

Official Information Act practises

Te Wānanga o Aotearoa is dedicated to taura (student) success.

The Official Information Act 1982 (**OIA**) applies to Te Wānanga o Aotearoa.

What is official information?

Official information means any information held by:

- government Ministers in their official capacity (information which is held by Ministers in a private capacity or in their capacity as members of a political party is not "official information");
- government departments, organisations and state owned enterprises; the Police; city, district or regional councils; school boards of trustees, wānanga, universities, polytechnics and other tertiary education institutions; district health boards; and
- any other agency subject to the Official Information Act or the Local Government Official Information and Meetings Act.

Official Information does **not** include:

- personal information about the person making the request. Requests for personal information should be made under the Privacy Act 1993;
- information contained in Te Wānanga o Aotearoa Library or art material made or acquired and preserved solely for reference or exhibition purposes; and
- information which would have to be created in order to respond to a request.

Can I request information about myself?

A request for official information that is personal information about the requester is considered under the Privacy Act not the OIA. Some requests will seek information that is both personal information about the requester and information about other people or subjects, in which case they must be considered under both the OIA and the Privacy Act.

Source: <http://www.ombudsman.parliament.nz/resources-and-publications/guides/official-information-subject-guides>

What is the response time?

The Act allows Te Wānanga o Aotearoa to provide a response within 20 working days. This time limit can be extended in certain circumstances specified in the Act.

In such cases the requester will be advised of the extension and the reasons for it. Requesters can ask that requests be treated as urgent, but must give reasons.

Can information be withheld or a request refused?

Te Wānanga o Aotearoa is entitled to withhold information if, for example, the release would be likely to prejudice:

- the national security or defence of New Zealand; and

- the maintenance of the law.

Other reasons for withholding information include:

- the commercial position of the supplier or the subject of the information;
- the confidentiality of advice tendered by Ministers and officials;
- the free and frank expression of opinions by or between or to Ministers and officials;
- legal professional privilege;
- the commercial activities of TWoA; and
- the privacy of natural persons, including deceased natural persons.

Before withholding information for any of these reasons, consideration must be given to whether there are any other public interest considerations which outweigh the need to withhold.

Will someone contact me about my request?

Te Wānanga o Aotearoa may contact the requester to discuss the scope of the request where it is not clear, requires clarification, is so broad that a time extension may be required, to determine if the information exists or if it cannot be made available without substantial collation or research.

Will there be a charge for the information?

Under the Act Te Wānanga o Aotearoa may make a reasonable charge for providing "official information". Charges are calculated as per the *Charging guidelines* released by the Ministry of Justice. Which states the first hour of staff time to process the request is free, then an initial charge of \$38 for the first chargeable half hour or part thereof; and then \$38 (GST inclusive) for each additional half hour or part thereof.

Te Wānanga o Aotearoa generally will not impose charges for small, simple or infrequent requests. However, the Act allows us to charge for preparing information provided in response to requests and Te Wānanga o Aotearoa believes that requesters should bear some of the costs when requests are made for very large amounts of information, **where a response to a request is particularly complex, or where individuals or organisations make very frequent requests.**

Requesters should become familiar with the Official Information Act to make a request for official information. If you make any request for official information that concerns a third party Te Wānanga o Aotearoa may give notice of your request to the third party.

How can I make a request?

Requests for official information under the Act should be sent by email to legal@twoa.ac.nz or by post to:

Senior Legal Advisor
Quality and Corporate Services
Te Wānanga o Aotearoa
P O Box 151, Te Awamutu 3840

Any request should be as specific as possible and preferably in writing.

Official Information Act process

