

29 April 2015

Ha
fyi-request-2587-8c005b9c@requests.fyi.org.nz

Dear Ha,

Official Information Act Request: The maximum disclosure principle of FOI legislation

I refer to your email of 12 April 2015 requesting under the Official Information Act 1982 (the Act):

“...any provisions, regulations, official documents or cases to show that New Zealand is compatible with the maximum disclosure principle of FOI legislation.”

The information you requested is publicly available. A summary is below.

Official information release is governed by the Act and the Local Government Official Information and Meetings Act 1987 (the LGOIM Act). Both Acts are underpinned by the principle of availability which states that any official information is to be made available unless there is good reason for withholding it. The principle of availability is set out in section 5 of both Acts. Reasons for withholding information are set out in sections 6 to 9 of the Act and sections 6 to 8 of the LGOIM Act. Both Acts can be found at: www.legislation.govt.nz.

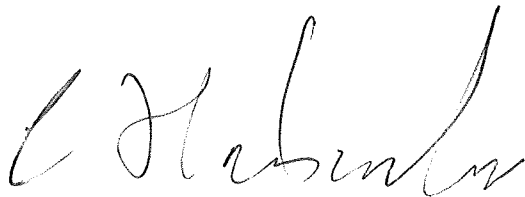
I note that the principle of maximum disclosure is reflected in the principle of availability.

The Office of the Ombudsman is an independent Office of Parliament whose role is to ensure that government agencies provide information that is requested in accordance with the Act and to handle complaints about information disclosure. The Ombudsman provides guidance for government agencies in providing information under the Act. This guidance can be found at: www.ombudsman.parliament.nz.

The 2012 Law Commission report “The Public’s Right to Know: Review of the Official Information Legislation” concluded that the Acts’ underlying principles are sound and that they are fundamentally working well. It also noted that in all cases where the Ombudsman found that a complaint about information disclosure was justified, the relevant agencies disclosed the originally withheld information to the complainant and remedied the problematic conduct. The report can be found at: www.r125.publications.lawcom.govt.nz.

If you are dissatisfied with this response, you may complain to the Ombudsman under section 28(3) of the Act.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C Hubscher', written in a cursive style.

Chris Hubscher
Policy Manager
Electoral and Constitutional