

Interpretation

(1) In this Act, unless the context otherwise requires,—

department means a government department named in [Part 1](#) of Schedule 1 of the Ombudsmen Act 1975 (other than the Parliamentary Counsel Office)

document means a document in any form; and includes—

- (a) any writing on any material;
- (b) any information recorded or stored by means of any tape-recorder, computer, or other device; and any material subsequently derived from information so recorded or stored;
- (c) any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means;
- (d) any book, map, plan, graph, or drawing;
- (e) any photograph, film, negative, tape, or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced

enactment means any provision of—

- (a) any Act of Parliament; or
 - (b) any legislative instrument within the meaning of the [Legislation Act 2012](#) made by Order in Council
- international organisation** means any organisation of States or governments of States or any organ or agency of any such organisation; and includes the Commonwealth Secretariat

local authority means a local authority or public body named or specified in [Schedule 1](#) of the Local Government Official Information and Meetings Act 1987

member means, in relation to an organisation, any person (not being an officer or employee of the organisation) who, whether by election or appointment or otherwise, holds office as a member of the organisation; and includes

- (a) where the organisation is a company or corporation, a director; and
- (b) where the organisation is a trust, a trustee; and
- (c) any temporary, acting, or alternative member of the organisation

official information—

- (a) means any information held by—
 - (i) a department; or
 - (ii) a Minister of the Crown in his official capacity; or
 - (iii) an organisation; and
- (b) includes any information held outside New Zealand by any branch or post of—
 - (i) a department; or
 - (ii) an organisation; and
- (c) in relation to information held by the Ministry of Justice, includes information held by the Rules Committee appointed under [section 51B](#) of the Judicature Act 1908; and
- (d) in relation to information held by a university (including Lincoln University), includes only information held by—
 - (i) the Council of the university; or
 - (ii) the Senate, Academic Board, or Professorial Board of the university; or
 - (iii) any member of the academic staff of the university; or
 - (iv) any other officer or employee of the university; or
 - (v) any examiner, assessor, or moderator in any subject or examination taught or conducted by the university; but
- (e) does not include information contained in—
 - (i) library or museum material made or acquired and preserved solely for reference or exhibition purposes; or
 - (ii) material placed in the National Library of New Zealand Te Puna Mātauranga o Aotearoa by or on behalf of persons other than Ministers of the Crown in their official capacity or departments; or
 - (iii) any oral history provided to the National Library of New Zealand Te Puna Mātauranga o Aotearoa in accordance with [section 10](#) of the National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003; and
- (f) does not include any information which is held by a department, Minister of the Crown, or organisation solely as an agent or for the sole purpose of safe custody and which is so held on behalf of a person other than a department or a Minister of the Crown in his official capacity or an organisation; and
- (g) does not include any information held by Public Trust or the Māori Trustee—
 - (i) in their capacity as trustee within the meaning of the [Trustee Act 1956](#); or
 - (ii) in any other fiduciary capacity; and

- (h) does not include evidence given or submissions made to—
 - (i) a Royal Commission; or
 - (ii) a commission of inquiry appointed by an Order in Council made under the [Commissions of Inquiry Act 1908](#); or
 - (iii) a commission of inquiry or board of inquiry or court of inquiry or committee of inquiry appointed, pursuant to, and not by, any provision of an Act, to inquire into a specified matter; and
- (ha) does not include—
 - (i) any matter subject to an order under [section 15\(1\)\(a\)](#) of the Inquiries Act 2013; or
 - (ii) documents referred to in [section 32\(2\)\(b\)](#) of the Inquiries Act 2013; and
- (i) does not include information contained in any correspondence or communication which has taken place between the office of the Ombudsmen and any department or Minister of the Crown or organisation and which relates to an investigation conducted by an Ombudsman under this Act or under the [Ombudsmen Act 1975](#), other than information that came into existence before the commencement of that investigation; and
- (j) does not include information contained in any correspondence or communication that has taken place between the office of the Privacy Commissioner and any department or Minister of the Crown or organisation and that relates to any investigation conducted by the Privacy Commissioner under the [Privacy Act 1993](#), other than information that came into existence before the commencement of that investigation;
- (k) does not include information contained in a victim impact statement (as defined in [section 22](#) of the Victims' Rights Act 2002)
- (l) does not include any evidence, submissions, or other information given or made to—
 - (i) the Judicial Conduct Commissioner, the Deputy Judicial Conduct Commissioner, or a Judicial Conduct Panel, in relation to any matter under the [Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004](#); or
 - (ii) the Judicial Complaints Lay Observer

Ombudsmen means the Ombudsmen holding office under the [Ombudsmen Act 1975](#)

organisation means—

- (a) an organisation named in [Part 2](#) of Schedule 1 of the Ombudsmen Act 1975 (other than the Parliamentary Service, mortality review committees, or sponsors (within the meaning of [section 2\(1\)](#) of the Education Act 1989) when performing functions under the Education Act 1989 or a partnership school contract (within the meaning of section 2(1) of the Education Act 1989));
- (b) an organisation named in [Schedule 1](#) of this Act

permanent resident of New Zealand means a person who—

- (a) resides in New Zealand; and
- (b) is not—
 - (i) a person to whom [section 15](#) or [16](#) of the Immigration Act 2009 applies (except if the person has been granted a visa or entry permission in accordance with [section 17](#) of that Act); or
 - (ii) a person obliged by or under that Act to leave New Zealand immediately or within a specified time; or
 - (iii) treated for the purposes of that Act as being unlawfully in New Zealand

person includes a corporation sole, and also a body of persons, whether corporate or unincorporate

personal information means any official information held about an identifiable person

State enterprise means—

- (a) an organisation that is a State enterprise within the meaning of [section 2](#) of the State-Owned Enterprises Act 1986 and that is named in [Schedule 1](#) of this Act;
- (b) an organisation that was a State enterprise within the meaning of [section 2](#) of the State-Owned Enterprises Act 1986 but which continues to be named in [Schedule 1](#) of this Act

statutory officer means a person—

- (a) holding or performing the duties of an office established by an enactment; or
- (b) performing duties expressly conferred on him by virtue of his office by an enactment

working day means any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
- (ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (b) a day in the period commencing with 25 December in any year and ending with 15 January in the following year.

- (1A) For the purposes of [Schedule 1](#), a company registered under the [Companies Act 1993](#) is a related company of a State enterprise if the State enterprise, whether alone or together with any other State enterprise, directly or indirectly owns, or controls the exercise of all the voting rights attaching to, the issued shares of the company (other than shares that carry no right to participate beyond a specified amount in a distribution of either profits or capital).
- (2) Where information is held by an unincorporated body (being a board, council, committee, subcommittee, or other body, but not being a mortality review committee)—

- (a) which is established for the purpose of assisting or advising, or performing functions connected with, any department or Minister of the Crown or organisation; and
 - (b) which is so established in accordance with the provisions of any enactment or by any department or Minister of the Crown or organisation,—
that information shall, for the purposes of this Act, be deemed—
 - (c) in any case where that body is established in respect of any department or organisation, to be information held by that department or organisation; and
 - (d) in any case where that body is established in respect of a Minister of the Crown, to be information held by that Minister.
- (3) Where subsection (2) applies in respect of any unincorporated body and that body is established for the purpose of assisting, advising, or performing functions connected with any department or organisation, that unincorporated body shall, for the purposes of this Act, be deemed to be part of that department or organisation.
- (4) Subject to subsection (4A), information held by an officer or employee or member of a department or organisation in that person's capacity as such an officer or employee or member or in that person's capacity as a statutory officer shall, for the purposes of this Act, be deemed to be held by the department or organisation of which that person is an officer or employee or member.
- (4A) Nothing in subsection (4) applies in respect of any information that any officer or employee or member of a department or organisation would not hold but for that person's membership of, or connection with, a body other than a department or organisation, except where that membership or connection is in that person's capacity as an officer or employee or member of that department or organisation or as a statutory officer.
- (5) Any information held by an independent contractor engaged by any department or Minister of the Crown or organisation in his capacity as such contractor shall, for the purposes of this Act, be deemed to be held by the department or Minister of the Crown or organisation.
- (6) For the avoidance of doubt, it is hereby declared that the terms **department** and **organisation** do not include—
- (a) a court; or
 - (b) in relation to its judicial functions, a tribunal; or
 - (ba) in relation to its judicial functions, a Crown entity within the meaning of the [Crown Entities Act 2004](#); or
 - (c) a Royal Commission; or
 - (d) a commission of inquiry appointed by an Order in Council made under the [Commissions of Inquiry Act 1908](#); or
 - (e) a commission of inquiry or board of inquiry or court of inquiry or committee of inquiry appointed, pursuant to, and not by, any provision of an Act, to inquire into a specified matter; or
 - (ea) an inquiry to which [section 6](#) of the Inquiries Act 2013 applies; or
 - (f) the Judicial Conduct Commissioner, the Deputy Judicial Conduct Commissioner, or a Judicial Conduct Panel under the [Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004](#); or
 - (g) the Judicial Complaints Lay Observer