

Purpose

The purpose of this policy is to formalise Queenstown Lakes District Council's position on granting requests for **official information**.

The Local Government Official Information and Meetings Act 1987 (LGOIMA) provides for people to request official information held by local government agencies; it is underpinned by the principle of availability¹. Queenstown Lakes District Council (QLDC) must balance its responsibilities to fulfil this principle under LGOIMA with its obligations to ratepayers to reasonably allocate the cost of its activities.

Scope

This policy applies to the decision-making process for requests for official information held by QLDC and its contractors. Requests for official information may be made by any **person**.

This policy is not intended to affect decisions made either by QLDC or its agents in respect to other information held by them or made publicly available.

In reaching a decision on a request for official information, QLDC must decide whether the request will be granted (see *Deciding on a request*); and if so, in what manner (see *Releasing information*), and for what charge (see *Charging*).

Definitions

Due particularity: to be valid, a request must be specified with due particularity – meaning QLDC must be reasonably able to identify what information is being requested

Official information: any information held by QLDC subject to LGOIMA²

Person: any individual or group³ - there are no restrictions on eligibility of requesters under LGOIMA

Statement of reasons: LGOIMA provides requesters with a right to a written statement of reasons for a decision or recommendation made about the requester by QLDC

¹ Refer to [section 5](#) of the LGOIMA

² Refer to [section 2](#) (1) of the LGOIMA.

³ Section 2 (1) of the LGOIMA defines 'person' as including a corporation sole, and also a body of persons, whether corporate or unincorporate.

Policy

1. QLDC is committed to the principle of availability, which will remain central to all decisions made regarding official information.
2. In accordance with LGOIMA, only information known to and held by QLDC will be provided in response to a request. With the exception of a **statement of reasons**⁴, QLDC is not required to form an opinion or create information in order to respond to a request. QLDC will however use best endeavours to respond to all reasonable questions asked, even where there is no information held.
3. Guidance produced by the Ombudsman's office will be regularly reviewed to ensure QLDC's decision-making with respect to requests for official information remains consistent with recognised best-practice and statutory requirements.

Deciding on a request:

4. QLDC will ensure decisions regarding requests are made and communicated as soon as reasonably practicable, and always within the statutory timeframes as prescribed by LGOIMA.
5. QLDC will provide reasonable assistance to a requester to ensure a request is made appropriately and with **due particularity**.
6. Official information held by QLDC will always be made available to a requester, unless there is a good reason to withhold it. QLDC may refuse a request on one or more of the following grounds; administrative reasons⁵, conclusive reasons, good reasons, or neither confirming or denying the existence or non-existence of information⁶.
7. Where a request is at risk of being refused, QLDC will proactively work with the requester to amend or clarify their request to enable the preparation of a response.

Releasing information:

8. QLDC will make available any official information it has decided to release without undue delay.
9. Information may be made available by QLDC in a number of different ways, and will always be made available in accordance with the requester's preferred format unless there are grounds⁷ for not doing so.
10. QLDC may decide to release information under certain conditions⁸, with additional context, or with appropriate redactions.

⁴ Refer to [section 22](#) of the LGOIMA

⁵ For administrative reasons, refer to [section 17](#) of the LGOIMA.

⁶ For conclusive reasons, good reasons, or existence of information, refer to [sections 6 through 8](#) of the LGOIMA.

⁷ Refer to [section 15](#) (2) and (3) of the LGOIMA

⁸ Information may be released subject to conditions on the use, communication, or publication of the information. Note that conditions are not enforceable under LGOIMA.

Charging:

11. In accordance with LGOIMA, QLDC is entitled to charge for the supply of official information. These charges will be a reasonable reflection of the labour and materials involved in making the information available, and may include staff time spent retrieving and collating the information as well as preparing it for release. Charges will not be applied to the time spent or costs incurred in deciding whether to release the information.
12. For the purposes of charging for the provision of official information, QLDC will remain consistent with the Government's current Charging Guidelines⁹. This includes the provision of the first hour free of charge.
13. Charges are to be consistently applied to all requests for information; QLDC considers prima facie to be the best way to achieve this consistency in most cases.
14. Charging for information will not be used to discriminate against certain individuals or groups in the community. QLDC does however reserve the right to aggregate requests from the same source¹⁰ on a common subject over intervals of eight-weeks for the purposes of assessing substantial collation and research¹¹.
15. Requests likely to attract a charge will be discussed with the requester in an effort to refine the request and accordingly reduce or remove associated costs. Work will not commence on a request until an estimate of charges has been provided to the requester, and the requester has accepted these charges.

Roles and Responsibilities:

16. The QLDC Delegations Register is regularly reviewed and updated, and reflects the organisation's current allocation of roles and responsibilities with respect to official information requests.

⁹ On 18 March 2002 the Government approved the guidelines published on the Ministry of Justice website (www.justice.govt.nz) for charging for official information. These guidelines replace those approved by the State Sector Committee in January 1992 (STA (92) M 1/3) and set out in the Department of Justice memorandum of 26 February 1992.

¹⁰ Requests for information may be made by any person. [Section 2](#) (1) of the LGOIMA defines 'person' as including a corporation sole, and also a body of persons, whether corporate or unincorporate.

¹¹ Refer to [section 17A](#) of the LGOIMA