

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