

4 August 2017

Email: fyi-request-6050-20f5a0d6@requests.fyi.org.nz

Dear Ben

Official Information Request - Policies relating to the handling of OIA requests
Our Ref: OIA353/1

1. I refer to your request of 23 June 2017 for the following information:
 - 1.1 Copies of the current policy, procedure, manual or other process document that records the Ministry's (ie Crown Law's) process or processes for handling and deciding requests under the Official Information Act 1982;
 - 1.2 Any diagram or flowchart of the Ministry's process or processes (if any have been created); and
 - 1.3 Copies of any template response letters that form part of the Ministry's process or processes (if any have been created).
2. This letter responds to your request (which we previously extended until today's date in order to consult upon the response).
3. After searching Crown Law's system the following documents have been identified as relevant to your request:
 - 3.1 OIA & Privacy Act requests – process
 - 3.2 File Management – Attorney-General Related Papers and Official Information Act Requests – Guidelines (Material unrelated to Official Information Act requests deleted).
 - 3.3 Template response doc for OIAs
4. We have deleted material from the File Management paper which falls outside the scope of your request.
5. The CLP Seminar paper referred to in the process document is subject to legal professional privilege and is withheld in reliance on section 9(2)(h) of the OIA, on the basis withholding that information is not outweighed by other considerations which render it desirable in the public interest to make that information available (see s 9(1) of the OIA).

6. We have also deleted the name of the Crown Law employee currently responsible for processing requests from the OIA & Privacy Act requests – process document, (referring instead to that person as “[Name]”) on the basis this responsibility is reassigned from time to time and is thus not an essential part of your request.
7. We have also not included copies of OIA material from other agencies (eg State Services Commission Guidance - OIA requests for draft reports correspondence and advice) which we have electronic links to, on the basis this material falls outside the terms of your request.
8. As this response is, in part, a refusal, I advise you of your right to seek an Ombudsman review of this decision, pursuant to s 28 of the OIA.

Yours sincerely

Crown Law



Peter Gunn
Crown Counsel

OIA & Privacy Act requests - process Action

Receiving a request: Details of all Official Information Act and Privacy Act requests are to be forwarded to [Name]. [Name] will log the information on the database (above) and track progress.

On receipt of an OIA or Privacy Act request, please provide the following details to [Name]:

1. the date the request was received;
2. who is making the request;
3. a brief description of what the request is about; and 4. who will be preparing the response.

All OIA and Privacy Act requests that Crown Law receives, and the counsel assigned to respond to the request, will be notified in the weekly report to the Attorney-General. The Attorney-General also needs to be advised of the intended response. Where the Attorney needs to be consulted over the draft response counsel needs to build in sufficient time for consultation to occur.

Requests received to the Crown Law OIA mailbox (ويا@crownlaw.govt.nz) are recorded by [Name] and allocated to the appropriate team or counsel. [Name] will then confirm with counsel the statutory due dates (transfer and completion).

Action: Please advise [Name] of the date and relevant document number(s) if:

1. The request is to be transferred to another department (within 10 working days); or 2. An extension of time has been sought under s 15A.

Sending the response:

[Name] will send a reminder email to counsel preparing the response if the due date is approaching and she has not been advised that a response has been sent. Please send [Name] a copy of the response so she can note the date the response is sent, the relevant document number, and the result.

If you wish your response to be dispatched via email, [Name] is able to send it from the OIA mailbox, to avoid providing requestors with individuals' email addresses.

Recording time: A general OIA matter number has been created to record time against for any one-off requests - OIA353/1. Papers on this matter can be forwarded to [Name] for filing if no file exists within the team.

See also CLP Seminar paper including checklist for processing OIA requests.

**FILE MANAGEMENT – ATTORNEY-GENERAL RELATED PAPERS
AND OFFICIAL INFORMATION ACT REQUESTS– GUIDELINES**

INTRODUCTION

1. Crown Law has various obligations relating to its function in supporting the Attorney-General and Solicitor-General in their roles as law officers of the Crown.

2. These guidelines provide guidance to staff in respect of the following processes:

- [Redacted]

- [Redacted]

2.3 Official Information Act and Privacy Act requests;

- [Redacted]

- [Redacted]

[Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

- [Redacted]

- [Redacted] papers

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

OFFICIAL INFORMATION ACT REQUESTS

16. [Details](#) of all requests made of Crown Law under the [Official Information Act 1982](#) or the [Privacy Act 1993](#) must be forwarded to the DSG (Constitutional)'s Secretary, who is responsible for logging the information on the [OIA register](#) and tracking progress.
17. Requests received to the Crown Law OIA mailbox (oia@crownlaw.govt.nz) are recorded by the DSG (Constitutional)'s Secretary and allocated to the appropriate team with the oversight of the Constitutional and Human Rights Team Manager. The DSG (Constitutional)'s Secretary will then confirm with allocated counsel the statutory due dates for transfer and completion.
18. The DSG (Constitutional)'s Secretary must be advised when the response is sent and the relevant [details](#) of the response. A reminder email will be sent to counsel preparing the response if the due date is approaching and the DSG (Constitutional)'s Secretary has not been advised that a response has been sent.
19. For responses requiring dispatch by email, the DSG (Constitutional)'s Secretary is able to send it from the OIA mailbox to avoid providing requestors with staff members' email addresses.

**FILE MANAGEMENT – ATTORNEY-GENERAL RELATED PAPERS
AND OFFICIAL INFORMATION ACT REQUESTS– GUIDELINES**

20. Official Information Act and Privacy Act requests and responses should be scanned once signed and saved as a new version in Filesite.
21. The Attorney-General has requested that he be advised of all Official Information Act releases that Crown Law propose to make on the Friday preceding their release. This can be done via the [Weekly Report to the Attorney-General](#).
22. For further information on responding to Official Information Act or Privacy Act requests see the [Official Information Act workspace](#).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[END]

Guideline Owner – Business Services Manager (Business Services Group)
Approved by Management Board 4 May 2011

FILE MANAGEMENT – ATTORNEY-GENERAL RELATED PAPERS
AND OFFICIAL INFORMATION ACT REQUESTS– **GUIDELINES**



Published on 4 May 2011. Updated 5 August 2011 and 31 August 2012. To be reviewed no later than 4 May 2013.

Extension of time (to be made within 20 working days)

Under s 15A of the Official Information Act a Department may extend the time limit set out in section 14 or section 15(1) of the Act if consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

Pursuant to that section I am extending the time to reply by a further 20 working days. Accordingly you may expect a reply to your request no later than 29 August 2011.

You have the right, under section 28(3) of this Act, to make a complaint to an Ombudsman about the extension.

Transfer (to be made within 10 working days)

To the transferee:

It is Crown Law practice when an Official Information Act request is made to this office to transfer the request to the relevant client. I am transferring this request to your agency pursuant to s 14(b)(ii) of the Official Information Act 1982, on the basis that the information to which the request relates concerns functions more closely associated with [Archives New Zealand].

[I note that in the event you are contemplating waiving privilege in the advice, you will first need to seek the view of the Attorney-General.]

And to the requestor:

On the basis that the information to which the request relates concerns functions more closely associated with [Archives New Zealand], I am transferring your request to that agency under s 14(b)(ii) of the Official Information Act 1982.

Refusal

As this response is [in part] a refusal, I advise you of your right to seek a review of this decision by the Ombudsman, pursuant to s 28 of the Official Information Act.