



Official Information Proactive Release Policy

Name of Policy:	Official Information Proactive Release Policy
Purpose of Policy:	To set out the principles and guidelines on how we proactively publish official information online
Policy Applies to:	This policy applies to all Council employees including elected and appointed representatives, contractors and consultants working on council business
Approved by:	Executive Team
Responsible for its Updating	Chief Executive Officer and Executive Officer
Final Approval by:	Executive Team
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1. INTRODUCTION

The proactive release of official information is in line with the Local Government Official Information and Meetings Act 1987 (LGOIMA). Even though LGOIMA is primarily concerned with dealing with requests for official information, its purpose includes increasing the availability of official information to the public. In addition, proactive release is consistent with the principle of availability in section 5 of LGOIMA, which requires that information shall be made available unless there is good reason to withhold.

Although proactive release is not required under LGOIMA, it is consistent with the purpose of the Act to progressively increase the availability of official information to the public. The council already proactively releases information.

Purpose

The purpose of this policy is to set out the principles and guidelines on how we proactively publish official information online.

Proactive publishing of official information is an opportunity to operate in a more transparent and accountable way. As the Council increases the amount of official information available on our website, we will improve community engagement by helping ensure members of the community are better informed about our work. It will hopefully have the effect of strengthening communities trust and confidence in the Kaikōura District Council (KDC).

2. PROACTIVE RELEASE OF INFORMATION

Council aims to be as transparent as possible and has a process to review and release any reports that have been provided to Council that are public excluded for reasons identified under LGOIMA. Once those reasons are no longer valid, those reports are proactively released in a timely manner.

Proactive release of information can be either:

- The publication of official information that KDC deems to be of interest to the wider public; for example public excluded reports; or
- The publication of information that KDC has provided in response to a request under the LGOIMA.

The LGOIMA Team will peer review and identify information appropriate for proactive release, then seek approval from the Executive Team to release it on the Councils website.

In determining what types of official information will be proactively released we will consider:

- The level of interest in the information (e.g., when there have been numerous requests for the information concerned)
- Whether public interest consideration, such as transparency, participation, accountability, administration of justice, and health and safety, will be served by the release
- Privacy matters
- And the resource available to the council.

3. PRINCIPLES OF PROACTIVE RELEASE AND PUBLISHING

Principle 1: Council will endeavour to increase the availability of official information. This principle is consistent with the purpose of the LGOIMA, which are set out in section 4 of the LGOIMA.

(a) to increase progressively the availability of to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities, in order:

- to enable more effective participation by the public in the actions and decisions of local authorities; and

- to promote the accountability of local authority members and officials;-

and thereby to enhance respect for the law and to promote good local government in New Zealand.

(b) provide for proper access by each person to official information relating to that person

(c) protect official information and the deliberation of local authorities to the extent consistent with the public interest and the preservation of personal privacy.

Principle 2: Council has internal processes in place that support the increased proactive release of official information.

Principle 3: There will be a presumption in favour of proactively publishing official information. Council will act in accordance with the principle of availability in section 5 of the LGOIMA, which requires that information be made available unless there is good reason for withholding it under section 6 and 7 of the Act.

Principle 4: Council will exercise due diligence before publishing official information. Due diligence will include consideration of grounds for withholding in LGOIMA, and any legal risk to the local authority from releasing information. Caution is required as the immunity from civil and criminal liability in section 41 of LGOMIA, which applies when local authorities provide official information in response to a request, will not apply to proactive publishing and release. Council will need to consider compliance with the information privacy principles in the privacy Act 2020, contractual obligations, and any possible liability for defamation or breach of confidence.

Principle 5: Council will consult with any relevant parties in advance of any publishing of information. If official information includes information about any individual or entity, including other local authorities or government agencies, we will typically make contact with that individual or entity to understand what, if any, concerns there may be with the proactive release of information.

While we will consider any concerns raised (often as part of the due diligence process), the decision of whether or not to proactively release information will remain with us.

Principle 6: Council will balance the public interest in disclosing information against the need to withhold it. The public interest is broadly equivalent to the concept of the public good. It can cover a wide range of values and principles relating to the public good, or what is in the best interest of society. Public interest does not mean 'interesting to the public'.

4. PUBLISHING RESPONSES TO LGOIMA REQUESTS

Proactive Release of LGOIMA Responses

At least once a quarter, Council will select appropriate LGOIMA responses for publication on the Council website. When determining whether to proactively publish a response to a request, relevant consideration may include:

- Whether there had been more than one request for the information, or on the topic the information covers: and
- Whether the information would be of general interest to the public.

Criteria for publication of LGOIMA responses

We will publish responses to LGOIMA requests if it is in the wider public interest.

Prior to the publication, we will consider further redactions to information previously released under the LGOIMA to ensure statutory compliance and address possible legal risks.

Responses to LGOIMA requests submitted via fyi.org.nz are automatically published online, so where the information has wider public interest, we will do likewise.

Where a response has been prepared by Council on behalf of another organisation (e.g., if a territorial authority were responding to a request about rates on behalf of a regional authority), and the response includes official information belonging to that other organisation, the local authority will not publish the information without the consent of the organisation concerned.

4.1 ADDRESSING PROACTIVE RELEASE DURING THE LGOIMA RESPONSE PROCESS

Notifying requesters that information may be published

As part of our LGOIMA release correspondence we notify requesters that the response will be published online and that their personal/identifying information will be redacted.

Fixing a charge cost incurred in collating LGOIMA responses

In deciding whether to impose a charge under section 13 of LGOIMA, we are required to consider the public interest in the official information concerned. If there is sufficient public interest to justify proactive release of the response, this will need to be considered in deciding whether or not to charge the requestor for it (in part or in full).

Where we decide to fix a charge, please note that payment of the charge does not give the requester sole rights to the information and that we retain the right to publish the information. – Refer to our LGOIMA Request & Charging Policy.

4.2. ADDITIONAL PUBLISHING PROTOCOLS

This sets out additional goals for achieving best practice in relation to the online publication of LGOIMA responses.

- Responses will be published chronologically and categorised by topic. Sufficient information will be included in the title/notes to give users and understanding of the subject matter of the document.
- We will publish responses online for at least two years. After two years, the relevance and public interest in responses will be considered, and responses may be archived where appropriate.

5. RELEVANT LEGISLATION/DOCUMENTS

This policy should be read in conjunction with:

- Local Government Official Information and Meetings Act 1987;
- Official Information Act 1982;
- Privacy Act 2020;
- Ombudsman Act 1975;
- Public Records Act 2005;
- Copyright Act 1994;
- SOLGM Guidelines for proactive release and publishing of official information for local authorities; and
- LGOIMA Request Policy
- Charging for LGOIMA Policy.

6. RESPONSIBILITIES

Who	Responsibilities
LGOIMA Team	<ul style="list-style-type: none">• Provide policy oversight• Approve the release of information as required
People leaders will	<ul style="list-style-type: none">• Ensure employees who report to them can access, and have read and understand policies relevant to their role:
Employees and other Stakeholders will	<ul style="list-style-type: none">• Ensure they are aware of and follow the Official Information Proactive Release Policy• Consider information in their respective roles that could be proactively released
The Chief Executive and Executive Officer	<ul style="list-style-type: none">• Be responsible for the Official Information Proactive Release Policy• Answer employees' questions about the Policy• Lead a programme of proactive release.

7. REVIEW PERIOD:

This policy will be reviewed every six (6) years unless earlier review is required due to legislative change, or is warranted by another reason.