

Official Information Act Requests Policy

Version number 2.0 May 2025



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

Te Kāwanatanga o Aotearoa
New Zealand Government

1 MBIE guiding principles relevant to this policy

- 1.1 The Official Information Act Requests Policy aligns with the following MBIE guiding principles:
- ensuring we maintain the trust and confidence of the public;
 - ensuring the best use of taxpayer funds; and
 - complying with legislation, regulations and standards.

2 Purpose

- 2.1 The purpose of the Official Information Act Requests Policy is to:
- Reinforce the commitment of MBIE to the principles and purposes of the Official Information Act 1982 (the OIA);
 - Provide guidance to MBIE employees, contractors, consultants and committee members about their obligations and responsibilities in responding to requests for official information;
 - Provide guidance on the relationship between MBIE and relevant Ministers and their offices when handling requests under the OIA;
 - Support staff to manage any legal or reputational risk associated with OIA requests; and
 - Support MBIE's commitment to Open and Transparent Government.

3 Scope

- 3.1 This policy applies to all staff, secondees, contractors and committee members employed or engaged on any basis by MBIE (**our people**), whether they are casual, fixed-term or permanent, whether full time or part time and whether they are in New Zealand or in any other country.

4 Help

- 4.1 For any queries relating to the policy, please contact the Strategy, Performance and Operations Team in the Communications, Design and Ministerial Services Branch or email MinisterialServices@mbie.govt.nz.

5 Definition of terms

Term	Definition
Official Information	As defined in section 2 of the OIA, any information held by a public service agency; a Minister of the Crown in their official capacity; or an organisation. Information that is not considered to be official information is outlined in section 2 of the OIA .
Official Information Act Requests (OIA requests)	Requests for official information can be made in any format, including verbally. The request does not have to mention the OIA or be worded in a specific way.
Departmental OIA Requests	OIA requests made directly to MBIE for official information MBIE holds. These can be directed to MBIE via any channel including social media, or in any format, including verbally.
Ministerial OIA Requests	OIA requests made to one of MBIE's Ministers. In this case a Private Secretary may refer the request to MBIE to provide advice to the Minister, including a draft response.

Term	Definition
Privacy Act Requests	Requests by a natural person for personal information about themselves are always considered under the Privacy Act 2020.
Timeframe for communication of a decision and making information available	A decision needs to be made and communicated to a requester as soon as reasonably practicable and within 20 working days, unless there is a reason to extend the time limit, as described in the OIA. If the associated information is to be provided separately it must be done so without 'undue delay'.
Extension	Extending the statutory timeframe in which to communicate a decision on a request or transfer a request in line with section 15A of the OIA.
Transfer	Requests should be transferred to a Minister or other government agency, when the information is either held by them or the information is more closely associated with the functions of another agency.
Charging	Seeking payment from a requester for work done on an OIA in accordance with Ministry of Justice guidelines.
BAU Response	Request for information that can be provided to the requester without the need to go through MBIE's Departmental OIA Requests or Ministerial OIA Requests procedures.

6 Policy statements

- 6.1 MBIE is committed to the intent and purpose of the OIA. Its key objectives are to:
- progressively increase the availability of official information to the people of New Zealand in order to enable their more effective participation in the making and administration of laws and policies; and to promote the accountability of Ministers of the Crown and officials; and
 - enhance respect for the law and to promote the good government of New Zealand to provide for proper access by each person to official information relating to that person; and to protect official information to the extent consistent with the public interest and the preservation of personal privacy.
- 6.2 MBIE contributes to the Open Government Partnership New Zealand and the whole-of-government work led by Public Service Commission.
- 6.3 MBIE continuously develops and improves its procedures to respond to requests, ensuring compliance with the statutory requirements and increasing public satisfaction with the OIA service it provides.
- 6.4 MBIE will respond to requests with regard to Ombudsman guidance and advice.
- 6.5 MBIE consistently educates our people on their obligations and responsibilities under the OIA to lift performance and understanding across the agency, and to give them the support and tools they need.
- 6.6 MBIE cooperates fully with the work of the Ombudsman in reviewing and investigating any complaints made under the OIA.

Receiving requests

- 6.7 Any request for official information received via any medium by MBIE must be promptly identified and recorded in a central system.

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Assurance
Policy Owner: GM, Communications and Government
Services
Security Classification: Unclassified

- 6.8 Where requests are received directly to staff or a monitored mailbox, the staff member must notify the Central Ministerial Services Team of the request for official information as soon as possible.
- 6.9 The Central Ministerial Services Team will determine whether the request will be processed under the formal OIA process, the team may consult with the relevant teams.
- 6.10 If a requester requests access to their own personal information as an OIA request, this must be treated as an access request under the Privacy Act 2020. Please refer to the Privacy Policy and Privacy Procedures for information and guidance on how to process this type of request.
- 6.11 Requests by a corporate entity for its own information need to be handled under part 4 of the OIA.

Scoping and timeframes

- 6.12 All OIA requests must be logged promptly in the central Ministerial Services workflow tool and allocated to a Business Group Ministerial Services writing team as soon as logged.
- 6.13 The team completing the response must arrange a scoping discussion. A scoping discussion early in the process is vital to ensure all participants are clear about the scope and interpretation of the request.
- 6.14 If a request is too broad or complex, or it is not clear what information is being requested, MBIE must consider contacting the requester to seek refinement or clarification. If this contact is made within the first seven working days after receipt of the original request, the timeframe for responding can be reset from the date that the requester confirms a revised or clarified request which is substantially different from the original request.
- 6.15 Extensions must be notified to a requester within 20 working days of MBIE receiving the request and must only be extended for a permitted reason under section 15A the OIA. More than one extension is permissible; however, all extensions must be notified within the original 20 working days.
- 6.16 For Ministerial OIAs, a decision to extend must be made by the Minister on advice from MBIE. This advice should usually be provided within 15 working days of the Minister receiving the request, depending on individual ministers' requirements.
- 6.17 Transfers of requests must be identified and notified to a requester within 10 working days of a request being received. If a transfer is identified outside of the 10 working days timeframe the Ministry still has an obligation to transfer the request if the requested information is more closely connected with the functions of another department.
- 6.18 For Ministerial OIAs, a decision to transfer must be made by the Minister on advice from MBIE. This advice should be provided within five working days of the Minister receiving the request. The time for making a transfer can be extended using the same reasons for extending the timeframe to communicate a decision.

Providing a response

- 6.19 Information must be made available in the format requested unless there is a reason that this is not possible. The reason why a response is not provided in the requested manner must be communicated to the requester.
- 6.20 Staff must obtain all relevant sign outs at the appropriate delegated level.
- 6.21 Decisions on OIA requests should be communicated to a requester '*as soon as reasonably practicable*' and no later than 20 working days after the request is received, unless extended as allowed under section 15A of the OIA.
- 6.22 If information is withheld or refused, the grounds under the OIA used must be included in the response to the requester. Refusals must only be for reason specified in section 18 of the OIA.

- 6.23 If a request is likely to be refused under sections 18(e) or 18(f) of the OIA, you must consider whether consultations with the requester are necessary to make a proper decision on refusing the request.
- 6.24 All responses must contain information to let the requester know of their right to make a complaint to the Office of the Ombudsman if they are not satisfied with the decision on their request.

Engaging with Ministers

- 6.25 Under the 'no surprises' principle, MBIE will notify relevant ministers' offices of requests for official information it receives that involve matters that may become the subject of public debate or Ministers may be questioned on. The relevant minister's office will also be informed if MBIE intends to release information that is particularly sensitive or potentially controversial.
- 6.26 Notifications in this context is not the same as consultation and should not unduly delay the release of information.
- 6.27 MBIE will consult with the relevant Minister's office if the request relates to the Minister's functions or Cabinet material.

Charging

- 6.28 If a request necessitates charging for the supply of official information, the charges must be reasonable. MBIE uses the Ministry of Justice charging guidelines for OIA requests when deciding the amount to charge, which can be found here: www.justice.govt.nz/about/official-information-act-requests/directory-of-official-information/charging-guidelines-for-oia-requests/.
- 6.29 All considerations of charging must be discussed with the Strategy, Performance and Operations Team prior to contacting the requester.

Media requests

- 6.30 In some cases, in line with the time sensitive requests received by media, it may be more appropriate to deal with OIAs from media through the process identified in the media requests for official information procedures.

7 Key accountabilities and responsibilities

Role	Responsibility
Governance and oversight	
Secretary for Business, Innovation & Employment and Chief Executive (The Secretary)	<ul style="list-style-type: none"> Ensures MBIE is compliant and meeting its obligations under legislation.
Assurance, Risk and Accountability Committee (ARA)	<ul style="list-style-type: none"> Approves the policy. Ensures MBIE is compliant and meeting its obligations under legislation.
Business group management: Identify and manage risks in day-to-day operations (1st Line)	
Deputy Secretaries (Dep Secs)	<ul style="list-style-type: none"> Provide leadership to embed the policy within their business group. Provide assurance that their business group is compliant and that matters of non-compliance are dealt with appropriately. Ensuring their business groups are complying with the <i>no surprises</i> convention.

Role	Responsibility
	<ul style="list-style-type: none"> Ensuring appropriate managers have been delegated responsibility for signing out OIA responses in their area.
Managers and People Leaders	<ul style="list-style-type: none"> Responsible for embedding the policy into operational activities within their business area. Ensure new and existing staff in their teams are made aware of and comply with the policy. Responsible for the content and signing out of the OIA response or advice. A manager must review the response, including any decisions made on information. Responsible for escalating or informing the Dep Secs about any aspects of a request that might create risk. Responsible for approving consultation with Ministers on departmental OIAs.
Lead OIA Advisor	<ul style="list-style-type: none"> Process the OIA in line with all policies and procedures applicable to their role. Liaise with the relevant teams within the business group. Obtain all relevant approvals at the appropriate delegated level.
Our People	<ul style="list-style-type: none"> Comply with all policies and procedures applicable to their role. Participate in relevant training as required. Responsible for advising Ministerial Services at OIA@MBIE.govt.nz on the same day they receive an OIA request which is required to go through the formal process. Responsible for checking with Ministerial Services that a request should be logged as an OIA request if unsure. Treat the OIA response process as a priority. Follow correct records management process.
Communications Teams	<ul style="list-style-type: none"> Responsible for working with the relevant business group to determine the most appropriate approach to take in responding to an OIA request received. Providing context and assisting to manage sensitive requests.
Legal Services	<ul style="list-style-type: none"> Responsible for providing legal advice on how to interpret the OIA.
Privacy Team	<ul style="list-style-type: none"> Are responsible for providing support guidance and advice about privacy best practice and how

Role	Responsibility
	to handle the personal information we collect, store, use and share.
Records Team	<ul style="list-style-type: none"> Provide support in locating documentation and completing any record searches which are required.
Ministers' offices	<ul style="list-style-type: none"> Receive notification of responses provided to them for their information under the 'no surprises' approach. They provide feedback on proposed responses to requests to the Ministry that are sent to them for consultation. Ministers' offices also provide feedback on any draft Ministerial responses that the Ministry has been asked to prepare. Sending Ministerial OIAs requests received in the office, that require an MBIE response to be drafted, to oiia@mbie.govt.nz in a timely manner.
Specialist functions: Set MBIE-wide expectations, policies and procedures (2nd Line)	
GM Communications and Government Services (Policy Owner)	<ul style="list-style-type: none"> Ensure compliance with the policy is monitored on a regular basis. Ensure the policy is reviewed and updated by the agreed review date. Ensure quarterly reporting on policy compliance and performance is provided to the relevant SLT committee.
Manager Strategy, Performance and Operations	<ul style="list-style-type: none"> Provide advice and support to business groups relating to the policy. Assist business groups with any breach management / mitigation activities as required. Monitor compliance with the policy on a regular basis. Provide quarterly reporting on policy compliance.
Strategy, Performance & Operations team (SPOT)	<ul style="list-style-type: none"> Ensure that guidance material and training is up to date. Provide assistance to ministerial writers and our people in applying the OIA to requests.

8 Procedures

a. Official Information Act Requests Procedures

9 Related MBIE policies and documents

- a. [Information and Records Management Policy](#)
- b. [News Media Policy](#)
- c. [Privacy Policy](#)
- d. [Publishing Official Information Policy](#)

10 Relevant legislation, regulations and standards

- a. [Official Information Act 1982](#)
- b. [Ombudsmen Act 1975](#)
- c. [Privacy Act 2020](#)
- d. [Public Records Act 2005](#)

11 Measures of success and compliance management

- 11.1 The policy owner will assess the effectiveness of this policy based on the following measures of success:
 - a. Staff are aware of MBIE expectations relating to all aspects of the OIA as measured by timely and quality completion OIA requests; and
 - b. Auditing shows that all OIA's are being responded to in line with the OIA and the procedures.
- 11.2 The policy owner will monitor compliance with this policy as follows:
 - a. 100% of Departmental OIAs are responded to on time, as per the Official Information Act
 - b. Ministerial servicing standards for portfolios agreed with Ministers require 95% or more of advice on Ministerial OIAs to be provided within specified timeframes.
 - c. The number of OIA complaints to the Ombudsman regarding MBIE is no more than 5% of the total number of requests responded to in the financial year.
- 11.3 Compliance information regarding the performance of this policy will be provided to the relevant business group and the Compliance CoE on a quarterly basis.

12 Non-compliance

- 12.1 Failure to comply with this policy may be considered a breach of the [Code of Conduct](#).
- 12.2 Any action taken as a result of a breach of any of the obligations set out in this policy will be conducted in good faith, a fair process will be followed, and the person involved will have a full opportunity to respond to the concerns or allegations and have access to appropriate support, advice or representation.