

OIA PROCESS

Government agencies are committed to openness and transparency in the provision of public services to New Zealanders. The Official Information Act 1982 (or OIA) gives New Zealanders (citizens, permanent residents, visitors to New Zealand, and body corporates registered or with a place of business in New Zealand) the right to access to official information and is important for ensuring government is open and transparent. The guiding principle is that information must be made available if requested, unless a reason exists under the Act for withholding it.

The role of the Office of the Government Statistician and Chief Executive

The Government Statistician and Chief Executive's office (OGSCE) is responsible for formally receiving, assigning, tracking, reviewing, finalising and sending completed OIA responses.

Departmental OIAs

Departmental OIAs are the requests made directly to Stats NZ. The end to end process is outlined in this section.

RECEIPT OF OIA REQUEST

Departmental OIAs are typically received in the info email account (info@stats.govt.nz) and then forwarded to the OGSCE team email to log and acknowledge. (received)

If the request is received by someone else in the organisation, the expectation is that it is forwarded immediately to the OGSCE to log and coordinate.

Upon receipt of the request the OGSCE sends an email to acknowledge receipt (see '*Appendix 1: OIA Acknowledgement Email (example)*') for more information) of the request to the requestor as soon as possible. The email acknowledgement should outline:

- The date of their request
- The date it was officially received in Stats NZ
- The information that is being requested
- That it is being responded to under the OIA
- That they will receive a decision on their request within 20 working days

An OIA response calculator (to calculate the due date of the response) can be found at <https://www.ombudsman.parliament.nz/>.

The request is then logged in the [Ministerial Servicing Log](#) (note: all OIA documentation should be saved in Tui Tuia). In most circumstances, the person responsible for the coordination of the OIA request is determined by the content requested, as each member of the OGSCE has assigned portfolios.

REQUEST ASSESSMENT

The office completes an initial assessment of the request to determine the following:

- is it an OIA?
- is this information that Stats NZ holds?

- what is the size of the request and can a decision be made within 20 working days?
- is this information already publicly available?
- how long will it take to compile the information if not already publicly available?
- who in the organisation is best to compile the information requested?

If the request requires a coordinated response across several teams, the OGSCE will usually coordinate the request and send relevant sections to the relevant teams or identify the best person to coordinate the request.

When the request is assigned to the relevant team, this should outline the timeframes associated with responding to the request – including enough time for redactions, review and approval. The assignee can work with the OGSCE in the event that they think there is insufficient time to compile the information requested.

If the initial assessment indicates that a large amount of information may be covered by the request, a meeting to scope the request may be called to consider whether the request needs to be refined by the requestor, or if an extension on the time limit is required.

DRAFT

The team or person responsible for providing the information for the response (drafter) compiles the information.

Documents requiring redactions will be handled by OGSCE. However, there are instances where a drafter has knowledge of the Act and can indicate what redactions are required. These will be reviewed by the OGSCE, any redactions made to the documents are confirmed with the drafter before the draft is completed.

The response letter (to be sent with the requested information) is drafted by the OGSCE detailing:

- the original information request;
- any information being withheld, and why;
- any information being refused and why;
- the requestor has the right to make a complaint to the Ombudsman (Ombudsman contact details must be supplied).

REVIEW/APPROVAL

Once the draft response is completed by the OGSCE it must be forwarded back to the drafter's team for the appropriate senior manager that has the delegation to review and approve the response. Any further changes requested from the senior manager can be incorporated into the response before finalising (and approving).

SENDING THE RESPONSE

The final response is sent by the coordinator (from OGSCE). In cases where either the request is a sensitive matter, or there have been difficulties corresponding with the requestor, OGSCE manager may want to send the response.

FILE/COMPLETE

To close the request the following must be completed:

- update the [Ministerial Servicing Log](#) by recording the date sent;
- save the final response in [Tui Tuia](#).

Any paper copies can be disposed of in the secure bins

TRANSFERS

Departmental OIAs

If you decide to transfer a request (or part of a request) to another agency this must be done promptly, and no later than 10 working days from the date the request was received in Stats NZ.

If Stats NZ doesn't hold the information and a part or full transfer of a request is required begin this process as soon as practical.

Note: any transfers of a request outside the maximum or extended time limit could be the subject of a complaint to the Ombudsman under the Ombudsman Act 1982 – and a finding that the agency acted 'contrary to the law'.

The agency which you believe holds the information requested must be contacted first, so they can confirm they hold the information of the request, and formally accept the transfer of the request.

If the transfer is accepted by the agency you must:

- inform the requestor (in writing) their request is being transferred, and provide details of the agency that will be responsible for the request; and
- formally confirm with the agency accepting the transfer (in writing) and forward the original request (and any attachments) to the agency.

Once the transfer is complete the request must be closed in the [Ministerial Servicing Log](#). Note: for part transfers, where Stats NZ will be providing part of the information the request needs to remain open.

Ministerial OIAs

If it is decided that all, or part of a Ministerial OIA belongs to another Minister you must ask the Statistics Private Secretary to contact the corresponding Private Secretary in the first instance to discuss. If the Minister's Office confirm a transfer is necessary, you may be required to draft correspondence to both the requestor, and the Minister who will accept the transfer, for your Minister's Office to send out. Once the transfer is complete the request must be closed in the [Ministerial Servicing Log](#). Note: for part transfers, where the Minister's Office will be providing part of the information the request needs to remain open.

Requests that can't be transferred

If the information of the request is not held by Stats NZ, and no other agency holds the information of the request, it cannot be transferred.

In these rare instances, the request can then be refused under section 18(e) as the requested information does not exist, or section 18(g) as the information is not held by the agency and it is unable to transfer the request.

TIME EXTENSIONS

Time extensions for OIA requests can occur under the following circumstances:

- the request is for a large quantity of information, and an agency can't make a decision within a 20-working day time limit
- the request requires a search through a large quantity of information that cannot be completed within a 20-working day time limit
- a transfer is being considered this cannot be completed within the ten working day time limit.
- Stats NZ is consulting in order to make a decision on the request and can't reasonably complete this within the 20-working day timeframe.

When extending a request, the following must be communicated to the requestor (in writing):

- That you have decided to extend the time limit;
- How long the extension is for;
- The reason for the extension (refer to the list above); and
- That the requestor has a right to complain to the Ombudsman about the extension decision.

Providing the number of days that the request has been extended by, and the new due date will help to avoid confusion on when the requestor can expect their response.

Time extensions for Ministerial OIAs must first be discussed with the Minister's Office, who will need to agree on the extension, and then contact the requestor and advise them in writing. You may be required to draft the correspondence for the Minister's Office to send out.

Note: Unnecessarily extending the timeframe of a request can result in the requestor complaining to the Ombudsman.

The details of the extension (most importantly the revised due date) must be recorded in the [Ministerial Servicing Log](#).

Options around this:

Sometimes an information request can seem unclear or excessive, often because of the way that a request has been worded, or, the requestor isn't entirely sure of the information they want. Before resorting to a time extension, the following options can be considered:

Organise a meeting to discuss and scope the request

Calling a meeting with team members who have knowledge the subject(s) of the request or are responsible for compiling the information to try to interpret and understand what is being asked for. This will determine the next steps (e.g., extending the time of the request, or, contacting the requestor to discuss their request).

Contact the requestor to discuss their request.

By directly clarifying what the requestor seeks can reduce the time spent on the request.

If the request remains the same after clarifying with the requestor, then a time extension can be considered.

There is a possibility where, if the request has significant rescoping it could be considered as a new request (thus the clock starts again).

Charge the requestor for the information

There is an option of charging requestors for large requests. The decision to supply information subject to a charge must be communicated as soon as reasonably practicable and no later than 20 working days after the day the request was received (unless that timeframe is extended). Guidelines on charging for OIAs can be found at: <https://www.ombudsman.parliament.nz/resources/charging-guide-charging-official-information-under-oia-and-lgoima>.

WITHDRAWALS

OIA requests can be withdrawn by the requestor. This needs to be confirmed by the requestor in writing. When a request to withdraw an OIA is received the details must be recorded in the [Ministerial Servicing Log](#), and the request closed.

REFINING REQUESTS

Sometimes an information request can seem unclear or excessive, often because of the way that a request has been worded, or, the requestor isn't entirely sure of the information they want. By directly clarifying what the requestor seeks can reduce the time spent on the request, but also helps the requestor to receive the information they seek. Where a request needs to be refined contact the requestor directly to work through their request. Note: any refinements to a Ministerial OIA will be led by the Minister's Office.

Ministerial OIA Requests

Ministerial OIAs are requests made directly to the Minister of Statistics' Office (the Minister's Office). Stats NZ compiles and drafts the response to these requests on the Minister's behalf. All communications to the requestor are made by the Minister or his Office staff; no correspondence sent by or made from Stats NZ.

The end to end process is outlined below.

- The request is received and acknowledged by the Minister's Office
- The Private Secretary sends the OIA request to the OGSCCE to coordinate. The time allocated to draft the response to the request should be agreed to with the Private Secretary, as the 20 working days to provide a decision starts when received in Minister's Office.
- OGSCCE assigns a drafter (as described under the Request Assessment section in the Departmental OIA section)

- The assigned drafter compiles the information for the response.
- OGSCCE reviews and redacts any information to be withheld and drafts the response letter.
- OGSCCE drafts the cover aide memoire (see '*Appendix 2: Cover Aide Memoire*') which details:
 - the request
 - any relevant background on the information requested, or the requestor
 - a table detailing the proposed redactions.
- the draft response is forwarded back to the drafter's delegated senior manager to review and approve the draft response.

The draft response, cover aide memoire and documents for release (with proposed redactions) are provided to the Minister's office for review, and approval from the Minister. Once the Minister's Office has confirmed the response has been sent the request can be closed by:

- updating the [Ministerial Servicing Log](#) by recording the date sent and
- saving the final response in [Tui Tuia](#) and any documents released with the request

Any paper copies can be disposed of in the secure bins

Reporting on OIAs

All OIAs received, whether Departmental or Ministerial are listed in the Minister's fortnightly report.

Stats NZ does not consult with the Minister's Office on Departmental OIAs, nor are copies of responses sent across to Minister's Office for consultation. However, if a specific request is either contentious or controversial in topic, a heads up maybe given to the Minister's Office on what the proposed response will be.

DATA REQUESTS

Data requests are requests for information where Stats NZ may hold the raw data, however, the raw data requires customisation (and creation of new datasets) in order to provide the requestor with the information they requested.

These requests are processed similarly to OIAs, although we are not required to adhere to the Act.

In the first instance, the OGSCCE contacts the subject matter team to ask if they can produce the datasets requested. The team can then determine if the dataset requested can be produced, an estimated timeframe and if there may be any associated costs (under our charging policy for data) to the requestor.

If the team confirms the request can be fulfilled, the OGSCCE acknowledges receipt of the request, as per the OIA process. However, the acknowledgement must specify that:

- the request will be treated as a customised data request (not an OIA);
- the team that the request will be handled by (and what subject matter area);
- an estimate of the time it will take; and
- whether there will be a charge for the cost to produce the datasets.

The data request is then passed to the team to complete the request. Once the team has completed the request they must notify OGSCCE so the [Ministerial Servicing Log](#) can be updated. *'Appendix 3: Data Request example'* provides an example of a data request received and acknowledged by the OGSCCE.

INFORMATION REQUESTS DIAGRAM

An end to end process diagram of receiving and processing Departmental, Ministerial and Data Requests is attached as *'Appendix 4: Official Information Act Requests Process'*.

APPENDICES

Appendix 1: OIA Acknowledgement Email

Template found here:

<https://stats.cohesion.net.nz/Sites/TM/DSL/StrategicSupport/Administration/OIA%20Template%20-%20Departmental%20OIA%20acknowledgement%20email.docx?d=w0b5f2fa0914045678f7b7475a910f4df>

Example

From: Grace Spraggs

Sent: Friday, 5 July 2019 11:30 a.m.

To: Section 9 (2) (a)

Subject: RE: OIA request

Good morning,

I am writing to acknowledge receipt of your below Official Information Act request dated 5 July 2019 for the below in relation to the Government Chief Data Steward and Indicators Aotearoa:

- *Any documents in the last 6 months sent to Minister Shaw regarding The Government Chief Data Steward Strategy and Roadmap*
- *A list summarising what indicators for Indicators Aotearoa have data, and what ones don't. For any indicators that don't have data, please provide any prioritisation which has been made on what is the most important ones to source data for.*

We received your request on 5 July 2019. We will endeavour to respond to your request as soon as possible and in any event no later than 2 August 2019, being 20 working days after the day your request was received. If we are unable to respond to your request by then, we will notify you of an extension of that timeframe.

Your request is being handled by the Office of the Government Statistician and Chief Executive. If you have any queries, please feel free to contact me using the details in the signature below. If additional factors come to light which are relevant to your request, please do not hesitate to contact us so that these can be taken into account.

Kind regards,

Grace

Grace Spraggs (pronouns: she/her/hers)

Senior Advisor – Office of the Government Statistician and Chief Executive | Kaitohutohu Matua –

Tari O Te Kaitataurangi Matua Me Te Pouārahi Matua

Stats NZ | Tātaurangi Aotearoa

DDI: +64 931 4071 | stats.govt.nz

Appendix 2: Cover Aide Memoire

Template found here:

<https://stats.cohesion.net.nz/Sites/TM/DSL/StrategicSupport/Administration/OIA%20Template%20-%20Ministerial%20OIA%20Coversheet.docx?d=w6b8beea560814b71932afa0ceb419315>

Example:

Minister for Statistics – Official Information Act 1982 requests

OIA request number:	OIA260		
Subject:	Digital and Data Ministers meeting – June 2019		
Requester:	Section 9 (2) (a)		
Stats NZ lead	Grace Spraggs	Ph.	Section 9 (2) (a)
Date due to the Minister's Office:	23 August 2019		
Date due to the requestor:	30 August 2019		

Request

The request is for the following:

- Any communications, notes, or facsimiles thereof, briefings or follow-up information regarding the Digital and Data Ministers meeting you attended on 17 June 2019

Advice from Stats NZ

Information to be released

Stats NZ advise that documents to be released were those included in the meeting pack for the Digital and Data Ministers meeting for 17 June 2019. This includes briefings from Stats NZ, and documents from the Department of Internal Affairs and the Social Investment Agency.

Stats NZ has consulted with the Department of Internal Affairs, the Government Chief Privacy Officer, and the Social Investment Agency in preparing the response, and any relevant redactions to information.

The briefings from Stats NZ are publicly available on Stats NZ's website, and the response provides the requestor with links to these briefings online.

Communications Implications

It should be noted that Minister Little also received this request, and it has been transferred to Minister Faafoi. The due date for Minister Faafoi's response is xxx

Public Interest

In making our recommendations, officials have considered the public interest considerations in section 9(1) and reasons for withholding information in section 6 of the Official Information Act and consider there is good reason for withholding information where indicated in the following table.

Document	Redactions
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Meeting agenda – Digital and Data Ministers 17 June 2019	Redaction made to information under section 6(a) of the Act.
A3 – Government use of cloud services: background on the cloud	Released in full.
A3 – Responding to the Algorithm Assessment Report: Options for next steps	Redactions made to information under section 9(2)(f)(iv) of the Act.
A3 – Data Protection and Use Policy – Builds trust and confidence in government’s use of data across the social sector	Released in full.
Memo – Data Protection and Use Policy – process finalise the Policy	Redaction made to information under section 9(2)(f)(iv) of the Act.
Minutes – Digital and Data Ministers summary and actions – Meeting 17 June 2019	Redactions made to information under section 6(a) of the Act.
A3 – Digital Government Strategy – Strategic Direction	Withheld under section 9(2)(f)(iv) of the Act
A3 – Digital Government Strategy – Features and Actions	Withheld under section 9(2)(f)(iv) of the Act
Data Protection and Use Policy Principles	Withheld under section 9(2)(f)(iv) of the Act
A3 – Government use of cloud services -	Withheld under sections 6(a), 9(2)(g)(i) and 9(2)(f)(iv) of the Act

Consultation

Stats NZ had consulted with the Department of Internal Affairs, the Government Chief Privacy Officer and the Social Investment Agency on this request and intended response.

Recommended Action

We recommend that you:

- a. **Agree** to sign the attached letter to **Section 9(2)(a)** regarding his request for documents, due with the requestor by 30 August 2019.

AGREE / DO NOT AGREE

Hon James Shaw
Minister of Statistics

No.	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding	Previously Released? If so, to who, how recently and with what redactions?	Other significant details
1	20181025_Aide Memoire_Budget Bid discussion meeting with Min of Finance	Redacted	Section 2(ba)(i)	The figures and details redacted could likely form part of future budget discussions within Vote Statistics		None
2	20181025_MM1817 Capability Bid Briefing Note	Redacted	Section 2(ba)(i)	The figures and details redacted could likely form part of future budget discussions within Vote Statistics		None
3	20181128_Budget 2019 Minister of Finance Submission Letter	Redacted	Section 2(ba)(i)	The figures and details redacted could likely form part of future budget discussions within Vote Statistics		
4	20181128_Initiatives for Budget 2019 cover note	Redacted	Section 2(ba)(i)	The figures and details redacted could likely form part of future budget discussions within Vote Statistics		
5	20190227_Aide memoire_Key Messages for Minister Shaw – Budget Bids 2019	Redacted	Section 2(ba)(i)	The figures and details redacted could likely form part of future budget discussions within Vote Statistics		

No.	Content	Decision	OIA Section/s applied (if withholding information)	Reason for withholding	Previously Released? If so, to who, how recently and with what redactions?	Other significant details
6	20190314_A3_Impacts of the Vote Assessment for Budget 2019	Redacted	Section 2(ba)(i)	The figures and details redacted could likely form part of future budget discussions within Vote Statistics		
7	20190423_Letter_Hon James Shaw to Hon David Parker re Stats NZ budget bid	Release in full	N/A	N/A		
8	20190515_Letter_Hon David Parker to Hon James Shaw re Stats NZ budget bid	Release in full	N/A	N/A		
9	20190423_Letter_Hon James Shaw to Hon Grant Robertson re Vote Statistics	Release in full	N/A	N/A		

Appendix 3: Data Request example

From: Grace Spraggs
Sent: Wednesday, 25 September 2019 4:03 p.m.
To: Section 9 (2) (a)
Cc: Pubudu Senanayake <Pubudu.Senanayake@stats.govt.nz>
Subject: RE: Age breakdown of immigrants

Good afternoon Section 9 (2) (a)

The Ministry of Business, Innovation and Employment has transferred question one of your request for information to Stats NZ, as per the attached email.

I am writing to acknowledge receipt of the transfer from the Ministry of Business, Innovation and Employment. Your request for will be looked after by Pubudu Senanayake (copied) from Stats NZ's Population Indicators and will be treated as a customised data request, rather than a request for information under the Official Information Act.

Please feel free to contact me if you have any questions or concerns.

Kind regards,

Grace

Grace Spraggs (pronouns: she/her/hers)
Senior Advisor – Office of the Government Statistician and Chief Executive | Kaitohutohu Matua – Tari O Te Kaitauranga Matua Me Te Pouārahi Matua
Stats NZ | Tauranga Aotearoa
DDI: +64 931 4071 | stats.govt.nz

Unleashing

the power of data to change lives



From: Section 9 (2) (a)
Sent: Saturday, 14 September 2019 9:52 a.m.
To: *OIA <OIA@mbie.govt.nz>
Subject: Age breakdown of immigrants

Hi there

1. Can I have a breakdown of immigrants (not tourists) arriving in New Zealand for children for each year and country since 2004.

The age bands I would like are the following

<1yo

1-2yo

3-4yo

5-9yo

10-14 yo

15-19 yo

Can I have a breakdown of emigrants (not short term travellers) leaving New Zealand for children for each year and country since 2004.

The age bands I would like are the following

<1yo

1-2yo

3-4yo

5-9yo

10-14 yo

15-19 yo

2. Can I have copy of the policy and process for including migrant children onto the National Immunisation Register?

Thank you

Section 9 (2) (a)

Appendix 4: Official Information Act Requests Process

