

Fraser
via email:
fyi-request-3627-c097abba@requests.fyi.org.nz

File: 311/04-001
Ref: JM

11 February 2016

Dear Fraser

RE: LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 REQUEST

This letter is to acknowledge receipt of your request for information received on Thursday 11 February 2016. Day one is Friday 12 February 2016, the first working day following the date of receipt.

Under section 13 of the Local Government Official Information and Meetings Act 1987, Council has 20 working days to decide whether to release the information or not, although the Council aims to make a decision in less than 20 working days. For more information on section 13, please refer to the second page of this letter.

If the decision is to release the requested information to you, Council's aim is to supply it by Thursday 10 March 2016. To keep the Mayor and Councillors informed, a brief summary of your request will be published as part of the quarterly Audit and Finance Committee agenda.

Andrea Hilton, City Solicitor, is overseeing your enquiry.

Yours faithfully



Jacqui McKelvey
Administration Officer

13 Decisions on requests

Legislation: Local Government Official Information and Meetings Act 1987

- (1) *Subject to this Act, the local authority to which a request is made in accordance with section 10 of this Act, or is transferred in accordance with section 12 of this Act or section 14 of the Official Information Act 1982, shall, as soon as reasonably practicable, and in no case later than 20 working days after the day on which the request is received by that local authority,—*
- (a) *Decide whether the request is to be granted and, if it is to be granted, in what manner and for what charge (if any); and*
 - (b) *Give or post to the person who made the request notice of the decision on the request.*
- [(1A) *Subject to section 23 of this Act, every local authority (including a local authority 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 for the supply of official information under this Act shall not exceed the prescribed amount.*
- (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.*
- (4) *The local authority may require that the whole or part of any charge be paid in advance.*
- (5) *Where a request in accordance with section 10 of this Act is made or transferred to a local authority, the decision on that request shall be made by the [chief executive] of that local authority or an officer or employee of that local authority authorised by that [chief executive] unless that request is transferred in accordance with section 12 of this Act to another local authority or to a Department, Minister of the Crown, or organisation.*
- (6) *Nothing in subsection (5) of this section prevents the [chief executive] of a local authority or any officer or employee of a local authority from consulting a local authority or any other person in relation to the decision that the [chief executive] or officer or employee proposes to make on any request made to the local authority in accordance with section 10 of this Act or transferred to the local authority in accordance with section 12 of this Act or section 14 of the Official Information Act 1982.*
- [(7) *If a request (the **original request**) is amended or clarified after the date on which it is received, the local authority that receives the request may treat the amended or clarified request as a new request that, for the purposes of subsection (1), replaces the original request.]*
- [(8) *However, subsection (7) does not apply if—*
- (a) *the original request is amended or clarified because the local authority sought an amendment to, or a clarification of, the request; and*
 - (b) *the local authority did not seek that amendment or clarification within 7 working days after receiving the original request.]*