

Charging for OIA responses

The Official Information Act (the Act) allows us the option of charging requesters for retrieving and preparing the information that we send to them.

Current practice

Until now the Bank has generally not charged people for the work involved in responding to Official Information requests (OIA requests), on the basis that cost barriers are inconsistent with the underlying principle of the Act that information should be available.

Informal policy has been that we consider charging academic researchers, industry bodies or lobby groups, and not charging news media because of the potential for negative publicity and reputational damage.

Recent developments

The volume and complexity of OIA requests to the Bank has increased substantially over the past year. The increase is probably due to:

- greater public interest, because the Bank has been more active in the regulatory and policy space,
- a few people making a large volume of requests in short timeframes, for example:
 - Cameron Preston 5 requests in two months
 - David Cuthbert 5 requests in three months
 - Michael Reddell 16 requests so far this year
- a few requests for very large volumes of information
 - Bloomberg seeking board papers for all of 2014
 - Green Party seeking board papers covering a 15 month period
 - Michael Reddell seeking all papers he wrote while he worked at the Bank
 - NZ First seeking all reviews by the Bank since 2008.

Management of some of the requests identified above has included informing requesters that we propose to charge for information. In each instance, the prospect of charges incentivised them to focus their broad requests to more manageable proportions. It did not prompt a reduced volume of requests.

Other agencies

Several other Government agencies have policies about charging for OIA responses. In general, they all tell requesters that there will be a charge if they're seeking a substantial amount of information or if gathering and preparing information for release will require significant resources.

They inform the requester about what information is available and the likely total cost. Some ask for a deposit before providing any information. Appendix 4 contains brief summaries and web links to relevant information about OIA charges by other agencies. When charging for OIA responses, other agencies follow Ministry of Justice guidelines.

Proposal for Reserve Bank to charge

It's an economic axiom that where a service is provided for free, then demand will be near limitless, but of course there is real cost to the Bank in providing a free service to OIA

requesters. The Reserve Bank is resourced to perform its functions and meet its disclosure obligations for a reasonable volume of OIA requests, but we're not resourced for the recent surge of requests from a small handful of requesters, or requests for very large amounts of information.

This paper proposes that the Bank introduces and publicises charges for OIA responses broadly in line with the charging regimes used by many other public sector agencies (see Appendix 4). A consistently applied policy of charging is likely to act as an incentive upon requesters to:

1. make well-focussed requests rather than seeking broad volumes of information, and
2. keep the volume of their requests to a reasonable level.

At a general level, the Ombudsman has taken the view that the standard charging regime set out in the Ministry of Justice guidelines is reasonable. However, the Ombudsman has warned that an agency must consider all the relevant factors when assessing whether a charge is "reasonable" in all the circumstances of the request, including factors such as the ability of the requester to pay the charge or the public interest in the release of the information. See Appendix 3 for the Ombudsman's guidelines.

What is chargeable, and what isn't?

Under the Act and spelled out in the Ministry of Justice guidelines, some work is chargeable and some is not, when responding to an OIA request.

Chargeable work

- Searching an index to establish the location of information that has been requested (e.g. by Knowledge Services Group).
- Physically locating and extracting the information from the place where it is held.
- Reviewing the information to establish that it is in scope (e.g. by Communications and/or subject matter experts in the Bank).
- Physically going through the information to redact material being withheld (black-lining) and making redacted copies for release to the requester (typically done by Comms)
- Supervising access to the information where a requester comes into the Bank to read it.

Non-chargeable work

- Extra time spent locating and retrieving information when it is not where it ought to be
- Time spent deciding whether or not access should be allowed and in what form – i.e. the decision making and approvals part of the process is not chargeable.
- Administrative tasks and internal processes that the Bank uses for responding to requests. to tasks Time spent deciding whether or not access should be allowed and in what form.

Multiple requests

In looking at other agencies' charging policies, I found that when repeated requests are made to Immigration New Zealand over a period of up to 8 weeks and the requests were for similar material, all but the first request are combined for charging purposes. This is in line with Ministry of Justice guidelines. The OIA itself provides that an agency may treat 2 or more requests from the same person as one request where they are about the same or similar subject matter and are received simultaneously or in short succession.

The Ministry of Justice guidelines clearly envisage charges for large requests and for multiple requests – i.e. they are based on the concept of "user pays". However, they do not explicitly

Comment [s1]: Angus, do you want to include here a comment that requests for natural persons for their own information are considered under the Privacy Act and therefore the guidelines can't apply, for the avoidance of doubt. Also that requests by companies or bodies corporate ARE requests for OI under the OIA and as such the guidelines do apply?

Comment [s2]: also "real" costs/cost recovery ie actual costs incurred - hiring additional staff/overtime/production costs and costs of products such as DVDs etc; AND photocopying

Comment [s3]: Do you want to specify here that the first hour of staff time is excluded?

envisage charges for multiple requests over a short timeframe where the information sought is different in each request. However, presuming there is no basis for refusing such requests on grounds that the requester is vexatious (or the information sought is trivial), the Bank would be entitled to impose a charge in respect of each of those requests, individually, taking into account the guidelines.

Proposed guidelines for OIA request charging by the Bank

If requests are made for large amounts of information that require substantial collation or research, the Bank must consider whether the imposition of a charge (or extension of the time limit for response) or consultation with the requester would mean that the Bank did not need to refuse the request on grounds of substantial collation or research.¹

If the requester is able to refine the scope, the refined request may also be less likely to involve charges. Where a request is still chargeable and likely to be expensive, the Bank should give the requester further opportunity to refine the scope of the request and thereby reduce or eliminate charges.

Consider imposing a charge for responses:

- Only where a decision has been made to release information.
- To ~~large-scale~~ any large scale OIA request that would otherwise be refused on the grounds that the information could not be made available without substantial collation or research. In practical terms, this is where ~~the response will involve substantial collation and research, i.e. more than three hours of work would be required~~ (some government agencies start at 1 hour) and where the imposition of a charge will mean that reliance on section 18(f) of the OIA is not necessary. The initial management of a large scale request should be by asking the requester to refine the request to a smaller scale - see section 18B of the OIA.
- **To requesters who make a large volume of requests in a short period of time – i.e. a rolling 2-month average of more than 2 requests per month,**

If we decide to impose a charge, formally advise the requester of:

- our decision to ~~release information~~ grant the request - in full or in part,
- the estimated total amount of proposed charges,
- the basis for proposed charges, and
- the requester's right to seek an Ombudsman's review of the proposed charges.

Appendix 5 includes an example of a charging letter and estimate for a requester.

Don't charge for responses:

- to MPs and political party researchers,
- to requesters who make only occasional or intermittent requests,
- where no information exists to release, and/or
- where a decision is made to not release. (Although making such a decision may require substantial work, there is no basis for charging if information is not provided).

Management of charging

~~If requests are made for large amounts of information that require substantial collation and research, the first step is to work with the requester to refine the request to a smaller scale or scope that is less likely to involve charges. Where request is still chargeable and likely to be~~

¹ See sections 18A and 18B of the OIA.

~~expensive, give the requester further opportunity to refine the scope of the request and thereby reduce or eliminate charges.~~

Charges can only be imposed if a decision is made to release information. Charges can only relate to the information actually supplied. Do not impose charges when no information will be provided.

Consider whether consultation with the request resulting in a refined scope of the request may reduce or remove the need to impose a charge.

Consider whether there are grounds in the circumstances to remit the charges, in accordance with the Ministry of Justice guidelines.

Follow the Ministry of Justice guidelines for the level of charges, i.e. \$38 per half hour of staff time and 20c per page for printed or copied material after the first 20 pages.

~~Charges can only be imposed if a decision is made to release information. Charges can only relate to the information actually released. Do not impose charges when no information is provided.~~

Do an estimate of the likely charges. Track time spent on the request, including time spent by KSG on research and retrieval. Send a letter to the requester informing them of likely charges. Examples are in appendix 6

Require the requester to pay a **deposit** of half the estimated total charge (A deposit may only be requested after a decision has been made to make the information available.)

Comment [s4]: NB - the guidelines provide for a deposit where the charge is likely to exceed \$76 or where some assurance of payment is required to avoid a waste of resources.

The OIA requires us to inform a requester of our decision within 20 days but we are not required to provide the information at the same time we declare our decision. Where charges are involved, it is likely that there will be a difference in timing of declaring our decision to the requester and providing the information that is the subject of the decision. Work on the request may be suspended pending receipt of a deposit. Any unused portion of any deposit should be refunded to the requester together with a statement detailing how the balance was expended.

Appendix one: Material to publish on our OIAs web page
http://www.rbnz.govt.nz/research_and_publications/official_information/

Comment [s5]: You may wish to specify that there will be a "free" period first where no charges will be imposed

Charges for Official Information

The Official Information Act allows the Reserve Bank to charge for preparing information that we send in response to requests. When charging for responses to Official Information requests, the Reserve Bank does not exceed any of the guidelines published by the Ministry of Justice here – [Official Information Act: Charging for Services](#). Charges are \$38 per half hour of staff time, and 20 cents per page for printed or copied material provided in response to a request.

Basis for charging

The Reserve Bank is resourced to meet disclosure obligations for a reasonable level of Official Information requests and generally will not impose charges for small, simple or infrequent requests.

The cost of providing free responses to Official Information requests is generally borne by taxpayers. The Reserve Bank believes that requesters should bear some of the costs when requests are made for very large amounts of information, where requests are particularly complex, or where individuals or organisations make frequent requests.

If requests are made for large amounts of information that require substantial collation and research, the Reserve Bank's first step is to work with the requester to refine the request to a smaller scale or scope that is less likely to involve charges. Where request is still chargeable and likely to be expensive, we will give the requester further opportunity to refine the scope of the request and thereby reduce or eliminate charges.

Guidelines for charging

In making decisions about charges for responses to Official Information requests, the Reserve Bank will use the following guidelines.

Charges will be imposed for responses:

- when preparation of the response involves more than three hours of collation, research and preparation work, and/or
- to requesters who make many and frequent requests – i.e. a rolling two-month average of more than 2 requests per month.

If the Reserve Bank decides that information requested can be made available, but that charges are appropriate, we will formally advise the requester of:

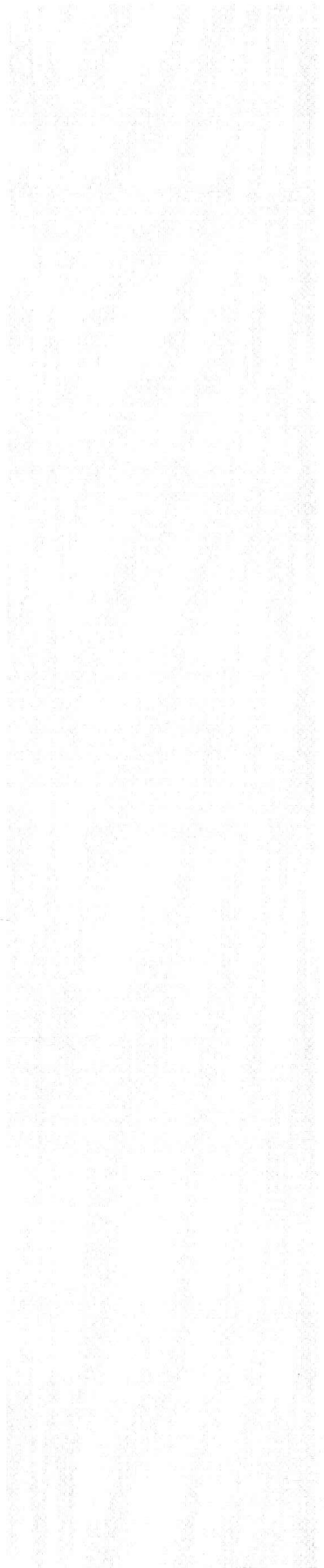
- our decision to release the information,
- the estimated amount of proposed charges,
- the basis for proposed charges, and
- the requester's right to seek an Ombudsman's review of the proposed charges.

Remission of charges

The need to pay charges may be modified or waived at the Reserve Bank's discretion, if:

- Charges might cause financial hardship for the requester.

- Releasing the information is likely to contribute significantly to public understanding of the Reserve Bank and its work, and release of the information is not primarily in the commercial interest of the requester.
- If the information already in the public domain in a form which the requester could acquire without substantial cost.



Appendix two: Justice Ministry Guidelines

<http://www.justice.govt.nz/publications/global-publications/c/charging-guidelines-for-official-information-act-1982-requests>

Charging Guidelines for Official Information Act 1982 Requests

Official Information Act: Charging for Services

On 18 March 2002 the Government approved the following revised guidelines for charging for official information. These guidelines replace those approved by the State Sector Committee in January 1992 (STA (92) M 1/3) and set out in the Department of Justice memorandum of 26 February 1992.

As at 1 October 2010 the charges are inclusive of GST at 15%.

They are provided for Government Departments, Crown Entities, State-owned Enterprises and all other organisations which are subject to the Official Information Act 1982. They represent what the Government regards as reasonable charges for the purposes of the Official Information Act and *should be followed in all cases unless good reason exists for not doing so*. Organisations covered by the Act who wish to develop their own charging regimes should be aware that charges are liable to review by an Ombudsman.

1. EXISTING CHARGES TO REMAIN

1.1 There are currently areas where access to official information is given free of charge or pursuant to an existing charging arrangement set out in an enactment or regulations. The Official Information Act 1982 does not derogate from such access (section 52 refers); those arrangements are not changed by these guidelines.

2. FIXING THE AMOUNT OF CHARGE

2.1 The amount of charge should be determined by:

(a) establishing what type of information has been requested:

(i) if an identifiable natural person seeks access to *personal information* about that person then the request is governed by the Privacy Act 1993. These guidelines do not apply;

(ii) these guidelines apply to all requests for official information, and requests by body corporates for personal information about that body corporate.

(b) the aggregate amount of staff time *exceeding one hour* spent in actioning the request.

This will include search and retrieval of information, the provision of transcripts and the supervision of access.

(c) the number of A4 sized or foolscap photocopy or printed pages to be provided *exceeding 20*. Non standard sized photocopy or printed paper such as that used for reproducing maps and plans will be charged on an actual and reasonable basis. (d) for *any other cost*, the amount actually incurred in responding to the request.

This will cover the provision of copies of video, audio and film tapes, the provision of documents on computer disc, the retrieval of information off-site, or other situations where a direct charge is incurred.

2.2 Where repeated requests from the same source are made in respect of a common subject over intervals of up to eight weeks, requests after the first should be aggregated for charging purposes.

2.3 The charge should represent a reasonable fee for access given. It may include time spent:

- in searching an index to establish the location of the information;
- in locating (physically) and extracting the information from the place where it is held;
- in reading or reviewing the information; and -in supervising the access to the information.

The charge should *not* include any allowance for:

- extra time spent locating and retrieving information when it is not where it ought to be; or
- time spent deciding whether or not access should be allowed and in what form. Note however that the actual, physical editing of protected information is chargeable.

2.4 Where the free threshold is only exceeded by a small margin it is a matter of discretion whether any fee should be paid and if so, how much.

3. STAFF TIME

3.1 Time spent by staff searching for relevant material, abstracting and collating, copying, transcribing and supervising access where the total time involved *is in excess of one hour* should be charged out as follows, after that first hour:

- an initial charge of \$38 for the first chargeable half hour or part thereof; and
- then \$38 for each additional half hour or part thereof.

3.2 The rate of charge applies irrespective of the seniority or grading of the staff member who deals with the request, *except* where staff with specialist expertise who are not on salary are *required* to process the request, in which case a higher rate not above their actual rate of pay may be charged.

3.3 Time spent by staff in deciding whether or not to approve access and in what form to provide information should *not* be charged. While the decision to delete protected information is not chargeable, the physical editing is part of making the information available and is subject to charges.

4. PHOTOCOPYING

4.1 Photocopying or printing on standard A4 or foolscap paper where the total number of pages is *in excess of 20 pages* should be charged out as follows:

- 20c for each page after the first 20 pages.

5. OTHER COSTS

5.1 All other charges incurred should be fixed at an amount which recovers up to the actual costs involved. This would include:

- the provision of documents on computer discs;
- the retrieval of information off-site;
- reproducing a film, video or audio recording;

- arranging for the applicant to hear or view an audio or visual recording; and
- providing a copy of any map, plan or other document larger than foolscap size.

6. COST RECOVERY FOR COMMERCIALLY VALUABLE INFORMATION

6.1 It is reasonable to recover actual costs involved in producing and supplying information of commercial value. However, the full cost of producing it in the first instance should not be charged to subsequent requesters.

7. REMISSION OF CHARGES

7.1 The liability to pay any charge may be modified or waived at the discretion of the department or organisation receiving the request. Such decisions should have regard to the circumstances of each request. However, it would be appropriate to consider inter alia:

- whether payment might cause the applicant hardship;
- whether remission or reduction of the charge would facilitate good relations with the public or assist the department or organisation in its work; and
- whether remission or reduction of the charge would be in the public interest because it is likely to contribute significantly to public understanding of, or effective participation in, the operations or activities of the government, and the disclosure of the information is not primarily in the commercial interest of the requester.

7.2 Questions which could be asked by decision makers in order to establish the level of public interest are, inter alia:

- Is the use of the information by the requester likely to make a significant contribution to operations and activities of government?
- Has the government requested submissions from the public on a particular subject and is the information necessary to enable informed comment?
- Is the use of information likely to contribute significantly to the understanding of the subject by the public at large as opposed to the individual understanding of the requester or a narrow segment of interested people?
- Is the information already in the public domain in either the same or similar form which the requester could acquire without substantial cost?
- Is the public at large the primary beneficiary of the expenditure of public funds necessary to release the information or is it for the requester or a narrow segment of interested people? -Is the information primarily in the commercial interest of the requester rather than the public interest?

7.3 While it might appear on initial consideration that requests for information for, say, research purposes or to write a book or to have available in a library, might be considered in the "public interest" and so answer some of the criteria, this may not necessarily be so. There should still be reasonable evidence to show that wider public benefit will accrue as a result of that research, or book or library depository. In the case of the media, however, it can be reasonably assumed that they do have access to means of public dissemination. Each request should be considered on a case-by-case basis in light of all relevant information.

7.4 Members of Parliament may be exempted from charges for official information provided for their own use. This discretion may be extended to cover political party parliamentary research

units when the request for official information has the endorsement of a Member of Parliament. In exercising this discretion it would be appropriate to consider whether remission of charges would be consistent with the need to provide more open access to official information for Members of Parliament in terms of the reasonable exercise of their democratic responsibilities. The overall scheme of the legislation recognises that there is a balance between promoting readier access to official information and the administrative cost in time, labour and materials of that access. Accordingly, one of the factors to be taken into account when deciding whether a part or full charge may be appropriate is the amount of time and resources taken to provide the information requested.

8. DEPOSITS

8.1 A deposit may be required where the charge is likely to exceed \$76 [an hour of chargeable staff time] or where some assurance of payment is required to avoid waste of resources. A deposit may only be requested after a decision has been made to make the information available.

8.2 The applicant should be notified of the amount of deposit required, the method of calculating the charge and the likely final amount to be paid. Work on the request may be suspended pending receipt of the deposit.

8.3 The unused portion of any deposit should be refunded forthwith to the applicant together with a statement detailing how the balance was expended.

9. COST CONTROL

9.1 It is useful to keep in mind certain provisions in the Official Information Act 1982 which may reduce the amount of staff time and resources incurred in dealing with requests. These provisions, which should be considered when a request is first received, are namely:

(a) Sections 12(2) and 13 which enable the holder of the information to ask the requester to specify the request with due particularity in order to narrow down the scope of the request and thereby reduce *staff* time and effort in responding. Note that section 13 places a duty on the holder to give reasonable assistance to a person to make their request in a manner that is in accordance with section 12;

(b) Section 14(b)(ii) which enables the holder to transfer the request where the request relates more closely to the functions of another department, Minister or organisation and where that other department, Minister or organisation is therefore able to deal with the request more efficiently;

(c) Section 18(f) which enables the holder to refuse requests which require substantial collation or research; and

(d) Section 16 which enables the holder to provide information in a manner other than that requested where compliance with the requester's preferred method of disclosure would "impair efficient administration".

10. REVIEW OF DECISIONS ON CHARGES

10.1 Section 28(l)(b) of the Official Information Act 1982 provides that the Ombudsman may investigate and review any decision on the charge to be paid in respect of a request for access to official information. When informing applicants of charges to be paid, organisations should point out this right of appeal to the Ombudsman.

10.2 A record should be kept of all costs incurred. Wherever a liability to pay is incurred the applicant should be notified of the method of calculating the charge and this fact noted on the record.

11. OMBUDSMAN INVESTIGATIONS

11.1 Any Ombudsman discharging statutory functions of investigation under the Ombudsmen Act 1975, whether for the purposes of that Act, or for reviews under the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987, is not subject to any charging regime. A statutory duty is imposed under that legislation on the person or organisation to comply with any request made pursuant to such an investigation and charging regimes under Government policy are not applicable.

12. GST

12.1 The charges given in these guidelines are inclusive of GST (15%).

Appendix three: Ombudsman guidance

http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/155/original/part_1c_charging_for_release.docx?1344201711

Comment [s6]: NB - this is current published guidance, some new updated guidance is also in the pipeline and we hope to have this available early in the new year. I will let you know when it is available.

3. CHARGING FOR THE RELEASE OF OFFICIAL INFORMATION

Once a decision has been made to release some or all of the information that has been requested, an agency may consider whether or not it is reasonable to fix a charge for the provision of that information. There is, however, no requirement that a charge be imposed.

This chapter addresses the following issues:

- ❖ the statutory basis for imposing a charge;
- ❖ what is a reasonable charge;
- ❖ what an agency should do when it intends to impose a charge.

The statutory basis for imposing a charge

Section 15(1A) &(2) of the OIA provides:

- “(1A) Subject to section 24 of this Act, every Department or Minister of the Crown or organisation (including an organisation whose activities are funded in whole or in part by another person) may charge for the supply of official information under this Act.*
- (2) Any charge fixed shall be reasonable and regard may be had to the cost of the labour and materials involved in making the information available to and to any costs incurred pursuant to a request of the applicant to make the information available urgently.”*

Section 13(2) of the LGOIMA is the equivalent provision but is worded differently. It provides:

- “(2) Any charge for the supply of official information under this Act shall not exceed the prescribed amount.”*

“Prescribed amount” is defined in s.2(1) of LGOIMA as follows:

“...in relation to any document or copy of any document provided pursuant to this Act, means the amount determined in accordance with regulations made under this Act”.

No regulations have been made determining the “prescribed amount”. Subsection 3 of s.13 provides:

- “(3) Where no such amount is prescribed, any charge fixed shall be reasonable, and regard may be had to the cost of the labour and materials involved in making the information available and to any costs incurred pursuant to a request of the applicant to make the information available urgently.”*

What is a reasonable charge?

The Ombudsmen have consistently taken the view that charges cannot be fixed for time spent or expenses (including legal expenses) incurred deciding on whether or not, or to what extent, information can be made available. An agency should not consider whether and how much to charge for the release of information until it has decided whether (and to what extent) information can be made available.

This approach is consistent with the principle of availability of official information contained in section 5 of the Act.

The Government Guidelines on Charging (which were last issued by the Ministry of Justice in March 2002) provide a basis for assessing whether a proposed charge is reasonable. These give some guidance on factors which may be relevant when assessing whether it is reasonable to charge for the supply of certain information. These factors include:

- ❖ Staff time used preparing information for release;
- ❖ Photocopying charges and other fixed costs incurred in preparing information for release;
- ❖ Whether payment of a charge might cause the requester financial hardship; and,
- ❖ Whether there is a public interest in the release of the requested information without a charge (and factors to take into account when considering this issue).

The Charging Guidelines are available on the Ministry's website, www.justice.govt.nz, under the heading '*Information and Publications*', '*Online Reports and Reviews*'.

At a general level, the Ombudsmen have taken the view that the standard charging regime set out in the government guidelines is reasonable. However, in a number of cases, the Ombudsmen have found that agencies, when fixing a charge, have only taken into account the time and the cost of materials in making information available and have failed to take into account other relevant factors, such as the inability of the requester to pay the charge or the public interest in the release of the information.

An agency, and an Ombudsman on review, must consider all the relevant factors when assessing whether a charge is "*reasonable*" in all the circumstances of the request.

What should an agency do when it intends to impose a charge?

Where an agency decides that information requested can be made available, but that it will impose a charge (which has been assessed in accordance with the Government guidelines) the agency should formally advise the requester of:

- ❖ its decision whether or not to release the information; and
- ❖ the estimated amount (and basis for) any proposed charge; and
- ❖ the right to seek a review by an Ombudsman of the estimated charge.

Where the proposed charge is substantial, it is good administrative practice for an agency to give the requester an opportunity to refine the scope of the request and thereby reduce the charge to be imposed for the information released.

The requester should be advised of the agency's decision "*as soon as reasonably practicable, and in any case not later than 20 working days after the day on which the request is received by that [agency]*"².

² Section 15(1) OIA; section 13(1) LGOIMA

Appendix four: OIA charging policies in place at some other agencies

Auckland University

The first hour of time spent processing a request and the first 20 pages of photocopying are free, then charges start.

<https://www.auckland.ac.nz/en/admin/footer-links/privacy.html#4d9d432af87a198a561a3f777aa99db7>

Bay of Plenty Regional Council

Charging is decided on a case by case basis. Requests with high public good may be free. The first hour of staff time invested in the request is always free of charge.

For most staff each subsequent half hour may be charged.

Where the charge will be more than \$250, part or full payment in advance may be sought.

https://www.boprc.govt.nz/media/289173/finance-and-corporate-committee-meeting-agenda-thursday-27-june-2013_part2.pdf

Customs Service

<http://www.customs.govt.nz/about/contactus/Pages/official-information-act-requests.aspx>

If the request is for a substantial amount of information or if gathering the information will require significant resources, there may be a charge.

Earthquake Commission

Charges for requests that take more than three hours of research and compiling, then \$38 per half hour. First 40 pages free, then 20c per page.

http://www.eqc.govt.nz/sites/public_files/documents/print-oia-final.pdf

GCSB

Published policy simply restates section 15(1A) of the OIA and does not include guidance on when charges may or may not be imposed

<http://www.gcsb.govt.nz/assets/GCSB-Documents/Policy-1007-Responding-to-Information-Requests.pdf>

Horowhenua District Council

[http://www.horowhenua.govt.nz/Documents/D13%2066370%20HDC%20Charging%20Policy%20for%20Local%20Government%20Official%20Information%20Act%20\(LGOIMA\)%20Requests%20August%202013.pdf](http://www.horowhenua.govt.nz/Documents/D13%2066370%20HDC%20Charging%20Policy%20for%20Local%20Government%20Official%20Information%20Act%20(LGOIMA)%20Requests%20August%202013.pdf)

Hutt City Council

Response that takes more than one hour will be charged

<http://www.huttcity.govt.nz/Get-in-touch-with-us/Official-information-requests/#Fees and charges>

Immigration New Zealand

Routinely charges for requests that take a lot of time and work to respond to.

May seek a deposit if charge is likely to be more than \$76 (i.e. one hour or more of time)

When repeated requests are made about the same subject over a period of up to 8 weeks, all but the first request are combined for charging purposes.

<http://www.immigration.govt.nz/opsmanual/45331.htm>

Inland Revenue

Inland Revenue considers charging when considerable departmental resources will be required to satisfy the request.

May seek part payment if charges are being imposed.

<http://www.ird.govt.nz/technical-tax/standard-practice/general/sps-gnl-170-releaseofinformation.html>

Intellectual Property Office of NZ

Most requested information is provided free of charge but requests that are particularly time consuming to complete may incur a fee.

<http://www.iponz.govt.nz/cms/iponz/release-of-information-held-by-iponz>

Massey University

Most requests are answered free of charge but charges are possible where considerable research must be undertaken or additional staff time is required to meet the request before the information can be provided.

<https://www.massey.ac.nz/massey/fms/PolicyGuide/Documents/Risk%20Management/Official%20Information%20Procedures.pdf>

Ministry of Health

Most ad hoc requests are provided at no cost but if a significant amount of collation is involved there may be a charge. Data requests from DHBs are not charged.

The Information Analysts discuss cost details of data requests with each client.

There is a standard charge per hour for programmer and system time involved in producing the information required. Rates are charged in line with the Official Information Act 1982.

<http://www.health.govt.nz/publication/current-data-access-policy>

University of Canterbury

Where information is readily available and easily accessible, requests will be answered free.

There is a provision to charge in those situations where considerable research must be undertaken before the information can be provided.

<http://www.google.co.nz/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=18&ved=0CIYBEBYwEWoVChMljjrj2t2OyAIVgTeUCh08vw0Z&url=http%3A%2F%2Fwww.canterbury.ac.nz%2Fucpolicy%2FGetPolicy.aspx%3Ffile%3DOfficial-Information-Policy.pdf&usq=AFQjCNFXvWtuMMTeCcxl4Wqf9rsfXAuPAQ&sig2=Z1u2-nSH3yZ-QDZ6uBs88A>

Appendix five: letter and admin form for OIA charging

Example of charging letter and estimate to send to a requester

Dear **Name Here**

On **X date**, you made a request to the Reserve Bank under the provisions of section 12 of the Official Information Act (the Act) seeking: *State request here*.

Our initial assessment of your request has found **000** documents and **0,000** emails in scope. The Bank estimates that collation and research of this information will take **8.83** hours of staff time. While the Reserve Bank has a statutory obligation to provide official information, it is not required to allocate taxpayer resources on an unlimited basis. The Reserve Bank is resourced to meet disclosure obligations for a reasonable level of requests and generally will not impose charges for small, simple or infrequent requests. However, the Reserve Bank considers that requesters should bear some of the costs when requests are made for very large amounts of information, where requests are particularly complex, or where individuals or organisations make frequent requests. Section **15(1A)** of the Act permits the Bank to charge for the supply of official information when a decision is made to release information in response to a request. The Reserve Bank's policy on charging for responses to Official Information requests is published online here http://www.rbz.govt.nz/research_and_publications/official_information/.

Comment [s7]: I wonder, if you are providing a link to/copy of the Bank's charging policy, whether you need to include this here also? You could instead have the template set up to follow on from the link to set out the reasons/factors in this case that have led to a conclusion to charge?

The Bank has decided to charge you \$38 per half hour of time taken for collation and research, and 20 cents per page for any copying necessary to provide information in response to your request. As required by section 15(2) of the Act, these charges have regard to the cost of the labour and materials involved in making the information available. You have the option to reduce or eliminate likely costs by refining your request.

Estimate of costs for responding to your request

Locations searched: email archive, document database, physical records

Search terms: "example" and/or "other example"

Date range: DD/MM/YYYY to DD/MM/YYYY

Qualifiers: Remove duplicate records from search results.

Assumptions:

30 minutes of collation of **000** records results in **00** documents to be researched.

30 minutes of collation of **0,000** emails results in **000** emails to be researched.

5 minutes per document to research each of the **000** documents = total **0.00** hours.

2 minutes per email to research each of the **000** emails = **0.00** hours.

Item	Quantity	Price	Totals
Retrieve and collate information	2 hours	\$38 / half hour	\$152
Research	5.33 hours	\$38 / half hour	\$405.33
Redaction	1.5 hours	\$0	\$114
Copying	0 pages	20c per page	\$0
Total costs to recover			\$671.33

Comment [s8]: it isn't clear to me whether this takes into account the first free hour of work, nor why redaction is free?

The Reserve Bank estimates that the total cost to you of responding to this request will be \$671.33. Section 15(3) of the Act permits the Reserve Bank to require that whole or part of any charge be paid in advance. The Reserve Bank requires you to pay \$335.66 (half of the estimated total cost) before providing you with the information. We will invoice you for the

balance of the actual cost after providing the information to you or, if the total charge payable is less than \$671.22, refund the balance after providing the information to you.

Under section 28 of the Act, you have the right to complain to the Ombudsman about the Reserve Bank's decisions relating to your request.

Yours sincerely

Example of time tracker for RBNZ staff to use when working on a request

Task	Date	Start	Finish	Time taken	Charge
				Hrs:min:	
Log, file, acknowledge	14/08/15	11:00:00	11:30:00	0:30:00	
Draft work plan	14/08/15	14:30:00	15:00:00	0:30:00	
Admin	17/08/15	10:10:00	10:30:00	0:20:00	
Design and specify search, with KSG	17/08/15	15:00:00	15:15:00	0:15:00	\$19.00
Search by Knowledge Services staff	18/08/15	13:30:00	14:00:00	0:30:00	\$38.00
Sort and sift Excel list of search results	18/08/15	14:30:00	15:00:00	0:30:00	\$38.00
Create and file copies of records	19/08/15	15:00:00	15:45:00	0:45:00	\$57.00
Assess/research individual records	19/08/15	15:45:00	17:35:00	1:50:00	\$139.33
Assess/research individual records	19/08/15	9:30:00	13:00:00	3:30:00	\$266.00
Seek legal advice	20/08/15	13:00:00	13:10:00	0:10:00	
Draft recommendations memo	23/08/15	15:00:00	16:15:00	1:15:00	
Consider recommendations for approval	24/08/15	12:00:00	13:15:00	1:15:00	
Prepare redacted copies of documents	25/08/15	10:00:00	11:30:00	1:30:00	\$114.00
Send cover letter and docs to requester	27/08/15	10:00:00	10:15:00	0:15:00	
Send information to web for publication	28/08/15	10:00:00	10:15:00	0:15:00	
Admin and final filing	28/08/15	10:30:00	10:45:00	0:15:00	
TOTAL				12:15:00	\$671.33

