

# Policy

## LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 REQUESTS

|                           |                                                                                                                                                                                                                                                                                           |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TEAM:</b>              | All activity managers                                                                                                                                                                                                                                                                     |
| <b>RESPONSIBILITY:</b>    | Group Manager Democracy and Engagement                                                                                                                                                                                                                                                    |
| <b>ADOPTED:</b>           | 30 October 2024                                                                                                                                                                                                                                                                           |
| <b>REVIEW:</b>            | Every 3 years or as required                                                                                                                                                                                                                                                              |
| <b>CONSULTATION:</b>      | Consultation undertaken as per s82, Local Government Act 2002                                                                                                                                                                                                                             |
| <b>RELATED DOCUMENTS:</b> | Local Government Act 2002, Local Government Official Information and Meetings Act 1987, Privacy Act 2020, Ashburton District Council Schedule of Fees and Charges, Ministry of Justice Charging Guidelines for Official Information Act 1982 Requests, Ombudsman Guidelines for Charging. |

### Policy Objective

1. To outline Council's commitment to conducting its day-to-day business openly and transparently by observing the principles under the Local Government Official Information and Meetings Act 1987 ('LGOIMA') that information shall be made available unless there is good reason for withholding it.
2. To enable Council to respond to requests for official information under LGOIMA without incurring undue financial impacts on the organisation.
3. To provide clear guidance for requesters of information and Council staff regarding what information may be charged for.

### Definitions

**Official information** means the same as the definition as set out in the Local Government Official Information and Meetings Act 1987 – defined as:

*“(a) any information held by a local authority; but*

*(b) does not include—*

*(i) information contained in library or museum material made or acquired and preserved solely for reference or exhibition purposes; or*

*(ii) information which is held by a local authority solely as an agent or for the sole purpose of safe custody and which is so held on behalf of a person other than a local authority; or*

*(iii) information contained in any correspondence or communication that has taken place between the office of the Ombudsmen and any local authority and that relates to an investigation conducted by an Ombudsman under this Act or under the [Ombudsmen Act 1975](#), other than information that came into existence before the commencement of that investigation; and*

*(c) does not include information contained in any correspondence or communication that has taken place between the office of the Privacy Commissioner and any local authority and that relates to any investigation conducted by the Privacy Commissioner under the [Privacy Act 2020](#), other than information that came into existence before the commencement of that investigation.”*

## Background

LGOIMA aims to make official information held by local authorities more freely available.

LGOIMA looks to promote:

- effective participation by the public in actions and decisions of the local authority;
- the open and public transaction of business of the Council; and
- accountability of elected members and Council Officers.

A request may be made in any form including verbally, or in writing. A request does not need to be specified as a LGOIMA request or refer to the Act in order to be processed under this policy.

## Policy Statement

### 1. Requests

1.1 Council will decide as soon as reasonably practicable after receiving the request:

- Whether to seek clarification from the requester on the original request.
- Whether the request will be granted or refused, in whole or in part.
- The format in which the information will be released, having regard to the requestor’s stated preference.
- If any charges will apply.

1.2 In order to be a valid request, Council must be reasonably able to identify what information is being requested. Clarification can be sought from the requestor if there is uncertainty.

1.3 Council may work with a requestor to narrow the scope of their request to reduce the time involved in dealing with it.

#### ***Managing frivolous, vexatious or trivial requests***

1.4 Council acknowledges that while most LGOIMA requests are reasonable, there are circumstances where unreasonable conduct may occur.

1.5 Where a Council officer feels that a request is frivolous, vexatious or trivial, the matter will be escalated to the Chief Executive.

1.6 Council may refuse a request for information under section 17 of the LGOIMA where the request

is frivolous or vexatious or that the information requested is trivial.

## 2. Release of information

- 2.1 When considering a request, Council will provide all available official information unless it considers there are grounds under the LGOIMA to withhold all or part of the request, refuse all or part of the request, and/or transfer the request to another agency. Reasons to refuse a request are set out in section 17 of the LGOIMA.
- 2.2 Council may release information subject to conditions on the use, communication or publication of the information.
- 2.3 Council will respond as quickly as possible to LGOIMA requests, and within a maximum of 20 working days (unless this timeframe is extended in accordance with the LGOIMA.) If Council seeks an amendment or clarification from the requestor within 7 working days of receiving the original request, an amended or clarified request will be treated as a new request and will restart the statutory time limit for response.
- 2.4 Material will be provided electronically to the requestor. Where this is not possible, hardcopies will be provided but may be charged for (see section 3).
- 2.5 Where the requestor has stated a preference of format for the information to be released, Council will provide the information in this format unless there is an appropriate reason under section 15(2) of LGOIMA, in which case this reason will be communicated to the requestor.

## 3. Charging

- 3.1 If the reply to a request for information is likely to take a significant amount of time to retrieve, collate and copy, the Council may under LGOIMA, charge for the provision of the information. Council cannot charge for the time spent deciding whether or not to release the information.
- 3.2 Charges must be reasonable and will be considered on a case by case basis. Council will have regard to the circumstances of the particular case.

### ***Non-chargeable***

- 3.3 When fulfilling requests for official information the following will be provided free of charge:
- The first one hour of staff time spent on fulfilling an official information request;
  - The first twenty pages of photocopying or printing (if applicable).

### ***Chargeable***

- 3.4 When fulfilling requests for official information the following may be charged for:
- Staff time taken to collate and provide information in excess of one hour.
  - Photocopying or printing in excess of the first twenty pages (if applicable).

3.5 The rates charged are as outlined in Council's schedule of Fees and Charges.

***Explanatory Note***

Council's fees & charges can be found online at: [ashburtondc.govt.nz/services/fees-and-charges](http://ashburtondc.govt.nz/services/fees-and-charges)

3.6 All other charges incurred may be fixed at an amount that recovers the actual costs involved.

This includes:

- producing a document by computer or other like equipment,
- reproducing a photograph, film, video or audio recording,
- arranging for the requestor to hear or view an audio or visual recording, or
- providing a copy of any maps, plans or similar documents.

#### **4. Implementation of Charges**

4.1 The requester will be advised of the estimated cost of their request (if any) as soon as practicable following Council receiving the request. The requester then has the option of proceeding, withdrawing or refining their request.

4.2 In accordance with section 13(4) of LGOIMA, Council may require that whole or part of any charge be paid in advance. Full payment of the requested amount is expected in advance, and will only be requested when the decision has been made to release the information.

4.3 The requester will be invoiced for any charges to be paid in advance of the information being provided and is subject to Council's normal invoicing procedures.

4.4 Requestors are able to make a complaint to the Office of the Ombudsman about the proposed charge.

4.5 Where the requester disputes the proposed charge, the charge may be waived in whole or in part at the discretion of the Chief Executive. This will generally be in a situation where there is an agreed public interest in the disclosure of the information requested.