

LGOIMA Requests Policy

PURPOSE

The purpose of the Local Government Official Information and Meetings Act (LGOIMA) Policy is to:

- make decision-making processes and information available and accessible to our customers;
- enable more effective public participation in decision-making and promote the accountability of elected members and officials; and
- provide clear guidance for requesters of information; and for Council staff when providing information.

SCOPE

The Local Government Official Information and Meetings Act 1987 (LGOIMA) aims to make official information held by local authorities more freely available.

This policy applies to all Council employees including contractors and consultants.

RESPONSIBILITIES

Who	Responsibilities
The Executive Leadership Team (ELT) will	<ul style="list-style-type: none"> • approve LGOIMA requests as required; and • respond to requestors
People leaders will	<ul style="list-style-type: none"> • Carry out technical review of requests and draft responses as soon as possible; • Ensure each question is fully answered in plain English; • Seek approval from General Managers.
Employees will	<ul style="list-style-type: none"> • ensure they are aware of and follow the Local Government Official Information and Meetings Act 1987 Requests Policy; and
The Policy Sponsor and Owner will	<ul style="list-style-type: none"> • be responsible for the Local Government Official Information and Meetings Act 1987 Requests Policy; and • answer employees' questions about the Policy.

POLICY

At Porirua City Council (The Council) we're committed to conducting our day-to-day business openly.

At the same time, we need to protect official information and deliberations. This tension is captured under the LGOIMA principle of availability that "...information shall be made available unless there is good reason for withholding it."

Requests

Anyone is able to request official information from us and there are rules for how we handle the requests under LGOIMA.

Official information includes material held in any format such as. But not limited to:

- Reports, policies, letters, emails, information held on our databases

- Video footage
- Information that is known to an agency but not yet recorded in writing
- Information held by our independent contractors
- Information held by elected members in their official capacity.

Requests can be made in any form; this includes by email, verbally, by the Council's social media channels, or in writing.

Responses

The Council will respond as quickly as possible to LGOIMA requests, and within a maximum of **20 working days** (unless timeframe extended for legitimate reasons).

Working days means any day that is not:

1. Saturday, Sunday, Good Friday, Easter Monday, ANZAC Day, Labour Day, Queen's Birthday, Waitangi Day, or
2. the day observed as the provincial anniversary day in the area in question – Wellington Province's anniversary day is the Monday that falls closest to 22 January; and
3. a day between 20 December and 10 January inclusive.

Day 1 is the first working day **after** the day on which the request is received.

If the request is very broad, we can explore refining the request.

Additional timeframe requirements are:

1. Request clarification of a request **within 7 working days**, if the amended request is to be treated as a new request. This is covered under Section 13 (7) of the Act.
2. Transfer a request to another agency promptly, and **no later than 10 working days**, after the request is received. This is covered under Section 12 of the Act.
3. Extend the maximum time limits to make a decision or transfer a request, **within 20 working days** after the day on which the request was received. This is covered under Section 14 of the Act.

Publication of LGOIMA

Our default approach is to publish all responses unless there is a good reason not to.

We need to take account of the Privacy Act 2020 which applies to requests by individuals for personal information about themselves that the Council holds.

Our webpage [requests for official information](#) let our customers know how to make a request and also where the public can find responses to official information requests that we deem are of general public interest.

Elected Member obligations

Elected members will be provided with Porirua City Council email addresses to use in all their Council business to ensure we meet our obligations under the Act. Members through the Elected Member Email Use Policy are made aware of their obligations.

Livestreaming of Council meetings

The Council will livestream all meetings to enable members of the public to participate in public forums and hearings via audio visual links; make the democratic process more available to the public; and to promote transparency and accountability of Elected Members' performance and decisions.

Withholding information

Reasons for withholding include if providing the information would likely:

- a. prejudice maintenance of the law; or
- b. endanger the safety of any person. These are covered under Section 6 of the Act.

Other reasons for withholding are included in Section 7 of the Act. Examples of why we might withhold information are to:

- a. protect the privacy of natural persons

- b. protect information which is subject to an obligation of confidence;
- c. maintain the effective conduct of public affairs through free and frank expression of opinions by or between elected members and staff and the protection of these people from “improper pressure or harassment”;
- d. enable the Council to carry out without prejudice or disadvantage, commercial activities and negotiations (including commercial and industrial negotiations);
- e. maintain legal professional privilege.

Proactive release

The Council will maintain a strategic programme of proactive release led by the LGOIMA champions.

Weighing public interest

The grounds for withholding official information in section 7 of the LGOIMA are subject to a ‘public interest test’. This means agencies must balance the public interest in disclosing information against the need to withhold it. We follow the Ombudsman’s guide [Public interest](#) on how the public interest test works in practice.

LGOIMA champions

The Council’s LGOIMA champions will be trained to assist with responses to LGOIMA requests and to give technical advice to staff processing requests.

Training

LGOIMA training will also be provided to staff who process requests. Senior staff will also provide regular, consistent, positive messaging to staff about the importance of LGOIMA and openness in general.

Considerations when assembling the information

- **Information is already or will soon be publicly available.** The request can be refused if the information is likely to be published in 20 working days. We follow the Ombudsman’s guide on this issue - [Publicly available information](#) (March 2019).
- **Can’t find the information requested.** We follow the Ombudsman’s guide on this issue - [Information not held](#) (March 2019).
- **Charging.** We follow the [Ombudsman’s guidance](#) on charging. If the request is not onerous, the Council will not charge. We only charge if it would take a number of days and multiple members of staff to provide the information requested. Approval must be gained from the requester for any charge before work is started.

The letter to the requester must set out:

- a. The decision to release the information, subject to a charge;
- b. The estimated amount of the charge;
- c. Details of how the charge was calculated;
- d. The basis for the proposed charge; and
- e. The requester’s right to complain to the Ombudsman.

Our practice is that the **first hour is free**, then the requester can be charged per half hour or part thereof at \$61 per half hour.

- **Clarify the request.** Requesters are required to specify the information they are seeking “with due particularity”. This is covered under Section 10(2) of the Act. The clearer the requester can be, the easier is to respond.
- **Confidentiality.** We follow the Ombudsman’s guide on [Confidentiality](#). (November 2020)
- **Refusing request on the basis of substantial collation and research.** We follow the Ombudsman guidance on [Substantial collation or research](#) (March 2019).

- **Copyright.** Where a third party creates an original work under contract for the Council (like a report or an image) then the contract for this service will determine who owns the copyright.
- **Request for personal information.** This is covered under Section 23 of the Act. As a general rule:
 - Requests for personal information about someone other than the requester must be considered under LGOIMA
 - Anyone can ask for personal information about themselves and this will be considered under the Privacy Act 2020
 - Requests by, or on behalf of, bodies corporate for personal information about themselves, must be considered under LGOIMA.
- **Consulting third parties.** We follow the Ombudsman's guide [Consulting third parties](#) (updated April 2019).

PROCESS

The public can make a request in any form including by email, verbally, by **the Council's** social media channels, or in writing.

While we do monitor social media, it's not the most effective way of ensuring requests are captured. Our Council website advises requesters to:

- [Apply online](#)
- Email enquiries@porirua.govt.nz
- Phone (04) 237 5089.
- Write to The Chief Executive, Porirua City Council, PO Box 50-218, Porirua City 5240.

Urgency

- If a requester asks for a request to be treated as **urgent**, they must give reasons.
- If the Council can't meet the urgent timetable sought by the requester, we will advise the requestor accordingly.
- In the case of multiple requests for information, the Council may ask that the requester to prioritise their requests so that we can focus on the information sought under urgency first, before considering the remaining information within the normal LGOIMA timeframes.

How to make a complaint

- If the requester is not satisfied with the Council's response, they can make a complaint to us by emailing Records.Management@porirua.govt.nz or phoning us on 04 237 5089.
- If they are still dissatisfied with our response, they have the right to make a complaint to the Ombudsman by one of the following ways:
 - Email: info@ombudsman.parliament.nz
Post: The Ombudsman, PO Box 10152, Wellington 6143
If you need help, phone us on 0800 802 602.

Council staff who receive a request for information must email the request to Records.Management@porirua.govt.nz so that the Workflow process can commence.

LGOIMA guide

Key timeframes



RELEVANT LEGISLATION

This policy should be read in conjunction with:

- Local Government official Information and Meetings Act 1987
- Privacy Act 2020
- Ombudsman Act 1975
- Public Records Act 2005
- Copyright Act 1994

Date adopted by ELT	December 2020
Next review date	June 2021
Policy sponsor	Wendy Walker, Chief Executive
Policy owner	Moana Wyatt, Acting Principal Advisor (Chief Executive's Office)
Business group	Chief Executive's Office