

## Governance support resources

### Responding to OIA requests

#### Responding to requests under the Official Information Act 1982

School boards of trustees are crown entities subject to the Official Information Act 1982. Any citizen or permanent resident of New Zealand, or any person who is in New Zealand can request information, even if that person is not a member of your school community. Companies that are incorporated here or that have an office here can also request information.

All requests for information should be referred to the board in the first instance. Notify the insurer and it is also wise to contact NZSTA Governance Advisor and Support Centre at this point.

Requests do not have to be made in writing. While the board can ask the reason for the request, the person making the request does not have to say. When a request is received the board has an obligation to:

- provide reasonable assistance to the requester. For example, if the request is ambiguous the requester can be asked to clarify it.
- release information without undue delay, but in every case provide a response within 20 working days.
- once the requested information is ready to go – send it without further delay.
- provide the information in the form requested unless to do so would impair efficient administration or would defeat the purpose for which any of the information is being withheld (unless there is a stronger public interest in releasing it in the requested format). The board's decision letter must explain to the requester it is providing the information in a different form.

The board can transfer the request to another agency if it believes that the information is held by, or is more closely connected with, the functions of that agency. The transfer should be made within 10 working days of receiving the request and the board should inform the requester.

Some of the information being requested might relate to the requester. That needs to be considered under the Privacy Act.

#### Withholding information and refusing requests

The starting point in making a decision on a request is that the board must provide all the information that has been requested unless there is a 'conclusive' or 'other' good reason to withhold it or an 'administrative' reason to refuse the request.

'Conclusive' reasons likely to be relevant to boards / schools are where release of the information would be likely to:

- prejudice the maintenance of the law
- endanger the safety of an individual.

'Other' good reasons commonly used include that withholding information is necessary to:

- protect the privacy of other individuals
- protect information that if released would unreasonably prejudice the commercial position of the supplier/subject of the information.

If the board is using one of the 'other' good reasons above it needs to weigh up whether the public interest in the release of the information is greater than the interest that it is protecting.

Administrative reasons for refusing requests include that:

- the information is or soon will be publicly available
- the request is frivolous or vexatious, or the information requested is trivial
- the document alleged to contain the information does not exist or cannot be found
- the information cannot be made available without substantial collation and research. If this reason applies you will need to

look at whether charging or extending the time limit would solve the issue.

The board must consult with the requester to see if the request can be reformulated if it is refusing a request on the grounds contained in the last two bullet points above.

The list above is not exhaustive.

If the board thinks it may have a reason not to disclose information, contact NZSTA Governance Advisory and Support Centre or the Office of the Ombudsman for further advice. There is also useful information about responding to requests under the Official Information Act here: [Guides | Office of the Ombudsman](#).

If the board can provide part of a document but you need to withhold some information, it should provide the document with deletions or alterations as necessary. Let the requester know why you have done this.

In the board's decision letter it is best practice to let the requester know of their right to complain to the Office of the Ombudsman.

### **For further information contact:**

NZSTA Governance Advisory and Support Centre 0800 782 435, Option 1; [govadvice@nzsta.org.nz](mailto:govadvice@nzsta.org.nz)

Privacy Commissioner 0800 803 909, [www.privacy.org.nz](http://www.privacy.org.nz)

Office of the Ombudsman 0800 802 602, [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)



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### Where do I get advice?

The *Governance advisory and support centre* advisers can also assist and are contacted on 0800 782 435, option 1 or [govadvice@nzsta.org.nz](mailto:govadvice@nzsta.org.nz)