



9 October 2018

## Next round of OIA/LGOIMA practice investigations underway

The Chief Ombudsman Peter Boshier, has commenced the next self-initiated investigations into the official information practices of the public sector.

These investigations aim to establish whether the agencies have the leadership, culture, organisational systems, policies and procedures in place to support good official information practices to achieve the purposes of the official information legislation relevant to their organisation.

The agencies selected for investigation are the Treasury, Christchurch City Council, and Horowhenua District Council.

The investigations follow those into the Ministry for Culture and Heritage, the Ministry for the Environment, the Department of Conservation and Land Information New Zealand. Reports on these investigations were released on 27 September 2018.

‘I have spoken to the Chief Executives of the agencies, and they all welcome the initiative’, says Mr Boshier.

‘The selection process takes into account my strategic priorities, which for this year includes a focus on local government, public perception of how an agency complies with its official information obligations, factors that might increase the public interest in how the agency is managing its obligations, and any complaints and contacts my Office has received.

‘In addition to continuing my practice investigations into how central government agencies fulfil their obligations under the Official Information Act (OIA), I am extending the focus into the local government sector under the Local Government Official Information and Meetings Act 1987 (LGOIMA).

‘I have signalled quite clearly that I will be focussing more on local government. Central government agencies, generally, have started to lift their game significantly in relation to official information legislation.

‘We want to see if councils are making the same progress, as both the LGOIMA and the OIA are lynchpins of openness and accountability in our democracy. They encourage New Zealanders to take part in issues that affect them, and they increase the transparency required by officials.’

The outcome of the investigations will provide New Zealanders with continuing trust and confidence in public sector agencies, and to outline the standards to which government should aspire in terms of decision-making processes, transparency and accountability.

The initiative was flagged in the Office of the Ombudsman’s *Strategic Intentions 2017/21*, and for local government in the *Strategic Intentions 2018-22*, and was made possible by funding from Parliament.

**For more information: Communications team, 04 494 1678**

## **Surveying the agencies and the public**

To assist in the investigations, the Chief Ombudsman will seek input from the agencies and their staff. Throughout the course of the investigations, areas of good practice may be identified, and where any areas of weakness are found, suggestions may be made for improvement.

The Chief Ombudsman is also keen to get the public's input into the process, and has set up a survey for those who have recently made a request to access information held by any of the three agencies, or who have engaged with the agencies through the OIA/LGOIMA processes within the last 6-12 months.

The public stakeholder survey looks at the agency's processes, and the experience people had with the agency. It is not designed to reopen individual cases, and for any new complaint, the usual process of approaching the Ombudsman remains in place.

The surveys are open until 16 November 2018 and can be found by clicking the relevant link below:

[The Treasury](#)

[Christchurch City Council](#)

[Horowhenua District Council](#)

## **Background**

The investigations will be conducted under the Ombudsmen Act 1975. Under the Act, an Ombudsman may investigate the administrative acts, decisions, omissions and recommendations of the agencies subject to it, and form an independent opinion on whether any aspect of their conduct was wrong, unreasonable or contrary to law.

The LGOIMA sets out the obligations of local authorities in respect of requests for official information, applications for a Land Information Memoranda (LIM), and the administration of local authority meetings. The Chief Ombudsman's two council investigations will consider each of these functions.

The OIA allows New Zealanders to have access to information held by Ministers and state sector agencies, to enable the public to participate and hold governments and government agencies to account.

## **Process**

The investigations will take place between October 2018 and March 2019, and the agencies will be offered an opportunity to comment on the Chief Ombudsman's provisional opinion. The final opinions will incorporate the agency's comments and feedback.

The agencies will be measured against criteria needed to achieve the purposes of the OIA and LGOIMA – leadership and culture, organisation structure, staffing and capability, internal policies, procedures and resources, current practices, and performance monitoring and learning.

It is anticipated the outcome of the investigations will be published mid-2019.