



LGOIMA Requests Policy

Name of Policy:	LGOIMA Requests Policy
Purpose of Policy:	Provide clear guidance for requesters of information.
Policy Applies to:	All Council employees, including contractors and consultants.
Approved by:	Executive Team
Responsible for its Updating	LGOIMA Team
Final Approval by:	Executive Team
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1. BACKGROUND

LGOIMA aims to make official information held by local authorities more freely available and promotes transparency. It also promotes the accountability of council members and staff. There are protections from disclosure where non-disclosure is in public interest or to protect personal privacy.

If the reply to a request for information is likely to take a significant amount of research, collate and copy, the Kaikōura District Council (KDC) is entitled under LGOIMA, to impose a charge for the provision of information – please see the Council’s charging for LGOIMA requests policy.

2. POLICY

KDC is committed to the principles of openness and public engagement and will make information available unless there are good reasons for withholding it.

The principle of availability underpins the whole of the LGOIMA. This principle should always be kept in mind when considering how best to respond to a request for official information.

KDC must be mindful of the duty to give reasonable assistance to a person making a LGOIMA request, communicating with them to clarify their request in order to identify the information sought.

3. LGOIMA REQUESTS

Anyone is able to request official information from us and there are rules for how we handle the requests under LGOIMA. Council staff who receive a request for information must email the request to officialinformation@Kaikōura.govt.nz so that the workflow process can commence.

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

- Reports, policies, letters, emails, information held on our database.
- Video footage
- 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.

Requests can be made in any form; this includes by email, verbally, by the council’s social media channels or in writing.

While we do monitor our KDC social media page, it’s not the most effective way of ensuring requests are captured. Our Council website advises requesters to:

- Email: officialinformation@Kaikōura.govt.nz
- Write to the: LGOIMA Team, Kaikōura District Council, PO Box 6, Kaikōura, 7300
- Phone: 03 319 5026
- In person (verbal): At Council’s reception, 96 West End, Kaikoura.

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 requester accordingly.

In the case of multiple requests for information, the Council may ask that 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.

4. RESPONSES/TIMEFRAMES

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

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

Working days mean any day that is not:

- Saturday, Sunday, Good Friday, Easter Monday, ANZAC Day, Labour Day, Queen's Birthday, Waitangi Day, or
- The day observed as the provincial anniversary day in the area in question – Marlborough Province's anniversary day is the first Monday in November; and
- A day between 20 December and 10 January inclusive.

If KDC under review consider that the request is very broad, we can explore refining the request.

Additional timeframe requirements are:

- 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.
- 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.
- 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.

5. PROACTIVE RELEASE OF LGOIMA REQUESTS

We consider the following when determining what will be proactively released:

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

The public can find responses to official information requests on our website. See separate Official Information Proactive Release Policy.

6. 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 expressions 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.

7. 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 [Public Interest](#) on how the public interest test works in practice.

8. 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 – [Publicly available information](#) (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 [Ombudsman's guidance](#) 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. Please see the Council's charging for LGOIMA requests policy.
- **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 it is to respond.
- **Confidentiality.** We follow the Ombudsman's guide on [Confidentiality](#). (November 2020)
- **Refusing request on the basis of substantial collation and research.** We follow Ombudsman guidance on [Substantial collation or research](#) (March 2019).
- **Copyright.** Where a third party creates an original work under contract for the Council (like a report or an image) then the contract for this service will determine who owns the copyright.
- **Request for personal information.** This is covered under Section 23 of the Act. As a general rule:
 - Request 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 und LGOIMA.
- **Consulting third parties.** We follow the Ombudsman's [guide Consulting third parties](#) (updated April 2019).

9. HOW TO MAKE A COMPLAINT

If the requester is not satisfied with the Council response, they can make a complaint to us by emailing the Official Information team on officialinformation@Kaikōura.govt.nz or phoning 03 3195026.

The requester has the right to seek an investigation and review by the Ombudsman on our decisions. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

10. 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
- Official Information Proactive Release Policy
- Charging for LGOIMA Policy.

11. 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.