)²

Part 1: Process for requests that involve Auckland Council (AC) and:

- **Auckland Transport (AT)**
 - **Watercare Services (WCS)**
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Application:

The following procedures will be followed when managing Local Government Official Information and Meetings Act (1987) (LGOIMA) requests that relate to Auckland Council (AC) and the above Auckland Council Controlled Organisations (CCOs).

Processing Requests

- All requests relating exclusively to information held by AT or WCS that are received by AC, regardless of whom they are addressed to, will be logged in the AC CRM system by AC's Public Information Team (PIO); formally transferred to them pursuant to Section 12 of the LGOIMA; and the formal advice will be sent to the customer confirming the transfer. Once confirmation of the transfer has been received, these requests will be closed in the AC's CRM system.
- Where a request relates predominantly to information held by AC, it will be processed and managed by the PIO. Input from AT or WCS will be sourced with control of the request being maintained by the PIO. Any decisions to refuse requests or withhold information will be authorised by AC officers after discussion with relevant CCO staff in the first instance.
- Requests that *are neither* predominantly AC or AT or WCS will be managed on a case-by-case basis.
- If a request is able to be easily divided into discrete AT and AC issues, then they will be formally transferred "in part" allowing AT or WCS to respond independently.

Charging

Where requests are exclusively AT or WC then the decision to charge resides with them. Where there are joint responses, consultation will need to take place to ensure consistency where appropriate. For reference a copy of AC's Charging Policy is attached.

Information withheld

- Where AT/WCS wish to withhold information in respect of a request that relates to information held partly by AC, they will consult with PIO / AC, to ensure consistency of approach.

Collator

- The PIO will assist whenever practical to collate combined responses.

¹ LGOIMA - Local Government Official Information and Meetings Act (1987)

² PIO - Public Information Office (PIO), Democracy Services, Auckland Council

Responding to Requests

- AC, AT and WCS agree to maintain an open dialogue and a relationship of mutual assistance in responding to official information requests related to both / all Organisations.
- Where multiple requests are received across AC, AT and WCS on the same issue, which require a separate response from each entity, all entities agree to collaborate to ensure there is consistency within each response.
- Responses that principally relate to information held by AC, but also involve information held by AT or WCS, will be responded to by the PIO. Such responses will be discussed with their staff and approval granted from all interested parties prior to any response being made.
- Requests that principally relate to AT or WCS but require the release of AC information held by them shall will be discussed with relevant AC staff and approval granted from all interested parties prior to any response being made.
- A copy of the final response sent to a requester by AC that includes information received from AT or WCS will be sent to AT or WCS for their information. A copy of the final response sent to a requester by AT or WCS that includes information received from AC will be sent to AC for their information.
- **Redacting:**
 - Where AC are managing the response, AT and WCS will provide 2 copies of the response to AC for review / approval where required. The first is a clean un-redacted copy and the second to include proposed redactions.
 - Where AT or WCS are managing the response, AC will provide 2 copies of the response to AT or WCS for review / approval where required. The first is a clean un-redacted copy and the second to include proposed redactions.
 - AC Legal Services team are developing a policy concerning the redaction of staff names and contact details. In the interim the PIO is applying a general principle whereby they are redacting all staff contact names, telephone, mobile and email addresses of all T5 and below staff members.

No Surprises Policy

- Where AC, AT or WCS make decisions to release or withhold information that:
 - relates to other parties or its stakeholders;
 - may possibly impact upon decisions or actions taken by Auckland Council or CCOs; and / or
 - may possibly impact upon the position, reputation, commercial, media or political position of Auckland Council or CCOs (including Elected Members and Board Members)

then a discussion will take place between appropriate officers from the respective organisations to ensure that parties are aware of each other's perspectives on media, commercial and political risk.

Training and Process Refinements

- The PIO team will train and support CCO staff; provide copies of any training material: and advise any process improvements.

Part 2: Process for requests that involve Auckland Council and:

- **Auckland Tourism Events and Economic Development (ATEED)**
 - **Regional Facilities Auckland (RFA)**
 - **Auckland Council Investments (ACIL)**
 - **Auckland Council Property (ACPL)**
 - **Auckland Waterfront Development Agency**
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Application:

The following procedures will be followed when managing Local Government Official Information and Meetings Act (1987) (LGOIMA) requests that relate to Auckland Council (AC) and the above Auckland Council Controlled Organisations (CCOs).

Processing Requests

- All requests will be logged in the AC 'CRM system' and managed by staff in the PIO. If a request is sent directly to a CCO, they will forward onto the PIO office as soon as possible and the protocols below will apply.
- Where a request relates predominantly to information held by AC, it will be processed and managed by the PIO. Input from the relevant CCO will be sourced with control of the request being maintained by PIO. Any decisions to refuse requests or withhold information will be discussed in the first instance with relevant CCO staff and then authorised by AC officers.
- Requests that relate to AC and one or more of the CCOs will be coordinated by the PIO in consultation with CCO staff and any decisions to release and/or to withhold will be made in consultation with both the AC CE and the relevant CCO CE or their nominees.
- Requests that exclusively relate to a CCO will be processed by that CCO (but logged in CRM for tracking purposes). Any recommendation to withhold or release material will be made by PIO in consultation with AC Legal Services team to the relevant CCO CE.

Charging

- Customers will be charged for requests per the attached AC Charging Policy (copy attached).

Responding to Requests

- Both Auckland Council and CCOs agree to maintain an open dialogue and a relationship of mutual assistance in responding to official information requests related to both / all Organisations,
- Responses that principally relate to information held by AC but also information held by one or more of the CCOs will be responded to by the PIO. Such responses will be discussed with staff from the relevant CCOs and approval granted from all interested parties prior to any response being made.
- Requests that principally relate to CCOs but where the response requires the release of AC information held by the CCO, then the request and any intended response will be discussed with relevant AC staff and approval granted from all interested parties prior to any response being made.
- A copy of the final response sent to a requester by AC that includes information received from one or more of the CCOs will be sent to the relevant CCOs for their information.

- **Redacting:**
 - 2 copies of responses are to be supplied for review / approval where required. The first is a clean un-redacted copy and the second to include proposed redactions.
 - AC Legal Services team are developing a policy concerning the redaction of staff names and contact details. In the interim the PIO is applying a general principal whereby they are redacting all staff contact names, telephone, mobile and email addresses of all T5 and below staff members.

No Surprises Policy

- Where AC or CCOs make decisions to release or withhold information that:
 - relates to other parties or its stakeholders;
 - may possibly impact upon decisions or actions taken by Auckland Council or CCOs; and / or
 - may possibly impact upon the position, reputation, commercial, media or political position of Auckland Council or CCOs (including Elected Members and Board Members)

Then a discussion will take place between appropriate officers from the respective organisations to ensure that parties are aware of each other's perspectives on media, commercial and political risk.

Best Practice

- Where CCOs are to be the primary responder, they will endeavour to process requests within the timeframes to ensure that the AC group complies with its obligations under the Local Government Official Information and Meetings Act, and is seen as responsive to its customers (i.e. customer centric). In particular:
 - They will work to clarify and refine the request within the first 7 days;
 - Formally confirm an extension (as required) as soon as possible; and
 - Formally confirm granting (as required) a request as soon as possible.
- The CCO will provide to PIO a copy of any customer clarification / refinement, extension and granting of a request[

Access to Electronic Information

- Requests for information from emails, electronic files / other documentation that are the property of a CCO but held on an Auckland Council server will require the approval of the CCO CE to access the relevant information.
- Where access to this information is approved, AC undertakes to gather this information and provide it to the CCO for review in an efficient and timely manner.

Dealing with Staff

- While all normal interaction between staff while processing requests will continue in an efficient and business-like manner, any complaints or queries about non-responsiveness will be addressed via discussions with the relevant senior managers, and should not be addressed directly to the staff in question.

Training and Process Refinements

- The PIO team will train and support CCO staff and advise of any legislative changes and process improvements.

Consistency of Response

- Where multiple requests on the same issue are received across a number of CCOs and Auckland Council, all entities agree to collaborate to ensure there is consistency within each response.

Appendix A:

Auckland Council Charging Policy

Policy on charging for official information

January 2015

Purpose

Charging is a means of managing large requests and encouraging requestors to refine the scope of the request. It recognises the potential for large requests to divert staff resources away from the Council's other operations.¹

Time charged

\$38 per half-hour after 4 hours². (GST is included).

Remission or reduction of charges

Not chargeable:

- a person seeking **information about themselves** is a Privacy Act matter and cannot be charged under LGOIMA
- **Elected members** will not be charged except when they are acting as a private citizen. Elected members are strongly encouraged to talk in the first instance to the relevant Auckland Council Senior Leadership Team member to resolve their information needs without having recourse to the LGOIMA.
- As a rule **the media** are not subject to charges. However, if the request is a 'data mining' exercise where council holds the information but more than four hours of time is required to collate it, they will be asked if they wish to pay a charge or refine their request.

Remit or reduce charges:

- if payment might cause the applicant hardship.

What can be charged?

The aggregate of all time spent on the request subject to the following.

It may include time spent in³:

- searching an index to establish the location of the information;
- physically locating and extracting the information from the place where it is held;
- reading or reviewing the information; and
- supervising access to the information.

¹ These aspects were noted in the Law Commission's review of official information legislation, para 10.201

² Ministry of Justice Guidelines, which are acceptable to the Ombudsmens Office, have 1 hour free

³ Ministry of Justice Guidelines

The charge should not include any allowance for⁴:

- extra time spent locating and retrieving information when it is not where it ought to be; or
- time spent deciding whether or not access should be allowed and in what form. Note however that the actual, physical editing of protected information is chargeable.

Other charges

Photocopying

Normally not charged, but Ministry of Justice guidelines provide for charging 20 cents per page after first 20 pages.

Direct costs

Direct costs may be recovered if these are incurred.

Notifying requestor of decision and any charge

The Local Government Official Information and Meetings Act 1987 requires the Council to, as soon as is reasonably practicable but no later than 20 working days after receiving the request:

- make a decision on whether the request is to be granted and, if it is to be granted, in what manner and for what charge
- notify the requestor of this decision.

When the requestor is notified of the decision on whether to grant the request and whether there is a charge, the requestor will have the opportunity to refine the request in order to reduce the charge.

Where a charge applies, the whole of the charge will be paid in advance. Work on the request may be suspended pending receipt of payment.

Managing costs

The Council has many duties under other legislation and these duties should not be unduly impeded through resources being diverted to answering information requests.

Requests should be made with “due particularity”⁵. The Council has a duty to assist a requestor to comply with this⁶.

The Council may refuse a request on the basis of substantial collusion⁷.

The cost of paper may be reduced by providing information electronically.

The cost of collation may be reduced by making the information available for inspection, or by making a summary. However, information has to be supplied in the form preferred by the requestor unless there are grounds for not doing so, such as that it would impair efficient administration⁸.

⁴ Ministry of Justice Guidelines

⁵ LGOIMA section 10

⁶ LGOIMA section 11

⁷ LGOIMA section 17

⁸ LGOIMA section 15