



Disclosure under the Official Information Act 1982 (OIA)

Overview

Purpose of this part of the 'Privacy and official information' chapter

This part of the '[Privacy and official information](#)' chapter details Police procedures and requirements under the [Official Information Act 1982 \(OIA \(1\)\)](#) for responding to requests for information:

- that is **not personal** in nature (e.g. Police policies or procedures from the Police Manual)
- that is **personal about third parties** (e.g. a request from the media or from one family member for information about another).

These requests are governed by the [Official Information Act 1982](#).

See '[Disclosure under the Privacy Act 1993](#)' for the legislation and procedures relating to requests for personal information or about proactively disclosing personal information under the [Privacy Act 1993](#).

This part of the '[Privacy and official information](#)' chapter also provides **detailed Police processes to guide staff when receiving and responding to OIA requests using the Information Request TOOL (IRT)**. It applies to all OIA requests received at PNHQ and in Districts. See the section on '[How to action an OIA request](#)'.

Official information defined

"Official information" means any information (including personal information) held by a Department, a Minister of the Crown in their official capacity, or an organisation (which includes New Zealand Police). It includes any information held outside New Zealand by any branch or post of a Department or organisation.

It excludes certain categories of information, such as evidence in a commission of inquiry, information contained in a victim impact statement, or information relating to an investigation by the Ombudsman or the Privacy Commissioner.

(s2(1))

Purpose of the Official Information Act

The purpose of the Official Information Act 1982 is to:

- make official information more freely available, and
- protect official information to the extent consistent with the public interest and the preservation of personal privacy.

The Act states as a principle that **official information must be provided unless there is good reason for withholding it.**

(s5)

When the Official Information Act applies

The Act only applies when responding to a request for official information. Requests made to Police for information that is **not** about the requester must be considered under the Official Information Act.

See 'Introduction to disclosure of information' for more guidance on determining when the Official Information Act applies.

Related information

See also:

- these related parts of the 'Privacy and Official Information' chapter:
 - Information Privacy Principles
 - Introduction to disclosure of information
 - Disclosure under the Privacy Act 1993
 - Applying the Criminal Records (Clean Slate) Act 2004
 - Community disclosure of offender information
 - Privacy breach management
- 'Criminal disclosure' for the law and procedures relating to the disclosure of information to the defence before trials
- the Official information legislation guides on the Office of the Ombudsman's website.

Requests for official information

Who can make a request

A request under the Official Information Act (OIA()) can be made by:

- a New Zealand citizen
- a person who is a permanent resident or is in New Zealand
- a body corporate incorporated in New Zealand or having a place of business in New Zealand.

(s12)

Information may be released to a non-entitled requester

Where a requester is not entitled under the [OIA \(\)](#) to make a request, Police may still release information, especially where it is non-personal, non-sensitive official information, it will not impact too heavily on Police resources to do so, and there is a public interest in disclosure (e.g. an Australian researcher asks for NZ Police's policy on the Adult Diversion scheme).

Identifying the requester

It is not necessary to verify the identity of an [OIA \(\)](#) requester (unless they are a NZ body corporate requesting personal information about the requester ([s25](#))) and they do not have to provide personal details. However, if you have concerns about the nature of the information sought and whether they meet the section [12](#) requirements of a person entitled to make a request (i.e. NZ citizen/permanent resident/in NZ), you may ask for a reasonable level of evidence, e.g. a NZ address or phone number, but you cannot demand proof of identity.

The purpose of checking eligibility is to ensure the Official Information Act applies to your response, including the 'good faith' protection from court proceedings provided by section [48](#).

If the [OIA \(\)](#) request is for **personal** information about a third party:

- the requester must provide sufficient information, such as evidence of their relationship, to assist you in assessing whether the public interest in releasing the information to them outweighs any privacy interest (e.g. a request from a parent or guardian for information about offending by their young child), or
- you must be satisfied that the request is properly authorised by the individual whose information is being requested.

The form of the request

Requests can be made in writing or orally. You cannot require that the request be written, but you can ask the requester to put their request in writing. Offer the relevant Police Form (*available in Police Forms > Information Requests > Official Information and Privacy Act requests*) which can be printed and handed to the requester, or you can direct the requester to the Police website portal to download/complete/print the form or to make a request for official information online.

Otherwise, make a written record of an oral request for official information, including the exact wording of the request and the requester's details needed to complete and deliver Police's response.

Requests must be clear as to the information required

Information requested must be specified with "due particularity". That does not mean the request cannot be broad or for a large amount of information, but if what is being requested is vague or unclear, go back to the requester immediately and ask for it to be clarified.

(s12)

Police must assist a requester to make their request correctly

You must assist a requester so that their request is made in the correct manner or to the appropriate agency.

(s13)

Time limits for responding to requests

An OIA request must be processed and a decision made on whether and how to grant it, and the requester notified accordingly, as soon as reasonably practicable, but not later than 20 working days from the day after the request is received. (s15(1))

Failing to respond to a request within the time limit or undue delay in making the information available is deemed to be a refusal. (s28(4)&(5))

If you cannot communicate the decision within the 20 working-day limit, consider whether you can notify an extension.

Key roles and responsibilities

End-to-end oversight for PNHQ

The **Ministerial Services OIA Team** has end-to-end oversight of all PNHQ OIA requests. The team receives and triages all OIA requests for completion at PNHQ. It also reassigns OIA requests that need to be completed in districts. The team provides advice to all Police staff on responding to OIA requests and coordinates the approval process before a response is sent out.

A member of the Ministerial Services OIA Team is designated as the **Ministerial Services Liaison** for each OIA request. The Ministerial Services Liaison logs and assigns requests to the appropriate business group for response. They maintain oversight of requests to ensure legislative timeframes are met, and are the coordination point when draft responses are complete and need to go through Executive approval and Minister's Office consultation. The Ministerial Services Liaison is responsible for sending responses to requesters once they are complete.

End-to-end oversight in Districts

The **Claim Team** (usually those staff in the File Management Centre (FMC) with responsibility for managing information requests) has end-to-end oversight of all OIA requests in the district. A designated Claim Team member (usually the FMC supervisor) is responsible for triaging all OIA requests received. Requests are then allocated to a Claim Team member (this may be the same person) who logs and assigns requests to the **Assignee Team**, then on to a nominated Assignee for response, or reassigns those that need to be completed by another district or PNHQ. The Claim Team maintains oversight of requests to ensure legislative timeframes are met and provides advice to district staff on responding to requests. The Claim Team member is responsible for sending responses to requesters once they are complete.

Preparing the response

A number of people may be involved in the process of preparing a response to an OIA request.

At PNHQ

A **Claim Team** in each business group at PNHQ is responsible for allocating OIA requests received by the business group to an Assignee. The Claim Team maintains oversight of all OIA requests assigned to the business group to ensure they are completed within legislative timeframes.

The **Assignee** is responsible for scoping the request, collating the requested information, and compiling the response for endorsement. The Assignee will usually decide it is appropriate for a **Supervisor** to review a draft response before it goes to the National Manager/Director for endorsement. The Assignee may seek advice from a member of the **Legal Team** at any stage, or ask them to review a draft response once the Supervisor has done so.

The **National Manager/Director** endorses all responses before they go to the appropriate Executive Member/s for approval.

In Districts

The **Assignee** is responsible for scoping the request, collating the requested information, and compiling the response. The Assignee would normally seek review by a **Supervisor** of a draft response before it is finalised. The Assignee may seek advice from a member of the **Legal Team** at any stage, or ask them to review a draft response once the Supervisor has done so.

Approving the response (PNHQ process only)

All PNHQ OIA responses go to an **Executive Member** for final approval. Responses are approved by the appropriate Executive Member/s for the relevant business group/s, and by the DCE: Media and Communications.

Under the ‘No Surprises Principle’, some responses will go to the **Minister’s Office** for consultation prior to the information being released to the requester.

How to action an OIA request - The stages of processing an OIA request

There are distinct stages involved in receiving and responding to an OIA request.

Each stage is shown below, and you can click on each stage to link to the detailed guide on what you need to do.

1. [Logging and triaging a request](#)
2. [Scoping a request](#)
3. [Collating the information](#)
4. [Compiling the response](#)
5. Finalising the response [at PNHQ](#); [in Districts](#)

In Week 1	By Week 1-2	By Week 1-3	By Week 2-4+
Log Triage Assign Scope Collate Transfer	Collate Assess Compile response	Compile response and for PNHQ – Approve Ministerial consultation	Provide decision or extension by 20th working day Release approved information without delay

Key process points

What you need to know

- All information held by Police is official information.
- A request for official information does not need to refer to the OIA, can be communicated by any means (including orally or by social media) and can be made to any person in Police.

- You must make a decision about whether you will release the information requested and communicate it to the requester 'as soon as reasonably practicable' and no later than 20 working days after the request is received, unless you have extended the time limit for response.

Key Timeframes

- The working day count starts the day after a request is received by Police.
- If a request is refined within 7 working days it can be treated as a new request.
- You have 10 working days to transfer a request unless you extend the time limit to transfer.
- You have 20 working days to make and communicate a decision to the requester, or to extend the time limit.

Remember

- The public has a right to access the information Police holds.
- OIA requests are a core part of our business and responding to an OIA might be something you need to do.
- Communicate well with the requester. OIA requests are an opportunity to influence, educate, and inform, and build the public's trust and confidence in Police.

Logging and triaging a request

Logging a request

All PNHQ OIA requests are received by the Ministerial Services OIA Team and a Ministerial Services Liaison is designated to each request. Any requests sent directly to a business group should be emailed to Ministerial.Services@police.govt.nz for logging and assigning.

All district OIA requests are received by the Claim Team. Any requests received by another group in that district should be sent to the Claim Team for logging and assigning.

Every request (PNHQ and Districts) must be logged in the IRT as soon as possible after it is received. This is necessary for workflow management and reporting.

Requests that are submitted through the Police website will automatically be logged in the IRT, with some of the information pre-populated into the request record. A member of the Ministerial Services OIA Team in PNHQ, or the District's Claim Team will check that the information has pre-populated correctly and add any relevant information.

Requests received by any other means are logged manually in the IRT by the Ministerial Services Liaison designated to that request, or in Districts, by a member of the Claim Team.

Triaging a request

The Ministerial Services OIA Team, or the designated triage person in each district, triages all requests. (At PNHQ, this is done at a daily meeting). Following triage, the designated Ministerial Services Liaison, or the allocated district Claim Team member, will complete any required actions.

See the relevant triage process map (PDF) below:

PNHQ Ministerial Services Triage Process

 PNHQ Ministerial Services Triage Process.docx	65.31 KB
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Districts Triage Process

 Districts Triage Process.docx	58.94 KB
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The questions considered during initial triage should be considered throughout the life of the request. Things such as identifying a risk relating to the release of some information may not be immediately apparent. Issues should be addressed as they arise.

Does the request belong with Police (in part/full)? [by day 10]

- Identify if Police holds the information or if another agency or Minister should respond.
- If the request is for information Police doesn't hold (or only partially holds), you will need to **transfer** it.
- If the information is spread across multiple agencies Police may need to split the request, respond to part of it, and transfer the remainder to other agencies.
- A transfer to another agency or Minister must be done no later than 10 working days after Police receives the request. The only exception to this timeframe is if consultation with other agencies about the transfer can't be completed within the 10 working day time limit.
- A request that is being transferred in full still needs to be logged in the IRT.

To transfer a request:

- Contact the agency you think should respond to the request and confirm they will accept it.
- Once confirmed, email the request to the agency.
- Notify the requester that their request is being transferred.
- Complete the transfer process in the IRT.

Is the requester eligible to make the request under the OIA?

To be eligible to make an OIA request, a requester must be:

- a person who is in New Zealand OR
- a New Zealand citizen or permanent resident anywhere in the world OR
- a corporate entity which is incorporated in New Zealand or which has a place of business in New Zealand.

If a requester is not eligible, Police may still release information, particularly where it is non-personal, non-sensitive official information, if it will not impact too heavily on Police resources to do so, and there is a public interest in doing so.

You need to:

- Check if a requester is eligible to make the request.
- If eligibility is unclear, contact the requester to clarify.
- If a requester is not eligible, consider the requester's circumstances and make a decision on whether or not to accept the request.
- If the request is accepted, assign it in the same way as an OIA request.
- If the request is not going to be accepted, advise the requester they do not meet the eligibility requirements.

Is the requester eligible to make the request under the OIA?

Marking a request "confidential to Police" restricts access/visibility in the IRT to staff assigned to the request and a small number of staff with super-user access.

The criteria for when a request should be marked "confidential to Police" applies to the request itself and/or the information requested (regardless of whether that information will be released or not, as unredacted documents are still accessible by staff).

If any of the following apply to the request, or information requested, the request may be marked "confidential to Police":

- The request relates to a high-profile individual or incident, AND is not fully available in the National Intelligence Application (NIA), AND the subject matter is of a nature that the individual involved would have an expectation that Police would treat the matter with additional confidentiality.
- The request is from a Police employee.
- The request is a complaint about, or reflects negatively on, a named Police employee.
- There is any other reason why making the request, or information requested, visible to all Police staff is not appropriate.

You need to:

- Consider whether any of the above criteria apply to the request.
- If so, mark the request “confidential to Police” in the IRT.

Are there any high organisational impacts with the request or the likely response?

If a decision to release, or not to release, the requested information may have any of the following impacts/consequences, a request should be marked “high organisational impact”:

- Likely to negatively affect trust and confidence in Police, Ministers, or stakeholders.
 - Likely to negatively affect the reputation of an individual or organisation.
 - Potential legal implications.
 - High interest to the public.
 - Likelihood of high media interest.
- Or if:
- there are current, or impending, court proceedings.
 - there is any other reason why a request should be flagged.

You need to:

- Consider whether any of the above criteria apply to the request. Remember, the criteria applies to the information **you will be releasing**. If the requested information is sensitive in nature but you will be withholding it, there may well be no impact on Police.
- If any of the criteria apply to the request, mark the request “high organisational impact” in the IRT.
- **Marking it “high organisational impact” in the IRT provides a number of options for review, consultation, and/or notification.** Consider who needs to know about the potential impact.
- Mark one or more of the below options in the IRT:

Review	<p>At PNHQ – the Executive</p> <p>In Districts:</p> <ul style="list-style-type: none"> • Supervisor • Member of District Leadership Team • District Commander • Executive (PNHQ)
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Consult	<ul style="list-style-type: none"> • Legal • Media and Communications • Chief Privacy Officer (Based at PNHQ) • Chief Information Security Officer (Based at PNHQ)
Notify	<ul style="list-style-type: none"> • Media and Communications • Commissioner (for PNHQ OIAs) or District Commander (for District OIAs) and/or their delegate • Minister's Office

Is the request urgent?

A requester may ask for a request to be treated as urgent, and if so must give the reasons for seeking the information urgently (section 12(3) of the OIA).

You need to:

- Assess whether the reason given is genuine and legitimate and if it is reasonable to give the request priority over other work, including other OIA requests.
- If you're unsure, contact the requester to clarify the reason for urgency.
- If you believe there is a genuine need for the request to be treated with urgency, make this clear in the IRT record.

Is there likely to be any problems reaching a decision on the response within 20 working days?

You need to:

- Assess the likelihood of the request taking longer than 20 working days to respond to.
- If it is likely to, make sure the assignee is made aware of the process of applying a time extension, should this be needed.

Check the request has not been sent to multiple places in Police

The Ministerial Services Liaison or the District's Claim Team member needs to:

- Complete a search in the IRT in case the requester has sent the same request to multiple places in Police. If this is the case, the response should be completed by the PNHQ business group or district that the majority of the requested information relates to.

Acknowledge the request

The Ministerial Services Liaison or the District's Claim Team member needs to:

- Email the requester acknowledging receipt of their request within 24 hours of the request being received.
- In the acknowledgement email/letter you should include:
 - the date the request was received by Police
 - the IRT reference number
 - the exact request phrasing of the request, or a copy of the request
 - the timeframes for response.

Assigning a request

For PNHQ OIAs

The Ministerial Services Liaison needs to:

- Assign the request to a business group Claim Team. If a request requires information from multiple business groups, a decision will need to be made on which business group is best placed to take overall responsibility for responding.
- If the request needs to be assigned to a district for response, assign it to the appropriate district Claim Team.

A member of the Claim Team needs to:

- Accept or reject **business group** responsibility for responding to the request as soon as possible, and within 24 hours.
- If accepted, assign the response to an appropriate member of the Assignee Team, taking into consideration factors such as subject matter expertise and workload.

For District OIAs

The Claim Team member needs to:

- Assign the request to a member of the Assignee Team, taking into consideration factors such as subject matter expertise and workload.

Once assigned (Both PNHQ and Districts)

The PNHQ or District's Assignee needs to:

- Accept or reject the responsibility for responding to the request as soon as possible, and within 24 hours.
- Reasons for rejecting a request may include that you are not the right person to respond, or because you do not have the capacity to do so. You should talk to the Claim Team member who assigned the response, or your supervisor, before rejecting a request.

If:

- **at PNHQ** a member of a Claim Team or an Assignee, or
- **in Districts**, an Assignee —

identifies that a request, or part of a request, needs to be transferred, they should mark the request “for transfer” in the IRT. The Ministerial Services Liaison or the District’s Claim Team member will then process the transfer.

Relevant templates

- Letter to requester - acknowledging receipt of request
- Letter to agency – transfer of request
- Letter to requester – transfer of request

(Accessed from **WORD> Police Forms> Information Requests> Official Information and Privacy Act requests**)

Checklist for logging and triaging a request [by day 3]

- Request has been logged in the IRT
- Request was assessed for transfer and transfer was completed if required
- Requester was assessed and deemed eligible to make a request
- Request was assessed for confidentiality requirements
- Request was assessed for any high organisational impacts
- Request was assessed for urgency
- Request was assessed for likelihood of any problems reaching a decision on the response within 20 working days
- Requester has been sent an email acknowledging receipt of the request
- Request has been assigned to an Assignee for response

Scoping a request

On accepting responsibility for responding to a request, the next step is for the Assignee to scope the request.

Clarify the request [by day 7]

- Assess whether the request is clear and specific enough for you to identify the particular information the requester wants, without any inferences or guesswork on your part (referred to in the legislation as ‘due particularity’).
- If the request is unclear, **contact the requester to clarify** (by phone where possible). If you clarify by phone, follow up with an email (or letter) to confirm any agreed amendments.
- If you seek clarification and the request is amended with the requester’s agreement before day 7, the OIA clock restarts and you then have 20 days to respond from the

day the request was clarified. If this happens, update the “request received” date in the IRT.

- If the requester does not get back to you to clarify the request, you’ll need to continue processing the original request, so seek clarification **as early as possible**.

Check if the information is publicly available

- If the information is already (or very soon to be) publicly available, you can refuse the request and refer the requester to the location of the information (section 18(d) relates to this).

Check previously released information

- Do an IRT search to see if any similar requests have been received, or previous requests from the same requester. We do these checks because we want to provide consistent responses. Being inconsistent can put Police’s reputation at risk, and checking can often save you time if information on the same topic has been released previously.
- If other similar requests have been responded to, check that the information is still current.
- A search will also identify if a requester has sent the same request to multiple places in Police. (*Ministerial Services or a District’s Claim Team member will already have checked this during triage, but further requests may have been logged in the IRT after this check was done*). If this is the case, the response should be completed by the PNHQ business group or district that the majority of the requested information relates to.
- Notify the requester that they will receive one response and from whom.

Plan your timeline

- An OIA request must be processed and a decision made on whether and how to grant it, and the requester notified, **as soon as reasonably practicable**, and not later than **20 working days** from the day after the request is received.
- You do not have to provide the information that you are releasing to the requester within that timeframe. This does not mean you can defer the decision process, it only applies to the administrative process of providing the information.
- You must still provide the information without undue delay.
- Advise the requester when they can expect to receive the information.
- If you cannot communicate the decision within the 20 working day limit, you will need to notify an extension.
- Be realistic when you plan how long each processing stage is likely to take. Keep legislative and administrative deadlines in mind, and consider factors likely to impact how long you need for each stage (e.g. quantity, location and complexity of data, and the number and availability of subject matter experts and other stakeholders).
- Consider your own workload.

Additional considerations at PNHQ

- Requests completed **at PNHQ** need to be approved by an Executive Member, and many will be reviewed by the Minister's Office before the response is sent out.
- Allow at least three working days for Executive Member approval and five working days for Minister's Office consultation.

Identify who you will need input from and who you will need to consult

- This could include subject matter experts who hold the information or need to be consulted, and internal/external stakeholders/agencies who might need to be consulted or notified.

Identify whether the information exists, where it is located, how much there is likely to be, and how long it will take you to get/assess it

- Does the request require you to create new information? The OIA does not require you to create new information (section 18(g)).
- Are there any difficulties accessing the information?
- Is there likely to be a large quantity of information found, or are you going to have to search through a large quantity of information to find the information that the requester wants?

Identify any risks or impacts with the type of information requested

- The request will have been assessed for any risk or organisational impact during triage, but consider if any new risks/impacts have emerged since then.

Relevant templates

Letter to requester – extension required

(Accessed from **WORD> Police Forms> Information Requests> Official Information and Privacy Act requests**)

Checklist for scoping a request [in week 1]

- Request was assessed for due particularity and clarification sought if needed
- Checked whether information is publicly available / soon to be publicly available
- Checked previously released information
- Planned request timeline
- Identified SMEs and stakeholders
- Identified whether the location exists, where it is located, how much there is likely to be, and how long it will take to get/assess it
- Identified any issues that could delay collation, assessment, or consultation
- Identified the format that the information (if released) is to be provided in

- Identified any risks or impacts with the type of information requested

Collating the information

After scoping the request, the Assignee needs to collate the information.

Identify information in scope

- Arrange for a search of all physical and electronic locations within Police that you believe may hold information in scope. The Ministerial Services OIA team or the district Claim Team can advise you on this if you are unsure.
- Consider whether any external locations might hold information in scope (e.g. other agencies).
- You aren't required to create new information in order to respond to an OIA request (e.g. to form an opinion, collect new data, or undertake new analysis/transformation of information or base data). However, you should consider whether it would be administratively unreasonable to refuse to do so (e.g. the information would be created in the near future anyway, the information is of substantial public interest, or the work required to create the information is at a manageable level).
- If you need another Police staff member to provide you with some information for the response, select the "create SME task" option in the IRT. Be clear about the information you need from them, and when you need it by. It's a good idea to call them in advance of sending your request to them.
- Keep a list of locations you have searched and note this in the IRT. If you need to replicate the response, or if the requester complains to the Ombudsman, you can show that a reasonable effort was made to identify the requested information.
- If there is a large number of documents in scope, consider keeping a table/list of the documents, to help you keep track of them and the action you are taking against each, e.g. consultation, withholding, refusing.

Collect copies of the information in scope

- When you identify electronic or hardcopy documents you should make copies of these to add to your electronic/physical document set. (Note - it is risky to store original hardcopy documentation in your OIA physical document set, as it could be mistaken for copied documentation and redacted or released to the requester).

Issues that may come up during collation

You could not identify any information in scope

- If the information requested does not exist or cannot be found, the request should be refused under section 18(e) of the OIA.
- If the information is not held by Police and there are no grounds for believing it is held by another agency, the request should be refused under section 18(g) of the OIA. Note that the OIA does not require an agency to create information in order to meet a request for information.

- If you discover relevant information after having refused the request under either of the above grounds, contact the Ministerial Services OIA Team or your district Claim Team to discuss the situation as soon as possible.

Large volumes of information

If the request is for a significant volume of information, will take a long time to complete (in terms of processing time), or there are additional charges to Police for retrieval of the information, there are a number of things to think about. The OIA enables you to refuse a request where the information requested cannot be made available without substantial collation or research (section [18\(f\)](#)).

“Substantial collation or research” means that the work required to find the requested information, or bring it together, would have a significant and unreasonable impact on Police’s ability to carry out its other operations.

If you are considering withholding information on the grounds of substantial collation or research, you should look at the following options first:

Amending the request scope

- Contact the requester (by phone where possible) to see if they will agree to (for example) reduce the time period in scope, or the types of documents covered by the request. You may be able to provide a list of the documents in scope for the requester to select from in their next request, or provide the information in a different format (e.g. a summary or oral briefing).
- If you take steps to consult the requester within the first 7 working days you can treat any amended or clarified request you agree upon as a new request and restart the OIA clock.

Extending the timeframe for the request [by day 20]

- If a decision on whether or not to release the requested information cannot be made within 20 working days, the limit can be extended where:
 - the request is for a large quantity of information or requires searching through a large quantity of information and meeting the original time limit would unreasonably interfere with Police operations, or
 - the consultation 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.
- When setting your extension period, it is important to be realistic about how long processing will take. While you are still within the original 20 working day period, you can modify your extension period if you realise that it will not be long enough. You cannot modify the extension period or re-extend the request once the extension has begun and you are outside the original 20 day period.

- It is frustrating for the requester when the response takes longer than they expect, or the timeframe keeps changing. If you know an extension is likely, signal this to the requester early. You may want to hold off actually extending your request until the third or fourth week, by which point you should have a clear picture of how much additional time you are likely to need.

(Note that when advising the requestor of an extension, you must notify them of their right to complain to the Office of the Ombudsmen (s28(3))

Fixing a charge to process the request

- In cases where a request is likely to consume a considerable amount of labour and/or resources, or where a requester has recently made a large volume of time consuming requests, it may be appropriate to consider charging the requester for the information.
- The Ministry of Justice provides [charging guidelines for OIAs](#).
- If you are considering charging for an OIA request, discuss this with the Ministerial Services OIA Team.
- *A new Police policy for charging for OIA requests will be published mid-2018.*

If the requester is not prepared to amend their request, and if extending or fixing a charge are not suitable options for managing the substantial collation, you can refuse the request under section [18\(f\)](#) of the OIA. It is strongly recommended that you discuss the request with the Ministerial Services OIA Team or your district Claim Team and/or the Legal Team if you are thinking about refusing the request on the grounds of substantial collation.

Relevant templates

Letter to requester – extension required

Letter to requester – all information withheld/refused

(Accessed from **WORD> Police Forms> Information Requests> Official Information and Privacy Act requests**)

Checklist for collating the information [by week 1-2]

- Requested copies/list of information from all internal information holders
- Requested copies/list of information from all external information holders (if applicable)
- Received and/or made copies of information in scope
- Compiled list of locations searched
- Compiled list of all information in scope
- If substantial collation or research is necessary, contacted requester to discuss amendment, extension, charging or refusal

Compiling the response

After collating the information, the Assignee needs to decide on and compile the response.

Consider the approach to withholding/releasing information in any previous responses

- New Zealanders have a right to access the information Police holds and this should be front of mind. Information should be made available unless there is good reason for withholding it.
- We want to be as consistent as possible with responses, to avoid making contradictory public statements and to ensure requesters are treated equally. If we have responded to the same, or a similar, OIA request in the past (particularly if this was recent), you would generally approach your current request in a way that is consistent with the previous request. If you are thinking of taking an approach that is very different, or even contradictory to the previous request, you should discuss this with your manager or the Ministerial Services OIA Team / district Claim Team.

See more information on the [grounds for withholding information and refusing a request](#).

Consulting with others

- If you identify any particular risks or issues as you assess the material, get early advice from the Legal Team, Media and Communications, or other relevant business groups. They may be able to assist you with advice/information to help with your general approach as well as decision on whether or not to release particular material.
- Where there is material that directly relates to business groups or external stakeholders/agencies, consult with them to determine what information they consider should be released or withheld and the reasons for this.

Making a decision

- Making a decision on the request means deciding whether you will release the requested information to the requester. You must decide whether to release the information in full, release some information and withhold other information, or not release any of the information (refuse the request).

Compiling the information for release

- Police uses Adobe Acrobat XI Pro to redact information that is being withheld. Take a PDF scan of each hardcopy document identified, and save a copy of all electronic document files identified.
- You can find information on how to redact [here](#).
- Save a copy of the marked document with the proposed redactions (red outline around the text you intend to redact).
- Save a second version of this marked document and apply the redactions to the second version, then save that redacted version
- Save both versions in the IRT.

- Add a watermark to the second PDF version which will be released. Follow the guidance on [adding a watermark](#) in the [Electronic redaction and disclosure](#) chapter
 - *If you have not added watermarks before, create watermarks you will routinely need for different purposes and save the settings. The following suggested settings may be saved for ongoing use – it is preferable to personalise the disclosure to easily track the source of a Police document to the recipient and the IRT reference):*

Watermark	Title saved
Disclosed under the Official Information Act 1982 To: Ref:	OIA – personalised
Disclosed under the Official Information Act	OIA – generic

- If you don't have access to Adobe Acrobat XI Pro, contact the Ministerial Services OIA Team or your district Claim Team for advice.

Drafting a response letter

- All letters to the requester are written as if the person signing out the request is speaking on behalf of the Commissioner of Police, as the letter is a public statement from Police and may be published in the media or online.
- All information given in the letter must be factually correct.
- Use clear language and be as helpful as possible in explaining the rationale for any decisions to withhold information or refuse a request.
- If you intend to withhold information or refuse a request, consider contacting the requester by phone to explain the decision, before sending the response, if you think this will help Police's relationship with the requester.
- There are letter templates available to help you. Remember, these are a guide. You can modify them to suit your request circumstances, and provide additional context in your letter, if it will help the requester to better understand the reasons for your decision.

Reviews

- When you have a draft response compiled, decide if it needs to be reviewed by a Supervisor and/or a member of the Legal Team before it goes:
 - to the National Manager/Director for endorsement (PNHQ OIAs only), or
 - for district OIAs, back to your district Claim Team to send to the requester

- If a request has been marked as “high organisational impact” in the IRT, compulsory reviews or notification may have been identified. Check if this is the case.

Supervisor review

- If you think a Supervisor should review the PNHQ’s draft response before it goes to the National Manager/Director for endorsement, or a District’s draft response, submit a ‘supervisor review’ request in the IRT.

Legal review

- If you are unsure about the application of withholding grounds to any particular information, you can ask a member of the Legal Team for advice by submitting a ‘legal review’ request in the IRT.
- If you are sending a draft response to the Legal Team for review, make sure it has been reviewed by a supervisor first.
- **Be specific** about what parts of the response, or any particular information, you need advice on, and make sure you allow adequate time for the Legal Team to provide advice.

National Manager/Director endorsement (applies only to PNHQ)

- The National Manager/Director of your business group needs to endorse the draft response.
- Print off the approval sheet and a hard copy of the draft response.
- Fill in the information on the approval sheet.
- Give the National Manager/Director a hard copy of the response along with the approval sheet.
- Once the National Manager/Director has endorsed the response, save an electronic copy of the response and approval sheet in the IRT, and give the physical version to the Ministerial Services Liaison. (Note: the information requested – to be released or withheld in full, or proposed and applied redacted versions – will already have been attached by the Assignee.)

Following completion of any reviews (applies only in Districts)

- Save the response in the IRT, including the information requested – to be released or withheld in full, or proposed and applied redacted versions.
- If you consider the unredacted information is not appropriate to be attached in the IRT, insert its file path location for future reference.
- Submit it to your district Claim Team for finalising.

Relevant templates

- Letter to requester – extension required
- Letter to requester – all information withheld/refused
- Letter to requester – some information withheld

- Letter to requester – all information provided

(Accessed from **WORD> Police Forms> Information Requests> Official Information and Privacy Act requests**)

Checklist for compiling the response [by week 1-3]

- Compiled files or hardcopy documentation for assessment
- Reviewed the withholding/refusal grounds in the Act if needed
- Reviewed each piece of information in scope carefully and assessed it for release
- Sought early advice from Legal Team, Media and Communications, or other business groups if needed
- If withholding information under section 9 of the Act – completed Public Interest Test
- If withholding information or refusing any part of request – considered seeking advice from the Legal Team
- Identified stakeholders who need to be advised about the request and/or have the opportunity to consult on the response, and/or receive a copy of the final response prior to release
- Made a decision in respect of each part of the request
- Compiled release copy of requested information (if applicable)
- Drafted response letter
- Completed Supervisor review if needed, and made any necessary amendments
- Completed Legal review if needed, and made any necessary amendments
- Completed all appropriate consultation with stakeholders

Additional requirements for PNHQ OIAs

- Printed approval sheet
- Put together OIA pack for endorsement and approval
- Endorsed by National Manager/Director

Finalising the response (for PNHQ OIAs only)

Do you want the procedures for finalising the response for district OIAs?)

After the Assignee has compiled the response and received National Manager/Director endorsement, the Ministerial Services Liaison needs to finalise the response.

Executive approval

- Decide if Executive approval is required. The main reason it would not be required is if the same information has been requested previously and has already been reviewed and approved by an Executive Member.
- If Executive approval is required, take the hard copy of the response and approval sheet to the Executive Receptionist who will coordinate the Executive approval.

- All requests require approval by the appropriate Executive Member/s for the relevant business group/s, and by the DCE: Media and Communications.
- Once the Executive approval process is complete, collect the response and approval sheet from the Executive Receptionist.
- The approval sheet will indicate if any changes are required and whether any further Executive review is required. Changes should be made by the Ministerial Services Liaison or the Assignee as appropriate.

Minister's Office consultation

- The 'No Surprises Principle' requires Police to tell Ministers about matters of significance.
- Decide if the request/response needs to be sent to the Minister's Office for consultation before it is sent out to the requester. Reasons for doing this include if the response is likely to be of high public interest, attract media attention, or impact on trust and confidence in Police or Ministers. Allow five working days for the consultation.

If a request is going to the Minister's Office:

- Send the hard copy to the Minister's Office.
- Update the IRT to show the request is at the Minister's Office.
- When the consultation is complete, update the IRT with any comments.
- If changes are required, discuss them with the Assignee.

Releasing the response

When consultation and approval is complete, the OIA response can be sent to the requester by the Ministerial Services Liaison.

The Ministerial Services Liaison will:

- Provide a hard copy of the final response to the Assignee, who should arrange for the National Manager/Director to sign it.
- Scan the signed version.
- Check if the requester has asked for the response to be sent to them in a particular format or by a particular delivery method (e.g. email or post).
- Check that any disclosure is the redacted watermarked version.
- Send the response to the requester (most responses are sent by email and should be sent from the Ministerial.Services@police.govt.nz address).
- Make sure all documents relating to the request and response are saved in the IRT. If information is being withheld, a copy of the response showing the proposed redactions, as well as a copy of the final version with the redactions, should be saved.
- Complete/close the request in the IRT.

Relevant templates

- Letter to requester – extension required
- Letter to requester – all information withheld/refused
- Letter to requester – some information withheld
- Letter to requester – all information provided

(Accessed from WORD> Police Forms> Information Requests> Official Information and Privacy Act requests)

Checklist for finalising the response [by week 2-4]

- Approved by Executive Members
- Completed Minister's Office consultation, if needed
- Response letter signed by National Manager/Director
- Response sent to requester in the format requested
- Check that any disclosure is the redacted watermarked version.
- Saved all documents relating to the request in BPM
- Completed and closed the BPM record

Finalising the response (for District OIAs)

Do you want the procedures for finalising the response at PNHQ?

After the Assignee has compiled the response the Claim Team member needs to finalise it.

Consider if the request requires any further consultation or approval

The Claim Team member needs to:

- Consider if the response requires approval by a manager before it is sent it to the requester. This may be the case for requests that have been marked 'high organisational impact'.
- Consider if Executive approval or Minister's Office consultation is required. Again, this may be the case for requests that have been marked 'high organisational impact'.
- If Executive approval or Minister's Office consultation is required, the Claim Team member should submit the request in the IRT to Ministerial Services for them to coordinate the consultations.

Releasing the response

When the response is complete, the Claim Team member sends it to the requester.

The Claim Team member needs to:

- Check if the requester has asked for the response to be sent to them in a particular format or by a particular delivery method (e.g. email or post).

- Send the response to the requester.
- Make sure all documents relating to the request and response are saved in the IRT, including consultation emails, the response letter or email as sent, and the information requested – as released or withheld in full, or proposed and applied redacted versions.
- Complete/close the request in the IRT.
- Save the response in the IRT, including the information requested – to be released or withheld in full, or proposed and applied redacted versions.
- If you consider the unredacted information is not appropriate to be attached in the IRT, insert its file path location for future reference.
- Submit it to your district Claim Team for finalising.

Relevant templates

- Letter to requester – extension required
- Letter to requester – all information withheld/refused
- Letter to requester – some information withheld
- Letter to requester – all information provided

(Accessed from **WORD> Police Forms> Information Requests> Official Information and Privacy Act requests**)

Checklist for finalising the response [by week 2-4]

- Considered if the request requires any further consultation or approval
- Response sent to requester in the format requested
- Saved all documents relating to the request in IRT
- Completed and closed the IRT record

Appendix A: Triage processes for PNHQ and Districts

Download the relevant triage process map (PDF) below:

PNHQ Ministerial Services Triage Process



[PNHQ Ministerial Services Triage Process.docx](#)

65.31 KB

Districts Triage Process



[Districts Triage Process.docx](#)

58.94 KB

Appendix B - Withholding information and refusing requests under the OIA

When you have identified what information has been requested, you must consider whether there are any good reasons why the requester should not access any, or all, of the information.

The grounds for withholding information, or refusing requests, are listed in sections 6, 9, and 18 of the OIA.

OIA withholding provisions commonly used by Police

Section 6: Conclusive grounds for withholding information

‘Conclusive’ means you do not need to undertake a public interest test. The threshold for applying section 6 withholding grounds is high because you must be able to demonstrate clearly how the release of the information would be likely to lead to the negative impact.

Withhold requested information if disclosure would be likely to...	
s6(a)	prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand
s6(b)	prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by: <ul style="list-style-type: none"> i. the government of any other country or any agency of such a government; or ii. any international organisation
s6(c)	prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial
s6(d)	endanger the safety of any person

Section 9: Grounds for withholding information

Withhold requested information if it is necessary to...

s9(2) (a)	protect the privacy of natural persons, including that of deceased natural persons
s9(2) (ba) (i)	protect information that is subject to an obligation of confidence, if the release of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied
s9(2) (f) (iv)	maintain constitutional conventions, which protect the confidentiality of advice tendered by Ministers of the Crown and officials
s9(2) (g)(i)	maintain the effective conduct of public affairs through the free and frank expression of opinions by, between or to Ministers of the Crown, members of an organisation, or officers and employees of any department or organisation in the course of their duty
s9(2) (h)	maintain legal professional privilege. <i>(Never release communications with Police legal advisers or the Crown without consulting the Legal Team)</i>

To rely on any withholding grounds under section 9, you must first undertake a **Public Interest Test** to decide whether the public interest in releasing the information outweighs the reasons to withhold it.

The core purpose of the OIA is to ensure that official information is made available to members of the public. Section 9.1 makes specific reference to withholding information “only where the withholding is not outweighed by other considerations which render it desirable, in the public interest, to make the information available”.

Examples include:

- Promoting the transparency and accountability of Ministers and the Public Service
- Informing and enabling public participation in the activity of government

- Supporting the administration of justice and procedural fairness
- Promoting public health, safety and the protection of the environment

The Public Interest Test

- Identify the interest you are trying to protect by withholding information.
- Then consider the sections that might apply to withholding it.
- Identify any public interest considerations in favour of releasing the information.
- Compare your reasons for 1 and 2 and balance the competing interests.
- Decide if the public interest is greater for withholding the information or for releasing the information.
- If you are not certain where the balance of competing interest lies, consider consulting the Legal Team.

The Ombudsman has produced [comprehensive guidance on the public interest test](#).

Section 18: Administrative reasons to refuse a request in whole or part

A request can be refused if...	
s18(c)	making the information available would constitute contempt of court
s18(d)	the information requested is or will soon be publicly available
s18(da)	the information could be sought, or has been disclosed or withheld, under the Criminal Disclosure Act
s18(e)	the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found <i>You must first consider whether consulting the requester would assist them to make the request in a form that would remove the reason for the refusal (s18B).</i>

s18(f)	<p>the information requested cannot be made available without substantial collation or research</p> <p><i>You must first consider whether:</i></p> <ul style="list-style-type: none"> fixing a charge or extending the response time would enable the request to be granted (you can treat 2 or more requests as one if they are about similar topics or were received simultaneously or in short succession (s18A)) consulting the requester would assist them to make the request in a form that would remove the reason for the refusal (s18B).
s18(g)	<p>the information requested is not held by Police or a Minister of the Crown or other agency</p> <p><i>(It also covers a request that would require the creation of information – such as statistics, costs, numbers, where Police does not hold the data or cannot readily produce it from a database. You do not need to create information in order to meet a request.)</i></p>

Third party requests for personal information

Take special care when making decisions on requests for personal information about a third party. Common requesters in this category are parents of adult children, family members, lawyers, parties in Court proceedings, and reporters.

In general, do not disclose third party information unless:

- you are authorised or required by a specific statute or Court order to disclose it,
- the third party has provided consent in writing, or
- the public interest in meeting the request is sufficient to outweigh the privacy interest associated with the information.

If none of these apply, decline the request under section 9(2)(a) of the Official Information Act 1982 or seek legal advice.

Diversion-related requests

Do not disclose information relating to diversion to third parties, even with the consent of the person concerned. Disclosing such information would undermine the incentive for people to participate in diversion programmes. Such requests should, in general, be

refused under sections 6(c) and 9(2)(a) of the OIA. There may be limited circumstances where disclosure of diversion information is appropriate – see [Adult diversion scheme policy](#).

If a person seeks diversion information about themselves, process the request under the Privacy Act 1993 and provide the information unless there are good reasons not to do so.

Classified information

Classified information cannot be withheld solely on the basis of its security classification or endorsement mark. Urgently refer classified information subject to an OIA request to the Manager Organisational Security at PNHQ. If the information is withheld, the reason given must be one of those specified in the OIA.

Requests relating to current investigations and court proceedings

If a request for official information is made during the criminal investigation phase and before the commencement of any court proceedings, the information sought is not covered by the Criminal Disclosure Act 2008, so the OIA applies.

Information sought about current investigations or matters before the court may be able to be withheld under section 6(c) of the OIA if it would prejudice the investigation or the right to a fair trial.

From the commencement of proceedings until the end of trial

Obligations under the [Criminal Disclosure Act 2008](#) (“CDA”) begin with the commencement of proceedings and continue until they are concluded. (See the [Criminal disclosure](#) chapter.)

Requests from a defendant for official information should be refused under section 18(da) of the OIA where the request is made for information that could be sought, or has been disclosed or withheld, under the Criminal Disclosure Act.

Requests from the media or any person other than the defendant may be refused under section 6(c) of the OIA to avoid prejudice to the right to a fair trial.

After the trial

The refusal ground in section 18(da) does not apply to requests for information relating to the court proceedings made after the trial has concluded. It only applies while criminal proceedings are ongoing and the requester is a defendant.

After the trial, the OIA (including any applicable withholding grounds) applies to requests for information held by Police relating to the court proceedings.

Just because personal information has been released in criminal disclosure does not mean it must be released to the former defendant after the trial is over – for example, the privacy interests of a victim or witness are higher once the prosecution purpose has been met, and personal information about them may be withheld.

Appendix C: Checklist for processing an OIA request

Download a WORD version of the checklist below:



[Checklist for processing an OIA request.docx](#)

25.37 KB

Logging and triaging a request [by day 3]

- Request has been logged in the IRT
- Request was assessed for transfer and transfer was completed if required
- Requester was assessed and deemed eligible to make a request
- Request was assessed for confidentiality requirements
- Request was assessed for any high organisational impacts
- Request was assessed for urgency
- Request was assessed for likelihood of any problems reaching a decision on the response within 20 working days
- Requester has been sent an email acknowledging receipt of the request
- Request has been assigned to an Assignee for response

Scoping a request [in week 1]

- Request was assessed for due particularity and clarification sought if needed
- Checked whether information is publicly available / soon to be publicly available
- Checked previously released information
- Planned request timeline
- Identified subject matter experts and stakeholders
- Identified whether the location exists, where it is located, how much there is likely to be, and how long it will take to get/assess it
- Identified any issues that could delay collation, assessment, or consultation
- Identified the format that the information (if released) is to be provided in
- Identified any risks or impacts with the type of information requested

Collating the information [by week 1-2]

- Requested copies/list of information from all internal information holders
- Requested copies/list of information from all external information holders (if applicable)
- Received and/or made copies of information in scope

- Compiled list of locations searched
- Compiled list of all information in scope
- If substantial collation or research is necessary, contacted requester to discuss amendment, extension, charging or refusal

Compiling the response [by week 1-3]

- Compiled files or hardcopy documentation for assessment
- Reviewed the withholding/refusal grounds in the Act if needed
- Reviewed each piece of information in scope carefully and assessed it for release
- Sought early advice from Legal Team, Media and Communications, or other business groups if needed
- If withholding information under section 9 of the Act – completed Public Interest Test
- If withholding information or refusing any part of request – considered seeking advice from the Legal Team
- Identified stakeholders who need to be advised about the request and/or have the opportunity to consult on the response, and/or receive a copy of the final response prior to release
- Made a decision in respect of each part of the request
- Prepared release copy of requested information (if applicable)
- Drafted response letter
- Completed Supervisor review if needed, and made any necessary amendments
- Completed Legal review if needed, and made any necessary amendments
- Completed all appropriate consultation with stakeholders

Additional considerations for PNHQ

- Printed approval sheet
- Put together OIA pack for endorsement and approval
- Endorsed by National Manager/Director

Finalising the response - PNHQ OIAs [by week 2-4]

- Approved by Executive Members
- Completed Minister's Office consultation, if needed
- Response letter signed by National Manager/Director
- Response sent to requester in the format requested
- Saved all documents relating to the request in the IRT
- Completed and closed the IRT record

Finalising the response - District OIAs [by week 2-4]

- Considered if the request requires any further consultation or approval

- Response sent to requester in the format requested
- Saved all documents relating to the request in the IRT
- Completed and closed the IRT record

Appendix D: Examples - "high organisational impact"

Examples of requests that may be marked "high organisational impact"

Marking an information request "high organisational impact" relates to the impacts/consequences of releasing information, or of a decision not to release information.

OIA & Privacy Act requests will be marked "high organisational impact" in the following circumstances:

Likely to negatively affect trust and confidence in Police, Ministers, or stakeholders

Examples include:

- Information about events with poor outcomes:
 - fatal pursuits
 - high profile crimes with unpopular outcomes (e.g. Police were unable to prosecute)
 - relating to complaints against officers or officers facing, or convicted, of criminal offences
- Information regarding staffing numbers, restructures, mergers, reviews, and resourcing, particularly in districts – potential for this to affect confidence in Police

Likely to negatively affect the reputation of an individual or organisation

Examples include:

- Requests relating to high profile individuals, e.g. Members of Parliament, Sportspeople, celebrities
- Requests relating to high profile incidents involving a company/investigation, e.g. Pike River, CTV building

Potential legal implications

Examples include:

- Requests involving commissions of inquiry, legally privileged information, constitutional conventions, international relations, parallel investigations (e.g. IPCA, coronial, TAIC, maritime), application of other legislation (e.g. Criminal Records (Clean Slate) Act, Evidence Regulations), complex issues requiring early legal input

High interest from the public

Examples include:

- Usually will be linked to high media interest, but sometimes there may be information that isn't necessarily a high profile media story but helpful for the public to know

Likelihood of high media interest

Examples include:

- Requests that concern high profile individuals, e.g. Members of Parliament, Sportspeople, celebrities
- Requests relating to current events
- Requests relating to action following Government announcements
- E.g. CTV building, Pike River, deportees, tobacco-related burglaries, fleeing drivers

Other reasons

The other 2 reasons for marking a request high organisational impact are:

- There are current, or impending, court proceedings
- There is any other reason why a request should be flagged