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OIA-2020-3889

5 August 2020

Shane Gibson  
[fyi-request-13459-f0d9ec81@requests.fyi.org.nz](mailto:fyi-request-13459-f0d9ec81@requests.fyi.org.nz)

Dear Mr Gibson,

I refer to your request of 5 August 2020, under the Official Information Act 1982 (OIA), seeking a copy of the *internal user guide which outlines the process you undertake to manage OIA requests*.

The Corporate and Ministerial Services Team manages requests for information when a large amount of information has been requested and internal and/or external consultation is required. The team is long-established and while there is no current user guide for the process, guidance material from the Office of the Ombudsman is readily available and frequently utilised by the team. OIA training to Defence Force staff, who are regularly involved with responses to requests for information, is also provided in conjunction with staff from the Office of the Ombudsman.

Direction on the management of requests for information by the New Zealand Defence Force is contained within Defence Force Order 70. This is currently being revised and rewritten. Enclosed is a draft reference guide created around the time the team was created.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request.

Yours sincerely

**AJ WOODS**  
Air Commodore  
Chief of Staff HQNZDF

**Enclosure:**

1. Guidance for dealing with OIA requests

## Receiving an OIA

### Is it an OIA request?

Any request for information is considered to be a request under the OIA. The person requesting the information does not have to state that they seek it under the OIA. Some simpler requests (such as a request for a brochure, or for information easily found on the NZDF website) are not formally processed. If you receive a request for information contact Ministerial Services, who can advise whether it will need to be recorded in the system.

### How are requests registered?

Most OIA requests will come to Ministerial Services via OCDF, DCG or the Minister's office. If you receive a request directly you need to contact Ministerial Services so that the request can be properly managed. Ministerial Services will register the request and assign it to the Primary Lead, who then has responsibility for ensuring that the request is answered.

### Is this request for me?

If you are assigned an OIA, but believe it has been given to the wrong team, please notify your Primary Lead or Ministerial Services. It will be re-assigned promptly, so that no response time is lost. If you believe that the request has been sent to the wrong department, you need to notify Ministerial Services so that the request can be officially transferred. A request must be transferred within 10 working days of receipt, and the requester must be notified that their request has been transferred.

### How long do I have?

All OIA requests are subject to legislative timeframes and should be given the appropriate priority. All requests are to be completed within 20 working days. There is a provision in the OIA to seek extensions – however, a heavy workload is not reason enough to extend the timeframe. Failure to meet deadlines may mean that the Ombudsman investigates the NZDF.

## Managing an OIA

### The request is for a lot of information and will require significant work:

Under section 12 of the OIA the information requested shall be specified with due particularity. If the request is specific but wide-ranging (e.g. requesting all documents, emails, briefings, files, drafts etc.) then consideration will need to be given about whether the request is refused under section 18(f) due to substantial collation and research. Before refusing a request under this section you must consider whether the request could be provided if the scope was narrowed, if a charge was imposed, or whether the time limit was extended.

### Refusing a response:

There may be valid reasons to refuse a request for information. If the information requested is soon to be publicly available (e.g. the NZDF intends to publish it on its website, or it will be available in a press release or via a Minister's speech in the very near future) then the information can be refused. If the information does not exist then the request can be refused – the NZDF is not required to create information to fulfil an OIA request. If the request is frivolous or vexatious then it can likewise be refused.

### What information can be withheld?

Sections 6 and 9 of the OIA list the main reasons by which information can be withheld. Common reasons that the NZDF withholds information are because release could:

- Prejudice the security of New Zealand;
- Breach privacy;
- Prejudice the entrusting of information to the New Zealand government;
- Prejudice the maintenance of the law;
- Prevent free and frank communication; and
- Breach legal professional privilege.

Any information that is withheld needs to be justified, and needs to stand up to scrutiny from the Ombudsman. Withholding information because release could be embarrassing, or could result in negative media coverage are not suitable grounds alone.

## Completing an OIA

### Who needs to see the response?

If you are releasing information that involves other departments you should consult with them to ensure they are comfortable for the information to be released. If you are releasing names, then as a courtesy you should notify those people of the release.

Your response is to be thoroughly reviewed prior to release. When you have prepared the draft response it should be approved by your senior manager. If you are unsure about whether you can withhold information you should check with DLS or Ministerial Services.

### Finalising your response:

Once your draft response has been approved it is ready to be finalised for submission to Ministerial Services. The draft response is to be in the proper template and loaded on the SharePoint site. Any attachments are to be scanned onto the site, on OIA paper, with proper redactions. Redactions are not to be completed with a black marker pen – you must use redaction tape (available from Ministerial Services) and hand write the grounds under which the information has been withheld next to the redaction. Once all the paperwork is finalised and uploaded onto the SharePoint site you need to let Ministerial Services know. If you are withholding information your response letter needs to state under what grounds the information is withheld, and that the requester has the right to complain to the Ombudsman about the response.

### What does Ministerial Services do once I have sent them the approved response?

Ministerial Services will review the response letter and attachments, and seek changes if necessary. Once Ministerial Services is satisfied that the OIA is complete, they will undertake the final consultation with the Minister's office and the CDF's advisor. After consultation is complete, the final response will be submitted to CDF or COS for signing. Once signed, the final response will be sent to the requester by either the Minister's Office, DCG or Ministerial Services. A copy will be placed in the SharePoint file for easy access.