

GUIDE TO EFFECTIVE OIA REQUESTS



Introduction

Across our team at Franks Ogilvie we estimate we have not only made hundreds of official information requests, but we have also answered them. This gives us a unique insight in to how most effectively use this the Official Information Act 1982 (OIA) and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

Crafting the perfect request for official information can be tricky. Vagaries and lack of structure can make it difficult for the person answering your request to work out what information you are asking for. As a result, you may find yourself with missing or wrong information, delays, and outright refusals.

This guide will help you understand the Official Information scheme and how to craft a request that produces the information you desire. But be aware. The OIA is not a perfect tool and nor are the people answering your requests. Often making requests can be a frustrating task but nonetheless worthwhile.

The OIA

[Section 12](#) of the Act allows you to make a request of main government bodies. Official information is defined under the section 2 as any information held within the provided list, under [Schedule 1](#) of the Act, or under [Part 2](#) of Schedule 1 of the Ombudsman Act 1975.

A decision on the request, under [section 15](#), is required by the organisation no later than **20 working days** after receiving the request.

Many of the major problems that requestors have when dealing with official information are [extensions of due dates](#) and [refusals of requests](#).

The OIA has a list of circumstances that enables a government body to refuse information to the requester. The most common reasons for refusal are:

- the information would likely unreasonably prejudice the commercial position of the person who supplied or is the subject of the information – [s 9\(2\)\(b\)\(ii\)](#)
- the information is subject to confidentiality – [s 9\(2\)\(ba\)](#)
- the interference would interfere with the effective conduct of public affairs such as threatening free and frank discussion of opinions between public official in the course of their duty – [s 9\(2\)\(g\)\(i\)](#)

Refusal of information for any reason provided under the Act can be contested by raising a complaint with the Office of the Ombudsman.

Extension of due dates are usually made without any consultation with the requester and notice of an extension is commonly given within three working days of the initial request due date. Like refusals, complaints for delay can be made to the Office of the Ombudsman.

LGOIMA

This is the local government version of the OIA.

[Section 2](#) of the Act defines “official information”. Under the LGOIMA it includes any information held by local authority with some minor exceptions.

As with OIA, a decision on a request pursuant to LGOIMA, under [section 13](#), is required by the organisation no later **than 20 working days** after receiving the request.

Also as OIA, the two main issues encountered when requesting information under LGOIMA are [extensions of due dates](#) and [refusals for information](#).

The LGOIMA has a list of circumstances that enables a government body to refuse information to the requester. The most common reasons for refusal are:

- the information would likely unreasonably prejudice the commercial position of the person who supplied or is the subject of the information – [s 7\(2\)\(b\)\(ii\)](#)
- the information is subject to confidentiality – [s 7\(2\)\(c\)](#)
- the interference would interfere with the effective conduct of public affairs such as threatening free and frank discussion of opinions between public official in the course of their duty – [s 7\(2\)\(f\)\(i\)](#)

Complaints of delays and refusals issued under LGOIMA can be brought to the Office of the Ombudsman.

Keep in mind that some local government bodies are sparsely staffed and many are not trained to properly apply LGOIMA. While recent attempts have been made from the Office of the Ombudsman to standardise the LGOIMA system, smaller local body organisations may vary in understanding.

Writing an effective request

Format and formalisation

When writing a request, be formal when possible. When addressing a Minister or a Commissioner ensure that you address them respectfully. A formal business letter format is generally advisable, however some online request forms limit the number of characters per request (such as with [NZ Police](#)), use reasonable discretion when determining what is the correct format.

Be clear and precise

When requesting information, ensure that you are as precise as possible and avoid vague wording. If your wording is vague, the scope of your request may be interpreted broader or narrower than you intended, it may result in unnecessary delays in response or the wrong information being provided.

If possible, provide background information to give your request officer some context to your request. Explain what lead you to request this information. Keep it brief, but allow the recipient to understand the scope of your request. It helps to sum up the information in the subject line of your letter.

List the information you request in concise points

It is helpful to list each item of your request using a numbered list. This serves several purposes.

Keeping each numbered item of your request limited to one subject makes your request clearer.

Also in cases where the information being requested is urgent, numbering the items request allows for the response to be broken up into smaller packages. Usually, an answer is not given until all the information is gathered. You can request the information of each item be released as the request is processed.

In some cases the information may be held by different organisations and need cross-organisation coordination to meet your request. Listing the information in differentiated points helps your request officer to determine what items of your request can be answers by his organisation and what point must be passed on.

What is counts as information?

Both definitions of information under the OIA and LGOIMA are very broad. Usually the information request will be contained in documents.

A “document” is defined by both the [OIA](#) and [LGOIMA](#) as:

- (a) any written material:
- (b) any information recorded or stored by means of any tape recorder, computer, or other device; and any material subsequently derived from information so recorded or stored:
- (c) any label, marking, or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means:
- (d) any book, map, plan, graph, or drawing:
- (e) any photograph, film, negative, tape, or other device in which 1 or more visual images are embodied so as to be capable (with or without the aid of some other equipment) of being reproduced

To ensure you explicitly cast your net as wide as possible, consider listing what forms of material you consider to be “information”. A general list including **reports, research, file notes, cabinet papers, briefings, aide notes, records, emails, minutes, communications, correspondence etc** will usually capture the information you are seeking. Incorporate this list in your request to signal to your correspondent that you request **everything** that is relevant to your request, not just the rudimentary discussion papers.

Provide leeway when necessary

Both the OIA and LGOIMA has numerous reasons to refuse or delay information and experience shows that many information officers will drop these excuses at the first sign of difficulty. There are some tools that can equip your request with in order to avoid these unnecessary obstacles.

Additionally, if you make a subsequent complaint to the Ombudsman, these additional factors in your request may illustrate that you had initially sought ways of solving communication problems with your correspondent – a material fact in your favour when Ombudsman considers the complaint.

Dealing with delays or refusals

If you are dissatisfied by the response to your request whether it be a delay in response or an out-right refusal, consider how it should first be addressed.

Your first response should be to attempt to rectify the issue yourself. Communicate with the organisation and seek a solution to your issue first. A resolution using this “approach method” may be quicker than a complaint to the Ombudsman.

- If the information is urgent and you are informed of an extension, communicate the urgency of the information.
- If the information is not released to you because it contains sensitive information, seek ways where some of the information may be released to you where the sensitive material can be protected.
- If the information released to you is not the information your requested, or there is more information you require, consider following up with a correction or clarification of your request. Determine whether this should be considered a new request or part of your original request.

If you have exhausted your options of rectifying the issue yourself, consider [submitting a complaint](#) to the Ombudsman. A complaint can be sent in online or by physical address.

TIP: The Ombudsman complaint process will take time. Keep in mind that you may get a response from the Ombudsman after the information’s usefulness.

The Ombudsman website has a number of case studies on the various grounds to refuse information under the OIA and LGOIMA. Consider using some of these cases in order to strengthen your argument.

Need more help?

We are happy to provide advice on your OIA requests and how they can help you achieving your outcomes.

You can see more about our work and our team [here](#)