

RANGITĪKEI DISTRICT COUNCIL

# LGOIMA REQUESTS POLICY

Approved:	December 2021
Approved by:	Executive Leadership Team
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Version number:	1.1
Who is responsible:	Group Manager Democracy and Planning

# LGOIMA Requests Policy

## PURPOSE

The purpose of the Local Government Official Information and Meetings Act (LGOIMA) Policy is to:

- make decision-making processes and information available and accessible to our customers;
- enable more effective public participation in decision-making and promote the accountability of elected members and officials; and
- provide clear guidance for requesters of information; and for Council staff when providing information.

## SCOPE

The Local Government Official Information and Meetings Act 1987 (LGOIMA) aims to make official information held by local authorities more freely available.

This policy applies to all Council employees, including contractors and consultants.

## RESPONSIBILITIES

Who	Responsibilities
<b>Chief Executive (CE)</b>	<ul style="list-style-type: none"><li>• Undertakes final review of LGOIMA request before its sent to requester</li></ul>
<b>Executive Leadership Team (ELT)</b>	<ul style="list-style-type: none"><li>• Review LGOIMA requests from relevant staff members, prior to them being sent to the GM Democracy &amp; Planning;</li><li>• provide relevant responses to submitters.</li></ul>
<b>Senior Leadership Team (SLT)</b>	<ul style="list-style-type: none"><li>• Carry out technical review of requests and draft responses as soon as possible;</li><li>• ensure each question is fully answered in plain English;</li><li>• seek approval from Group Manager.</li></ul>
<b>Employees</b>	<ul style="list-style-type: none"><li>• Ensure they are aware of the LGOIMA Requests Policy</li></ul>
<b>The Policy Owner</b>	<ul style="list-style-type: none"><li>• Is responsible for the LGOIMA Requests Policy;</li><li>• provides guidance to employee's questions about the Policy.</li></ul>

## POLICY

At Rangitikei District Council (The Council) we are committed to conducting our day-to-day business openly and being as transparent as legislation allows.

At the same time, we need to protect official information and deliberations. This tension is captured under the LGOIMA principle of availability that "...information shall be made available unless there is good reason for withholding it".

### Requests

Anyone is able to request official information from Council and there are rules for how we handle the requests under LGOIMA.

Official information includes material held in any format such as, but not limited to:

- Reports, policies, letters, emails, information held on our databases
- Video / recording footage, photos
- Information that is known to an agency but not yet recorded in writing
- Information held by our independent contractors
- Information held by elected members in their official capacity.<sup>2</sup>

Requests can be made in any form, this includes by email, verbally, or in writing.

### Responses

The Council will respond as quickly as possible to LGOIMA requests, and within a maximum of **20 working days** (unless the timeframe has been extended for legitimate reasons).

**Working days** means any day that is not:

1. Saturday, Sunday, Good Friday, Easter Monday, ANZAC Day, Labour Day, Queen's Birthday, Waitangi Day, or
2. the day observed as the provincial anniversary day in the area in question – Wellington Province's anniversary day is the Monday that falls closest to 22 January; and
3. a day between 20 December and 10 January inclusive.

Day 1 is the first working day **after** the day on which the request is received.

If the request is very extensive, we can explore refining the request.

**Additional timeframe requirements are:**

4. Request clarification of a request **within 7 working days**, if the amended request is to be treated as a new request. This is covered under Section 13 (7) of the Act.
5. Transfer a request to another agency promptly, and **no later than 10 working days**, after the request is received. This is covered under Section 12 of the Act.
6. Extend the maximum time limits to make a decision or transfer a request, **within 20 working days** after the day on which the request was received. This is covered under Section 14 of the Act.

### Publication of LGOIMA

Our default approach is to publish all responses unless there is a good reason not to. We need to take account of the Privacy Act 2020 which applies to requests by individuals for personal information about themselves that the Council holds.

Our webpage (insert link) lets our customers know how to make a request and also where the public can find responses to official information requests that we deem are of general public interest.

### Livestreaming of Council meetings

The Council will livestream all open meetings (Council and Standing Committees), if they are held in the Council Chamber,

High Street, Marton, where the technology allows for this. This enables members of the public to listen to the meeting proceedings; makes the democratic process more available to the public; and promotes transparency and accountability of Elected Members' performance and decisions.

## Withholding information

Reasons for withholding, include if providing the information would likely:

- a) prejudice maintenance of the law; or
- b) endanger the safety of any person. These are covered under Section 6 of the Act.

Other reasons for withholding are included in Section 7 of the Act. Examples of why we might withhold information are to:

- a) protect the privacy of natural persons
- b) protect information which is subject to an obligation of confidence;
- c) maintain the effective conduct of public affairs through free and frank expression of opinions by or between elected members and staff and the protection of these people from "improper pressure or harassment;
- d) enable the Council to carry out without prejudice or disadvantage, commercial activities and negotiations (including commercial and industrial negotiations);
- e) maintain legal professional privilege.

## Weighing public interest

The grounds for withholding official information in section 7 of the LGOIMA are subject to a 'public interest test'. This means agencies must balance the public interest in disclosing information against the need to withhold it. We follow the Ombudsman's guide (rename this to Public Interest) [https://www.ombudsman.parliament.nz/sites/default/files/2020-07/Public\\_interest\\_August\\_2019.pdf](https://www.ombudsman.parliament.nz/sites/default/files/2020-07/Public_interest_August_2019.pdf)

on how the public interest test works in practice.

## Considerations when assembling the information

- **Information is already or will soon be publicly available.** The request can be refused if the information is likely to be published in 20 working days. We follow the Ombudsman's guide on this issue (rename to Publicly available information) <https://www.ombudsman.parliament.nz/resources/publicly-available-information-guide-section-18d-oia-and-section-17d-lgoima> (March 2019).
- **Can't find the information requested.** We follow the Ombudsman's guide on this issue - Information not held (March 2019).
- **Charging.** We follow the (rename to Ombudsman's guidance) <https://www.ombudsman.parliament.nz/resources/charging-guide-charging-official-information-under-oia-and-lgoima> on charging. If the request is not onerous, the Council will not charge. We only charge if it would take a number of days and multiple members of staff to provide the information requested. Approval must be gained from the requester for any charge before work is started.

The letter to the requester must set out:

- a. The decision to release the information, subject to a charge;
- b. The estimated amount of the charge;
- c. Details of how the charge was calculated;
- d. The basis for the proposed charge; and
- e. The requester's right to complain to the Ombudsman.

Our practice is that the **first hour is free**, then the requester can be charged per half hour or part thereof in line with the current Schedule of Fees and Charges

<https://www.rangitikei.govt.nz/files/general/Fees-Charges/Schedule-of-Fees-and-Charges-2021-22.pdf>

- **Clarify the request.** Requesters are required to specify the information they are seeking "with due particularity".

This is covered under Section 10(2) of the Act. The clearer the requester can be, the easier is to respond.

- **Confidentiality.** We follow the Ombudsman's guide on (rename to Confidentiality) <https://www.ombudsman.parliament.nz/resources/confidentiality-guide-section-92ba-oia-and-section-72c-lgoima> (November 2020)
- **Refusing request on the basis of substantial collation and research.** We follow the Ombudsman guidance on (rename to substantial collation or research) [Substantial collation or research: A guide to section 18\(f\) of the OIA and section 17\(f\) of the LGOIMA | Ombudsman New Zealand](#) (March 2019).
- **Section 17A(2)(a) and (b)** provides information on when a request may be treated as a single request, 2 or more requests have been received from the same person and are about the same, or similar subject matter(s) or are received simultaneously or in short succession.
- **Request for personal information.** This is covered under Section 23 of the Act. As a general rule:
  - Requests for personal information about someone other than the requester must be considered under LGOIMA
  - Anyone can ask for personal information about themselves and this will be considered under the Privacy Act 2020
  - Requests by, or on behalf of, bodies corporate for personal information about themselves, must be considered under LGOIMA.
- **Consulting third parties.** We follow the Ombudsman's guide (rename to Consulting third parties) <https://www.ombudsman.parliament.nz/resources/consulting-third-parties> (updated April 2019).

## PROCESS

The public can make a request in any form including by email, verbally or in writing. Requesters are advised to:

- Email: [info@rangitikei.govt.nz](mailto:info@rangitikei.govt.nz)
- Phone :(06) 327 0099.
- Write to: The Group Manager – Democracy & Planning, Rangitikei District Council, Private Bag, Marton.

Council staff who receive a request for information must email the request to the EA to the Group Managers so that the appropriate process can commence.

## Urgency

- If a requester asks for a request to be treated as urgent, they must give reasons.
- If the Council can't meet the urgent timetable sought by the requester, we will advise the requestor accordingly.
- In the case of multiple requests for information, the Council may ask the requester to prioritise their requests so that we can focus on the information sought under urgency first, before considering the remaining information within the normal LGOIMA timeframes.

## How to make a complaint

- If the requester is not satisfied with the Council's response, they can make a complaint by emailing [info@rangitikei.govt.nz](mailto:info@rangitikei.govt.nz) or phoning (06) 327 0099.
- If they are still dissatisfied with the response, they have the right to make a complaint to the Ombudsman by one of the following ways:

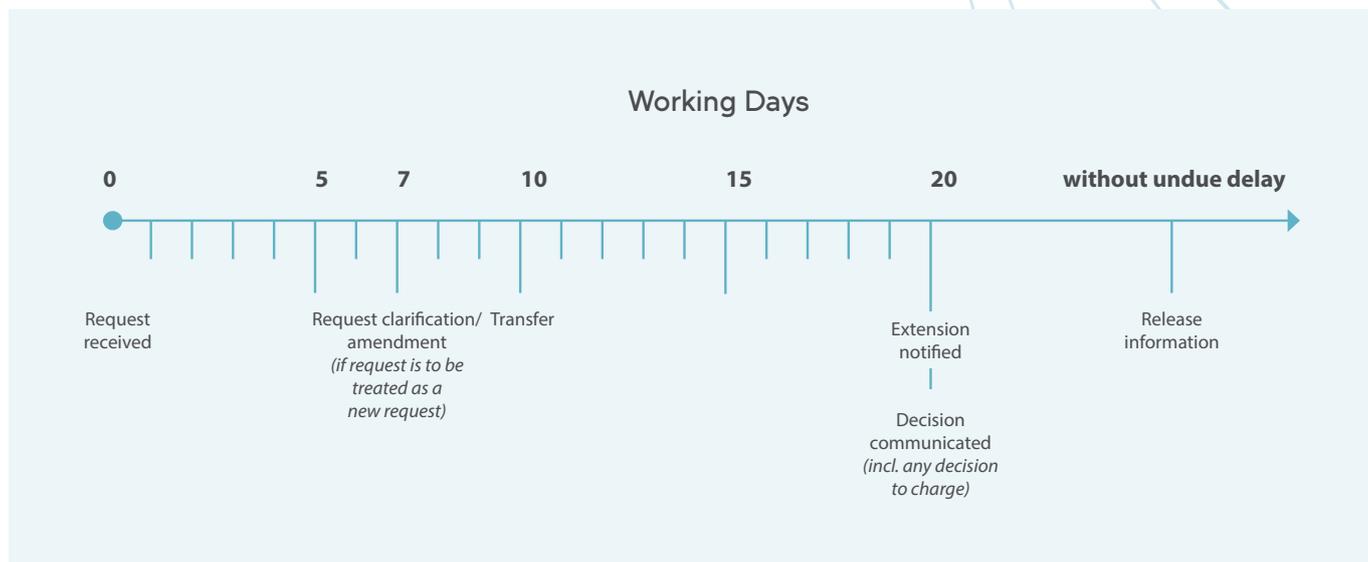
Email: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Post: The Ombudsman, PO Box 10152, Wellington 6143

If you need help, phone the Ombudsman's Office on 0800 802 602.

# LGOIMA GUIDE

## Key timeframes



## RELEVANT LEGISLATION

This policy should be read in conjunction with:

- Local Government Official Information and Meetings Act 1987
- Privacy Act 2020
- Ombudsman Act 1975
- Public Records Act 2005
- Copyright Act 1994