



# LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETING ACT REQUESTS AND PROACTIVE RELEASE POLICY

Effective from 20 December 2021

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## Purpose

The purpose of the Local Government Official Information and Meetings Act 1987 (LGOIMA) Requests and Proactive Release Policy is to:

- make decision-making processes and information available, accessible and understandable 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 reactively or proactively providing information.

## Scope

This policy applies to all Council employees including elected and appointed representatives, contractors and consultants working on Council business.

## Definitions

**Information subject to LGOIMA:** Information held for the purposes of this policy includes all information which is paper-based, electronic or in a person's memory. It also includes information held by elected members in their capacity as an elected member and information held by an independent contractor engaged by any local authority in their capacity as an independent contractor.

**Elected Representatives:** Means all Members of Council who are elected at each local government election triennium or by any By-Election held within the three year period and includes the Mayor, Councillors, Bluff Community Board Members and Mana Whenua Representatives.

**LGOIMA Request:** Can be received verbally, electronically, via social media or in writing. If the request is only received verbally we will record our understanding of what was asked for, provide

our understanding to the requestor, and process accordingly. Within this definition there are four trigger events which would characterise a request as a LGOIMA request:

- the requestor uses the words 'request for information', 'official information', 'OIA' or 'LGOIMA';
- the response requires substantial time to collate or research;
- the material requested is likely to be withheld by Invercargill City Council; and
- the subject matter of the request has significant public or political interest, generating numerous requests and a coordinated response is required across the organisation.

**Working days:** means any day that is not:

- a weekend day or public holiday<sup>1</sup>; and
- a day between 20 December and 10 January inclusive.

## Responsibilities

Council's Governance team is responsible for the accepting, processing and administering the release or withholding of information under the LGOIMA. All LGOIMA requests are independently reviewed by an approved Council Officer to ensure there are appropriate checks and balances in place to ensure Council is meeting its responsibilities under the Act.

## Principles

Official information pertains to material held in any format including, but not limited to:

- reports, policies, letters, emails, information held on our databases, text messages;
- 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; and
- recollections.

Requests may only be made for information already held; there is no obligation to create new information for the purposes of responding to a request. Requests for opinion are not requests for official information.

In accordance with the general duty towards transparency and assistance under LGOIMA; the default position should be to release information. There are some justifiable reasons to withhold the release of information, provided that reason is not otherwise overridden by the public interest. This duty also extends to providing assistance to requestors through the request process, including helping requestors to clearly frame their request.

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<sup>1</sup> The LGOIMA defines a working day as any day of the week other than— Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day. If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday. The day observed in the appropriate area as the anniversary of the province of which the area forms a part (For Southland, this is the day after Easter Monday). A day in the period commencing with 20 December in any year and ending with 10 January in the following year.

## LGOIMA Request – Cost Recovery

Sometimes we may need to charge for an official information request. If we decide to charge, we will tell you the cost of your request before processing it. You can then decide to proceed, withdraw or refine your request.

Council could seek cost recovery when:

- answering your request requires substantial collation or research; or
- costs are incurred pursuant to a request response being needed urgently.

We might ask for some or all of the cost to be paid in advance. Our charging guidelines are detailed below. The New Zealand Government has issued reasonable Charging Guidelines. The standard charges at the time of adoption of this policy are:

- \$38 per half hour of staff time in excess of one hour; and
- \$0.20 per page for photocopying in excess of 20 pages.
- Office of the Ombudsman guidance can be accessed [here](#).
- Note: These charges are subject to change in accordance with the Ombudsman guidance.

Charges can be found within the Council's Fees and Charges Schedule available online.

## Responses

Council will respond as quickly as possible to LGOIMA requests, and within a maximum of 20 working days. For clarification, day one of the 20 working day requirement is the first working day after the day on which the request is received.

Council may extend the 20 working day limit in accordance with the section 14 of the LGOIMA. Any extension shall be effected by giving or posting notice of the extension to the person who made the request within 20 working days after the day on which the request is received. These reasons are;

- the request is for a large quantity of official information or necessitates a search through a large quantity of information and meeting the original time limit would unreasonably interfere with the operations of the local authority; or
- consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

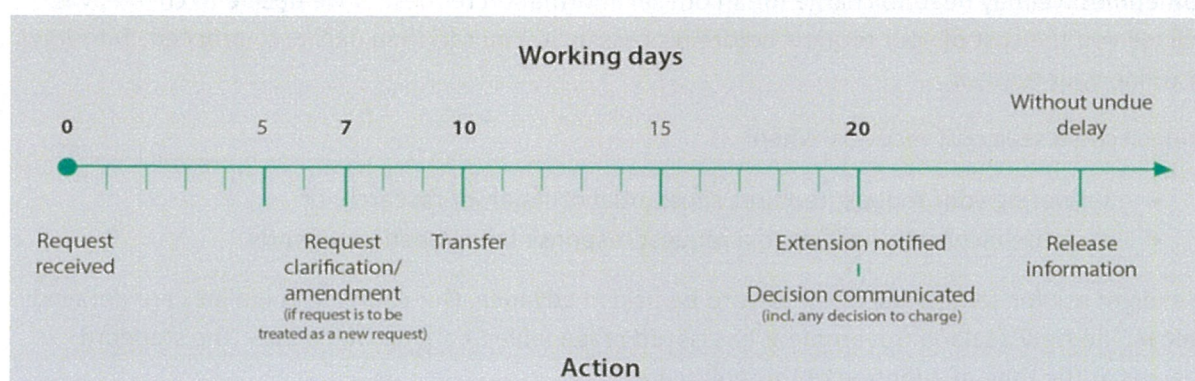
## Request for Clarification

If the request is very broad, Council can explore refining the request. In these circumstances, Council will request clarification of a request within seven working days, if the amended request is to be treated as a new request. This is covered under Section 13 (7) of the Act. This does not include where the council has asked for clarifications of amendments.

## Transferring a LGOIMA Request

In accordance with Section 12 of the LGOIMA, Council will seek to transfer the LGOIMA request to another agency if they are best placed to respond to the request. Council will transfer the request to another agency promptly, and no later than 10 working days, after the request is received.

Figure One – Council LGOIMA Request Processing Timeline



## Urgency

If a requester asks for a request to be treated as urgent, they must give reasons. If the Council cannot meet the urgent timetable sought by the requester, Council will advise the requestor accordingly and provide a timeframe on when to expect a response.

In the case of multiple requests for information, 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 20 working day timeframes.

## Proactive Release of Information

Council will publish information that helps inform the public about how ICC undertakes its core functions. The publication of reports and advice to elected members, as well as project information and data analysis, are some examples of what may assist the public in being better informed of ICC core functions.

Proactive release of information can be either;

- the publication of official information that ICC deems to be of interest to the wider public; for example, this could include information such as strategic intentions and briefings to elected members; or
- the publication of information that ICC has provided in response to a request under the LGOIMA.

### Proactive release of information not subject to a request

Council will publish information that helps inform the public about how ICC undertakes its core functions. The publication of reports and advice to elected members, as well as project information and data analysis, are some examples of what may assist the public in being better informed of Council core functions.

### Proactive release of LGOIMA responses

At least once a quarter, Council will select appropriate LGOIMA responses for publication on the Council website. When determining whether to proactively publish a response to a request, relevant considerations may include:

- Whether there has been more than one request for the information, or on the topic the information covers; and

- Whether the information would be of general interest to the public.

ICC will advise LGOIMA requesters that the ICC's response to them may be published on the ICC website, making it publicly available. Before publication, all personal details will be removed from the response to ensure the identity of the request is not revealed.

## Withholding Information/Refusal of Request

Council will release information unless there are reasons not to and they are not overridden by the need for the public interest. The partial release of information is possible if only parts of the request meet the LGOIMA criteria for refusal. Sections 6, 7, 8 and 17 of the LGOIMA stipulate the conditions under which Council can refuse to release information subject to a LGOIMA request. These relevant sections should be referred to for the exhaustive list, however the main reasons for withholding official information include:

- prejudice the maintenance of the law;
- endanger the safety of any person;
- breach the privacy of any person;
- disclose confidential or commercially sensitive information;
- cause serious offence to Tikanga Maori;
- disclose the location of Waahi Tapu;
- breach an obligation of confidence; and
- prejudice: public health or safety; the Council's right to legal professional privilege; the commercial activities of the Council; or negotiations being carried out by the Council.

These reasons have to be weighed up against the overall public interest of releasing the information. If a requester is not satisfied with Council's response, they can contact the Office of the Ombudsman.

## Exceptions

### LIMs

Land Information Memorandums (LIMs) are covered by section 44A of LGOIMA and are subject to a separate timeframe and charging regime. LIMs are only valid at their time of issue. Historical LIMs may be provided under this policy, clearly marked "not valid as a Land Information Memorandum".

### Personal Information

All requests for Personal Information are dealt with under the Privacy Act 2020 and Councils Privacy Policy and are separate to a request under LGOIMA.

### Criminal Disclosure

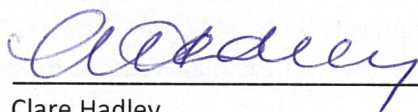
The Criminal Disclosure Act 2008 sets out the requirements and obligations of Council when it is undertaking a criminal prosecution. This is a separate process to LGOIMA and is part of Council's obligation to the Courts of New Zealand as a Prosecuting Authority.

## Relevant Legislation

This policy should be read in conjunction with:

- Local Government Official Information and Meetings Act 1987;
- Official Information Act 1982;
- Privacy Act 2020;
- Ombudsman Act 1975;
- Public Records Act 2005; and
- Copyright Act 1994.

Authorised By:



Clare Hadley  
Chief Executive

**Revision History:**

November 2021

**Effective Date:**

20 December 2021

**Review Period:**

This policy will be reviewed every six (6) years unless earlier review is required due to legislative change, or is warranted by another reason.

**New Review Date:**

20 December 2027

**Associated Documents / References:**

Local Government official Information and Meetings Act 1987  
Official Information Act 1982  
Privacy Act 2020  
Ombudsman Act 1975  
Public Records Act 2005  
Copyright Act 1994

**Supersedes:**

N/A

**Reference Number:**

A3654776

**Policy Owner:**

Manager - Governance and Legal