



Official Information Act compliance and practice

**Manatū Taonga
Ministry for Culture & Heritage**



OIA compliance and practice in the Ministry for Culture and Heritage

Opinion of the Chief Ombudsman

September 2018

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Foreword

Manatū Taonga, Ministry for Culture & Heritage was formed in 2000. The Ministry leads government work in the arts, heritage, broadcasting, and sports sectors, and provides advice on legislation, policy and sector development to its Ministers.

The Ministry engages in a diverse range of activities to achieve its aim of promoting a confident and connected culture. These include producing websites and books which focus on New Zealand's culture and heritage, distributing funding to organisations across the cultural spectrum, and looking after New Zealand's national treasures.

Currently, the Ministry employs around 120 people. It administers 18 Acts of Parliament, and is accountable to the following Ministers:

- Rt Hon Jacinda Ardern, Minister for Arts, Culture and Heritage
- Hon Grant Robertson, Minister for Sport and Recreation; Associate Minister for Arts, Culture and Heritage
- Hon Kris Faafoi, Minister of Broadcasting, Communications and Digital Media
- Hon Carmel Sepuloni, Associate Minister for Arts, Culture and Heritage.

In the 2017-18 financial year, the Ministry received 70 Official Information Act (OIA) requests of which 98.6 percent were handled within the statutory time limit set out in the OIA.

In June 2018, the Ministry was given an opportunity to comment on my provisional opinion. Chief Executive, Mr Paul James, noted that the *'investigation has provided me and the Ministry with a useful set of actions to consider, to help establish better practices policies and procedures...for dealing with OIA requests.'* I am pleased to note Mr James' comment that some of the actions I suggested have already been, or are on their way to being implemented.

The Ministry provided specific comments on my suggested action points, and its responses are noted beneath the relevant points. I will be in contact with the Ministry on a quarterly basis to follow its progress in implementing my suggested action points in its 2018-19 work programme.

I acknowledge the Ministry for the positive and open way it engaged with my staff during the investigation, and for the time it devoted to respond to my survey of the agency. I would also like to thank Ministry staff, particularly those in the Ministerial Services team, for the time given to prepare responses and meet with investigators from my Office.

Peter Boshier
Chief Ombudsman

Executive summary

This report provides my opinion of the Official Information Act 1982 (OIA) compliance and practice within the Ministry for Culture and Heritage (the Ministry).

My investigation was conducted under the Ombudsmen Act 1975 (OA). An Ombudsman's function under that Act is to investigate the administrative acts, decisions, omissions and recommendations of the agencies subject to it,¹ and to form an independent opinion on whether any aspect of their conduct was wrong, unreasonable or contrary to law.² If an Ombudsman forms an opinion to that effect they can make recommendations to the agency as they see fit.

I have assessed the Ministry's leadership and culture, organisational systems, policies, practices and procedures needed to achieve the purposes of the OIA, with reference to a set of indicators, grouped around the following dimensions:

- Leadership and culture
- Organisation structure, staffing and capability
- Internal policies, procedures and resources
- Current practices
- Performance monitoring and learning.

I have not identified any conduct by the Ministry that was wrong, unreasonable or contrary to law in OA terms and as such have not made any formal recommendations. However, I have identified some good practices, as well as some opportunities for the Ministry to improve its ability to discharge its OIA responsibilities more effectively.

Leadership and culture

I am satisfied that a positive culture around the importance of the OIA, and openness generally, currently exists at the Ministry. However, there is a lack of formal and consistent messaging from senior leaders to staff about the importance of the OIA. Without regular messaging to this effect, there is a risk that the existing culture could dissipate.

With the Prime Minister as the Minister for Culture and Heritage, as well as a proponent of open government, the Ministry will have increased visibility to the public. It therefore seems a natural fit, and a huge opportunity, for the Ministry to be a leader in the proactive release of information.

¹ See s 13(1) OA.

² See s 22(1) and (2) OA.

I have identified opportunities for improvement in relation to the visibility and accessibility of OIA content on the Ministry's website. I would also encourage the Ministry to state its values and intentions around the OIA and transparency in its strategic documents.

Action points

1. Senior leaders should make clear, visible and regular statements to staff about the importance of the OIA, openness and transparency.
2. Review OIA webpage content and accessibility.
3. Develop a proactive release policy with accountability for its development, including the timeframe for delivery, assigned to a single, senior leader.
4. Develop a policy around stakeholder engagement and incorporate this into strategic documents.
5. Incorporate principles around openness, transparency and the importance of the OIA into strategic documents.
6. Leaders to champion a system for staff to identify and communicate opportunities for improvements to OIA policies and practice, or proactive release.

Organisation structure staffing and capability

The Ministry uses a 'mixed' model of OIA handling, wherein the co-ordination of OIA requests is performed, for the most part, by staff in the Ministerial Services team but most of the processing is performed by staff in other business units.

It appears the 'mixed' model for OIA handling is appropriate for the Ministry, given its size and the number of OIA requests it receives. However, for this model to function effectively there must be adequate, ongoing training targeted to specific roles, and sufficient support available for those staff charged with preparing responses to OIA requests. I consider there is more the Ministry can do to ensure it delivers adequate and appropriately targeted training to its staff.

While the model being employed to handle OIA requests is generally effective, I have some concerns about the Ministry's capacity during busy periods, and the lack of resilience arrangements in the event of the temporary or permanent absence of key staff members.

I note that the Chief Executive's delegated authority to make decisions on OIA requests is not formalised. The lack of clarity in this respect is a potential vulnerability that I suggest the Ministry address. There is also an opportunity for the Ministry to consider the optimal placement of the Ministerial Services team within its organisation structure.

Action points

1. Review capacity of Ministerial Services team to ensure it can adequately assist compliance with the Ministry's obligations under the OIA, in addition to its other tasks.
2. Confirm and clarify Chief Executive's delegated authority for OIA decision makers.
3. Develop and implement targeted training strategies.
4. Establish and formalise mechanisms to improve and ensure structural resilience.

Action points

5. Review placement of Ministerial Services team within organisation structure.

Internal policies, procedures and resources

The Ministry has produced good OIA guidance for its staff, along with other useful tools such as OIA response template letters. Some improvements can be made to these resources, as per my comments.

A number of important areas of practice, such as feedback loops between teams involved in responding to OIA requests, lack a formalised process and occur only on an ad hoc basis. A number of the staff my team spoke with cited the fact that the Ministry is *'just a small agency'* as a reason that these areas could be approached informally.

However, I consider there are strong reasons for these processes to be formalised and embedded. In smaller agencies, the departure or absence of a single, key staff member may have a disproportionate impact on the Ministry's ability to respond to requests. The Ministry can protect itself against this risk by implementing processes and resources that are tailored to its size.

I encourage the Ministry to survey the training needs of its staff in relation to searching for documents requested under the OIA, and to proceed with its intention to obtain redaction software.

Action points

1. Establish formalised feedback loops between teams that handle, and provide advice on OIA requests.
2. Revise OIA guidance incorporating my suggestions, and release without delay.
3. Revise template OIA decision letters to include specific detail of the Ministry's consideration of public interest factors.
4. Survey training needs in relation to searching for documents, then provide appropriate training.
5. Proceed with existing plan to obtain redaction software.

Current practices

Generally, the Ministry implements its policies in such a way that it adheres to its obligations under the OIA. I hold some concerns around its practice in relation to interactions with Ministers' offices on departmental OIA requests, its record keeping in relation to OIA decision making, and its use of extensions to manage the OIA workload.

The Ministry also needs to ensure that all requests for official information, including those processed by the Communications team, are handled in accordance with the provisions of the OIA.

Action points

1. Undertake a review of protocols around interactions with Ministers' offices.
2. Record reasons for OIA decisions, including consideration of the public interest if applicable, in a covering memo or file note which is accessible to staff.
3. Record administrative steps behind OIA responses where this may be necessary.
4. Ensure that all media information requests are handled in accordance with the provisions of the OIA.

Performance monitoring and learning

The Ministry collects some data in relation to OIA requests, and is taking some steps to use performance monitoring and learning to enhance its OIA performance. In particular, the Ministry collects data relating to timeliness that it reports to its Ministry Leadership Team (MLT) on a quarterly basis. There is room for improvement, however, and the Ministry could benefit from collecting more OIA performance data, applying better analysis of this data, implementing performance measures, and improving its recording of its decision making process.

Peer review processes at the Ministry can be reinforced, as can processes around disseminating information such as Ombudsman and States Services Commission guidance.

Action points

1. Collect more comprehensive data on the Ministry's handling of OIA requests so that opportunities for improvement can be identified; report regularly to senior leadership.
2. Include OIA requests handled by the Communications team in OIA statistical reporting.
3. Reinforce the existing peer review and quality assurance processes already in place.
4. Implement measures to track OIA performance by the Ministry as a whole, and for individuals in key roles, such as third-tier managers.
5. Improve the record keeping on OIA requests, if the final decision is to refuse, this reasoning should include the basis for the decision, and the details and outcome of any consultation involved.
6. Formalise the process for learning from Ombudsman and State Services Commission guidance and reflect this in OIA policies and procedures.

Introduction

The OIA enables people to request official information held by Ministers and specified government agencies. It contains rules for how such requests should be handled and provides a right to seek an investigation by way of a complaint to the Ombudsman in certain situations.

Key principle and purposes of the OIA

Principle of availability

The principle of availability underpins the whole of the OIA. That is:

*The question whether any official information is to be made available, where that question arises under this Act, shall be determined, except where this Act otherwise expressly requires, in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.*³ (emphasis added)

Purposes of the Act

The key purposes of the OIA are to:⁴

- progressively increase the availability of official information to the people of New Zealand to:
 - enable more effective public participation in the making and administration of laws and policies; and
 - promote the accountability of Ministers and officials;

and so enhance respect for the law and promote good government; and

- protect official information to the extent consistent with the public interest and the preservation of personal privacy.

Official information practice investigations

As Chief Ombudsman, I am committed to improving the operation of the OIA to ensure the purposes of that Act are realised.⁵ Key to achieving this is Parliament's expectation that I conduct self-initiated investigations of agencies' official information practices and capabilities on a regular basis.

³ See s 5 OIA.

⁴ See s 4 OIA.

⁵ *Strategic Priorities for 2016-2020* for improving the operation of the OIA: http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/2562/original/oia_strategy.pdf?1521410886.

Reporting the outcome of these investigations will assist Parliament to hold government agencies to account, and provide the public with continuing trust and confidence in public sector agencies' ability to operate effectively this cornerstone of New Zealand's democracy.

This programme of work gives effect to recommendation 48 in our report *Not a game of hide and seek*.⁶

Purpose of this investigation

This self-initiated investigation was conducted under the Ombudsmen Act 1975 (OA) into the official information policies and practices in the Ministry.⁷ My role under that Act is to investigate the administrative acts, decisions, omissions and recommendations of the agencies subject to it and to form an independent opinion on whether any aspect of their conduct was wrong, unreasonable or contrary to law. If I form an opinion to that effect, I can make recommendations as I see fit.

My investigation has covered how the Ministry works to meet the requirements of the OIA and achieve its purposes through its processing and decision making on requests for access to official information it holds.

My investigation has included consideration of the Ministry's supporting administrative structures, leadership and culture, process and practices, including information management, public participation, and proactive release of information to the extent that these relate to achieving the purposes of the OIA.

I have evaluated the Ministry's OIA compliance and practice with reference to a set of indicators, grouped around the following dimensions:

1. Leadership and culture
2. Organisation structure, staffing and capability
3. Internal policies, procedures and resources
4. Current practices
5. Performance monitoring and learning.

My assessment is based on the key indicators of good practice included in Appendix 2 of this report. These indicators are not exhaustive and do not preclude an agency demonstrating that compliance and good practice in a particular area is being met in other ways.

⁶ Report of Chief Ombudsman Dame Beverley Wakem, *Not a game of hide and seek – Report on an investigation into the practices adopted by central government agencies for the purpose of compliance with the Official Information Act 1982*, 2015 available at: http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/1573/original/not_a_game_of_hide_and_seek_-_review_of_government_oia_practices.pdf?1466555782.

⁷ See ss 13(1) and 13(3) OA.

My opinion

I have not identified any conduct by the Ministry that was wrong, unreasonable or contrary to law and, as such, I have not made any formal recommendations.⁸ Through the investigation process, areas of good practice have been identified, and improvement opportunities suggested where any areas of vulnerability have been identified.

I deal with each of the dimensions listed above setting out:

- key findings;
- aspects that are going well; and
- opportunities to improve the Ministry's OIA compliance and practice.

My opinion relates only to the Ministry's practice during the period in which my investigation took place. Prior to confirming my opinion, I provided the opportunity for the Ministry to review and comment on my provisional findings.

Summary of investigation methodology

My investigation took place between April and June 2018 and centred on the policies and practices employed by the Ministry to meet the requirements of the OIA, and achieve its purposes through its processing and decision making on requests for information held by the Ministry.

Specifically, I have reviewed the Ministry's administrative structures, leadership and culture, processes and practices, including information management, public participation and proactive release of information to the extent that these relate to achieving the purposes of the OIA.

The following methods were used to gather information:

- desk research (for example, the information relating to the OIA on the Ministry's website, and information held by my office on the Ministry's OIA practices);
- a survey completed by the Ministry;
- a survey completed by Ministry staff;
- a survey completed by Ministry stakeholders;
- meetings with key Ministry staff; and
- a meeting with the Chief Executive.

A document summarising the information gathered was sent to the Ministry to review and provide comment, in order to ensure all relevant information was available on which to form my opinion.

⁸ Formal recommendations under the OA are only made if I form an opinion that a decision, recommendation, act, or omission by the agency was wrong, unreasonable or contrary to law, etc. under s 22 of the OA.

Appendix 1 outlines my investigation methodology.

Appendix 2 outlines the indicators of good official information practice on which my investigation is based, and the 'dimensions' under which these are grouped.

Appendix 3 contains the aggregate data from my survey of Ministry staff, to which 60 Ministry staff responded.⁹

⁹ My decision to publish aggregate data in this case is consistent with previous Ombudsmen's views on the release of survey data. A relevant case note can be found [here](#).

Leadership and culture

Key findings

The Ministry for Culture and Heritage:

- Has a generally positive culture around the importance of the OIA and openness
- Requires more strong and regular messaging from senior leadership to keep this culture alive and drive OIA performance
- Has an opportunity to be a leader in the proactive release of information, particularly given the approach of its Ministers
- Needs to include reference to the OIA, openness and public engagement in strategic documents

Achieving the purposes of the OIA depends significantly on the culture of the agency and the attitudes and actions of its leaders. Ministers, chief executives and senior managers should take the lead in developing an environment that promotes openness and transparency, champions positive engagement with those who want to know and understand what work they are doing, and enables compliance with the principle, purposes and provisions of the OIA.

When it is clear to staff that their leaders respond to requests for official information positively and view it as an opportunity to operate in a more transparent, engaging and accountable manner, they will follow.

To assess the Ministry's leadership and culture, I considered whether:

- Ministers, chief executives, senior leaders and managers demonstrated a commitment to the Ministry meeting its obligations under the OIA and actively fostered a culture of openness;
- senior leadership had established an effective official information strategic framework which promoted an official information culture open to the release of information; and
- senior leadership demonstrated a commitment to proactive disclosure and public participation, with clear links to the Ministry's strategic plans, creating a public perception of openness.

After discussing aspects that are going well for the Ministry, I identify some opportunities for improvement.

Aspects that are going well

The Ministry's Chief Executive utilises '*Te Hinu*' sessions (a roughly three-weekly staff stand-up meeting) as a platform to discuss the Ministry's approach to the OIA and to openness and transparency more generally. The Chief Executive advises that the messages communicated in these meetings have focused on topical and visible OIA requests, and his desire for the

Ministry to be open in its response to these. I note, however, that staff who were interviewed for this investigation could not recall any specific statements the Chief Executive made about the importance of the OIA, or the role and obligations of staff in relation to the OIA.

The Ministry also provided some evidence to show that it uses its intranet as a communication point for OIA updates to staff, though this messaging appears limited based on the examples it provided in support of my investigation. I am aware the Ministry is planning enhancements to its intranet, and I encourage its use as a tool to share knowledge and messaging about the OIA to staff.

Although documentary evidence of the internal messaging from senior leaders is limited, the staff survey responses were generally positive to the question regarding senior leaders' internal messaging around the OIA. The table below shows a summary of staff responses for the survey questions asking staff to rate the signals from leaders about the OIA.

Leadership level	Strongly or moderately pro-OIA	Strongly or moderately anti-OIA	'They are silent on the issue' or 'don't know'
Chief Executive	69%	2%	29%
Senior Leadership team	71%	5%	24%
Immediate manager	69%	2%	29%

The majority of staff who responded to the survey also reported that the Chief Executive and senior leaders were strongly or moderately positive regarding 'openness' generally, and that they considered the Ministry had a strong commitment to public engagement and participation. I discuss the Ministry's policies and procedures in relation to public engagement in more detail below, under [Internal policies, procedures and resources](#).

In addition to explicit statements made by leadership, the information published on agencies' websites is another signal of its leaders' commitment to the implementation of the OIA. While some improvements could be made to the Ministry's website, (see section below, titled [OIA webpage](#)), it is worth noting that it does contain some helpful information about how to make an OIA request, how long it will take the Ministry to respond, and how to make a complaint to my office.

Further, the Ministry publishes a number of documents on the website, including:

- annual reports going back to 2008;
- Benchmarking Administrative and Support Services (BASS) reports to 2013/14;
- Strategic Framework document;
- four-year plans to 2016-2020;
- Minister's report on appropriations;

- Performance Improvement Framework (PIF) reports going back to 2014;
- Statements of Intent going back to 2008; and
- most recent Briefings to Incoming Ministers (BIM).

Opportunities for improvement

The Minister for Arts, Culture and Heritage is Prime Minister, Rt Hon Jacinda Ardern. The Prime Minister has indicated that she intends her government to be ‘...*transparent and open*...’.¹⁰ Consequently, I consider the Ministry is in a unique, and highly visible, position to be a leader in relation to the proactive release of official information, and open government more generally. There are the following opportunities for improvement:

- internal messaging—regular, clear and visible messaging from senior leaders about the OIA and openness;
- external messaging—visible and explicit statements regarding the Ministry’s commitment to openness, transparency and public engagement;
- making information about how to make OIA requests more visible on its website;
- proactive release of documents released under the OIA, and a programme of proactive release of other documents, supported by a clear policy; and
- a clear and considered approach to external messaging and public engagement, articulated in strategic documents.

Internal messaging

As outlined above, Ministry leaders deliver some messaging to staff about the OIA, however, I consider there are opportunities for improvement in this area.

While the Ministry reported that the Chief Executive discusses his approach to the OIA and his commitment to openness in staff meetings, there was little documentary evidence of regular and explicit internal messaging to staff about the importance of adhering to the principles of the OIA. In order for top-down messaging to be of maximum benefit, leaders, including senior leaders and managers, should make strong, clear, visible statements to staff on a regular basis.

Further, while the Ministry reported that leaders have spoken about the OIA generally, it is not evident that the message of OIA compliance has been linked to the broader themes of openness and transparency. Emphasising that the purpose of the Act is to enable the people of New Zealand to more effectively participate in government goes some way to ensure that staff are not just ‘complying’ with the Act, but understand more fully the role each of them has in contributing to our democratic system as a whole.

¹⁰ <https://beehive.govt.nz/speech/100-day-plan-and-beyond-setting-direction-government>.

The Ministry operates a ‘mixed’ model of OIA processing (defined above, within the [Executive Summary](#)), which appears to be appropriate for its size and the number of requests it receives. I discuss this further below, under [Organisation structure, staffing and capability](#). However, there are some risks and challenges associated with this model that make it especially important that senior leaders clearly communicate the importance of the OIA. Some of the risks and challenges with the mixed model are:

- almost any staff member may be required to process or assist with processing an OIA request, including those who may have only limited and infrequent exposure to the OIA process;
- there may be pressure on staff to respond to OIA requests in addition to performing their business-as-usual tasks; and
- timeliness may be affected if staff are not encouraged to prioritise OIA requests.

When senior leaders emphasise the prioritisation of OIA processing, and stress that the OIA is a core responsibility for all staff members, it may address many of the risks and challenges of this model.

It is evident that the Ministry has committed staff at the operational level who do a commendable job of championing the importance of the OIA. The Ministerial Services Team, in particular, should take much credit for the generally positive culture that exists around openness and transparency. However, I consider that senior leaders can do more to provide strong and visible support of the OIA, and openness and transparency more generally.

Action point

Senior leaders should make clear, visible and regular statements to staff about the importance of the OIA, openness and transparency.

The Ministry’s response

The Ministry has accepted my suggestion, and advised me that it intends to implement a work plan for increased visibility of leadership commitment to the OIA and openness that includes:

- a dedicated OIA page on its intranet, fronted by messaging from the Ministry Leadership Team (MLT);
- using existing platforms to communicate with staff, such as ‘Te Hinu’ to provide messaging to staff, particularly in relation to significant events such as the regular publication of OIA statistics, and the release of Ombudsman guidance; and
- providing messaging about the OIA at both staff and Board inductions.

I look forward to seeing the agency’s progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

OIA webpage

As discussed above, the Ministry's website does contain some helpful information to guide OIA requesters, however, I encourage the Ministry to consider whether it is easily accessible. The link to the 'OIA requests' section of the website is available on the homepage, but it could be more prominently displayed.

The 'OIA requests' section can also be accessed through the 'About the Ministry' tab at the top of the page. Though this tab is more visible than the link discussed above, I note that the Ministry's OIA information does not have its own page on the website, rather it is located within the 'Copyright' page. This is not a very intuitive place for website users to consider searching for information related to OIA requests, and I would encourage the Ministry to reconsider its location.

There are also opportunities to improve the content of the OIA section by including:

- a statement of principle about the right of the public to access official information;
- more information to assist requesters, such as a description of the information the Ministry holds, as detailed in section 20 of the OIA;
- a link to internal OIA policies and procedures;
- a link to the Ministry's internal decision making rules, as detailed in section 22 of the OIA; and
- responses to selected OIA requests (see section below on proactive release for further details).

The Ministry may wish to consult the guidance developed by the State Services Commission on the content and structure of agency OIA webpages,¹¹ and the guidance on this topic in [Not a Game of Hide and Seek](#).

Action point

Review OIA webpage content and accessibility.

The Ministry's response

The Ministry has accepted my suggestion and has advised that work is already underway on reviewing its OIA webpage, in line with the guidance produced by the State Services Commission. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

¹¹ See <http://www.ssc.govt.nz/official-information-guidance>.

Accountability for development of a proactive release policy

While it is clear that the Ministry's leadership is actively considering how and what information to publish proactively, a formal policy and practice is yet to be developed. The Ministry has reported that a policy for proactive release is being drafted; however, no one at a senior leadership level is explicitly accountable for driving the development of the policy. I suggest the Ministry appoint a senior leader accountable for the development of the proactive release policy, with clear timeframes for its delivery.

The Chief Executive stated in our meeting that, following a recent discussion with Hon Clare Curran, at that time the Minister of Broadcasting, Communications and Digital Media, he is looking at a process to release weekly briefings to Ministers and event briefings, among other information. Given that the Prime Minister, as Minister for Arts, Culture and Heritage, is a strong advocate for openness in government, I consider the Ministry is in a good position to be a leader in this space and would encourage it to proceed with this initiative.

Action point

Develop a proactive release policy with accountability for its development, including the timeframe for delivery, assigned to a single, senior leader.

The Ministry's response

The Ministry has accepted my suggestion and has now confirmed the senior staff member responsible for delivery of its proactive release policy.

External messaging and public engagement

It was noted during meetings that the Ministry's approach to public engagement was not guided by any specific policy, but by good public policy principles more generally. The Ministry has indicated that on 'key projects' there is significant public consultation and that 'stakeholder discussion groups' do take place.

The Ministry has stated that it 'sometimes' calls for submissions on discussion papers and the process is managed through its website. The Ministry has a list of current projects on its website (though not of upcoming projects). However, it is not clear from that list which projects are open for consultation, at what points through the policy development process public engagement will be sought, when engagement would occur and in what form (consultation document, informal discussion, focus groups or workshops etc), or when information/progress updates will be proactively provided.

I consider it important that the Ministry is consistent and clear about the process it uses to meet the needs of its stakeholders to ensure public participation in its decision making.

As Dame Beverley Wakem noted in *Not a Game of Hide and Seek*:¹²

The purposes of the OIA make it clear that this was never intended to be the sole mechanism by which the public could find out about the activities of the government. Section 4(a)(i) in particular states that one of the purposes of the OIA is ‘to increase progressively the availability of official information in order to enable the more effective participation in the making and administration of laws and policies’. This does not restrict its scope to availability in response to a direct request, but envisages a progressive opening of the doors into government, whereby both reactive and proactive openness combine to create the necessary environment to facilitate participation.

I encourage the Ministry to establish a clear policy around stakeholder engagement, which should then be incorporated into its strategic planning. The Department of the Prime Minister and Cabinet has a ‘policy tool-box’ for public participation on its website, which may assist the Ministry in this respect.¹³

In line with the above, the Ministry’s strategic plan should also ideally include clear commitments to openness, transparency and the availability of official information. During the course of my investigation, I could find no overarching public statement of the Ministry’s commitment to transparency and openness within strategic documents or on the Ministry’s website, and this is an opportunity lost.

In addition, the Ministry should consider its values and strategies around embedding principles of openness, transparency and the importance of the OIA into its culture, and include messaging to this effect in its strategic plan and other corporate documents.

Action points

Develop a policy around stakeholder engagement and incorporate this into strategic documents.

Incorporate principles around openness, transparency, and the importance of the OIA into strategic documents.

The Ministry’s response

The Ministry has accepted my suggestions and is currently working on adding messaging about the Ministry’s commitment to openness and transparency to key corporate documents. The Ministry has also advised me that it is exploring different ways to engage with stakeholders.

¹² ‘Not a Game of Hide and Seek’. (December 2015): 49.

¹³ <https://www.dPMC.govt.nz/our-programmes/policy-project/policy-methods-toolbox/public-participation>

My comment

This is an encouraging step, and I urge the Ministry to develop clear, and visible, policy in this area to ensure a consistent approach to stakeholder engagement. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

System for staff to identify improvements

The Ministry states that staff are encouraged to suggest improvements to its OIA processes and practices. However, it is not evident that there is a mechanism in place for staff to communicate opportunities for improvements in OIA practice or the proactive release of information. Provision of such a system has the potential to obtain innovative ideas from staff, which may enhance the Ministry's OIA processes.

Action point

Leaders to champion a system for staff to identify and communicate opportunities for improvements to OIA policies and practice, or proactive release.

The Ministry's response

The Ministry has advised that there will be a dedicated space on its OIA intranet page for staff to submit feedback on the OIA process.

My comment

As per the above action point, I encourage leaders at all levels to champion this initiative. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Organisation structure, staffing and capability

Key findings

The Ministry for Culture and Heritage:

- Employs a fit-for-purpose model for handling OIA requests
- Generally has adequate capacity to discharge its OIA obligations, though staff indicate concerns about those times when there are 'spikes' in the number of OIA requests
- Lacks resilience arrangements to cope with unexpected influxes of OIA requests and staff absences
- Requires a full programme of OIA training for staff at all levels

Responding to official information requests is not only a legal requirement but a core function of the public sector. Therefore, it is expected agencies will organise their structure and resources to ensure they are able to meet their legal obligations under the OIA, in a way that is relevant to their particular size, responsibilities and the amount of interest in the information they hold.

To assess the Ministry's organisational structure, staffing and capability, I considered whether:

- the Ministry had the capacity to discharge its official information obligations, with clear and fully functioning roles, accountabilities, reporting lines, delegations and resilience arrangements; and
- the Ministry had the capability to discharge its official information obligations.

After discussing aspects that are going well for the Ministry, I identify some opportunities for improvement.

Aspects that are going well

The Ministry employs a 'mixed' model of handling OIA requests. In this model, the Ministerial Services team performs the administrative functions of receiving, logging and tracking the progress of OIA requests, and identifies the appropriate business unit to draft the response. In addition, the Ministry's Communications team fields straightforward media requests for information.

Over the past two financial years, the Ministry has reported that it has received less than 100 OIA requests annually.¹⁴ I note that this excludes requests for information handled by the Communications team, a factor I will discuss further under [Performance monitoring and learning](#). Given the relatively low number of requests, and the high demand on the Ministerial

¹⁴ See <http://www.ssc.govt.nz/official-information-statistics>

Services team to offer support to multiple Ministers, the 'mixed' model appears to be an appropriate fit for the Ministry.

State Services Commission OIA statistics indicate the Ministry adheres reasonably well to OIA timeliness obligations. The statistics for the 2016-17 financial year showed that the Ministry achieved 91.5 percent compliance. This is a slight decrease on the previous year when it achieved 95.9 percent compliance. However, OIA statistics for the 2017-18 financial year indicate 98.6 compliance with timeliness obligations. I note this statistic was limited only to those OIA requests handled by the Ministerial Services team, not those requests made by the media and handled by the Communications team. Therefore, this does not provide a true picture of the Ministry's compliance, which I expect would be higher with the inclusion of information requests from the media.

I feel it is important to note here that, although adherence to OIA timeliness obligations is important, this should not be at the expense of providing quality responses. I discuss quality assurance in more detail below, under [Performance monitoring and learning](#).

While the Ministry was unable to identify a specific OIA training programme it delivers to its staff, there is a sound training programme in place in relation to Information Management systems. All staff receive this training at induction, with refresher sessions available when needed. I discuss this further below, under [Current practices](#).

Opportunities for improvement

There are opportunities for improvement in relation to:

- the capacity for the Ministerial Services team to offer the level of support and guidance the 'mixed' model demands;
- formalising and clarifying delegated authority for decision makers;
- improving structural resilience; and
- OIA training, including targeted training to decision makers and communications staff as well as regular refresher sessions.

Capacity of the Ministerial Services team

As discussed above, the mixed model appears fit-for-purpose for the Ministry's current OIA demands. However, for the model to be employed successfully there must exist:

- adequate, targeted and ongoing training and learning opportunities for staff;
- mechanisms for regular information sharing between teams that administer, respond to, and provide advice in relation to OIA requests (discussed further below, under [Internal procedures, policies and resources](#)); and

- adequate support for staff in non-core OIA roles who are called on to reply to OIA requests in addition to performing their day-to-day tasks.

Respondents to the staff survey were generally positive about the support available from the Ministerial and Legal teams when needed to process OIA requests, but some noted that the level of support was constrained during busy times. I note, based on its answers to the agency survey, that the Ministry considers it does not have enough resource in the Ministerial servicing space. I further understand that the recent budget increase may place the Ministry in a position to increase resourcing in this area.

An increase in capacity in this team would afford it the opportunity to reinforce the level of support it can offer staff, and to invest time in developing and delivering much needed training initiatives (which I discuss further below).

Action point

Review capacity of Ministerial Services team to ensure it can adequately assist compliance with the Ministry's obligations under the OIA, in addition to its other tasks.

The Ministry's response

The Ministry has advised me that a review of capacity in the Ministerial Services team is already underway, and notes that other actions it intends to pursue, such as implementing a training programme, will serve to increase capacity by ensuring more trained staff can be called on to assist the team when necessary. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Delegations

While the Chief Executive of the Ministry is the accountable decision maker on requests for official information,¹⁵ for practical reasons this authority is delegated to managers at the third tier level and above. I am advised by the Ministry that this delegation is not formalised, other than to be referenced in the Ministry's guidance document on responding to official information requests, which simply states:

The 3rd tier Manager approves the OIA response.

As this is the only detail around the delegated authority it is unclear, for example, whether staff who are acting temporarily in a third-tier role assume this delegation. In line with the State Sector Act 1988,¹⁶ I suggest the Chief Executive clarify, in writing, the scope and terms of his delegated authority in this respect.

¹⁵ See s 14(4) OIA.

¹⁶ See s 41(1).

Action point

Confirm and clarify Chief Executive's delegated authority for OIA decision makers.

The Ministry's response

The Ministry has accepted my suggestion and will formalise the Chief Executive's delegated authority to third tier managers. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Training

The *Not a Game of Hide and Seek* investigation found that an effective training framework should encompass:¹⁷

- training at induction;
- introductory basic awareness of key OIA principles;
- advanced courses for specialists covering, for example
 - proper application of the public interest and harm tests;
 - dealing with broad, complex requests covering a large volume of information; and
- refresher courses.

The Ministry is to be commended for actively seeking out training from my Office. This resulted in a training session taking place in September 2017 which was led by a Principal Advisor from my Office and was well-attended by Ministry staff. I note, however, that this is the only formal OIA training session provided by the Ministry for its staff in the past two years.

I am aware that the Ministry may lack the capacity to deliver regular, group training sessions to its staff and, in any case, may not have enough staff as attendees to render this efficient. I am also aware that the Ministerial Services team delivers one-on-one training/guidance to staff where there is a need, and where it has capacity to do so. Nonetheless, as the Ministry itself identified in the OIA practice survey, more training delivered on a regular basis is needed to ensure it meets its OIA obligations.

In particular, decision makers at the third tier management level and above should receive targeted training to ensure they are aware of any changes to legislation and current Ombudsman guidance, and so they are able to appropriately apply the provisions of the OIA

¹⁷ *Not a Game of Hide and Seek*. (December 2015): 65.

including the public interest test. This will help to ensure the Ministry's decisions on OIA requests are robust and internally consistent.

I appreciate that many of these senior managers have experience in the public sector, and have access to support in the Legal and Ministerial teams. However, relying on an individual's knowledge and past experience to make the appropriate decisions leaves the Ministry vulnerable to unintended poor practice and decisions that are passed on to other staff, and then embedded into current practice.

As I will discuss in more detail below, under [Current Practices](#), it is also important that the Communications team receive targeted training to ensure they are aware of their obligations under the OIA when responding to information requests from the media.

I suggest the Ministry adopts training solutions that are within its capacity and fit for its size. Some options for the Ministry to consider may include web-based training modules, or partnering with another Ministry to develop and deliver training sessions. In addition, as the Ministry is aware, members of my Office are available to deliver OIA training, and to assist in the development and/or delivery of a training programme, including the type of training required for different roles (for example, targeted training for the Communications teams as discussed below, under [Current Practices](#)), and different levels of seniority.

Action point

Develop and implement targeted training strategies.

The Ministry's response

The Ministry has advised me that it is currently progressing plans to institute an annual training programme of core public service competencies, of which the OIA is a part. It also intends to approach my office to request training delivery targeted to management and decision makers. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Structural resilience

The Ministry has no mechanisms in place for anticipating, planning for, and handling a sudden increase in the OIA workload. While the Ministry states that it can and does address these influxes appropriately as and when they occur, I note that 45 percent of staff survey respondents answered that they *'did not think the agency would cope with an increased workload and still maintain quality standards in the event of a sudden increase in OIA requests'*.¹⁸

¹⁸ Note that only 27 percent of respondents said they thought the agency *'would cope'*; the remaining 27 percent *'didn't know'*.

In addition to influxes of OIA requests, resilience is tested when staff leave the organisation or are absent. This effect is amplified in a smaller agency where a single, key staff member may represent the greater part of the Ministry's institutional knowledge in a given area. I am concerned that the lack of resilience arrangements at the Ministry leaves it at risk of breaching its obligation to respond to requests '*as soon as reasonably practicable*' and, as a consequence, vulnerable to findings of delay by my Office.

The Ministry provided information on its year-to-date OIA performance in which I note a relatively high number of extensions (of 69 OIA requests received in the 2017 calendar year, 19 were extended). I would be concerned if the Ministry was using extensions to manage the OIA workload rather than employing appropriate resilience measures.

I encourage the Ministry to establish formalised mechanisms for dealing with sudden increases in workload or the sudden absence of key staff. By way of example, these might include:

- assigning administrative support staff to perform some OIA processing and coordination functions;
- recruiting additional staff on a fixed-term basis when required; and
- identifying staff experienced in responding to OIA requests who can be temporarily redeployed, or provide additional guidance and assistance, where required.

On the last of these points, I note that regular, formalised feedback sessions between business units (as discussed below, under [Internal policies, procedures and resources](#)) can be used to facilitate discussion about OIA workloads, and identify areas where staff in other units may be available to assist.

In the 'mixed' model employed by the Ministry, OIA processing must be considered a core aspect of staff's roles rather than an addition to an already full workload of 'business as usual' tasks. If the Ministry is unaware how much time is needed by its staff to process OIA requests, it will be unable to make resourcing decisions accordingly. As a result, the Ministry risks its ability to provide quality responses to requesters, and meet its timeliness obligations under the OIA. This situation can also place undue pressure on staff.

Note that tracking the time spent processing OIA requests need not necessarily become a permanent fixture of the Ministry's practice, however, it may be of use when assessing its capability to discharge its OIA obligations.

Action point

Establish and formalise mechanisms to improve and ensure structural resilience.

The Ministry's response

The Ministry considers that many of the actions listed above will go some way toward addressing resilience issues, as enhanced training and potentially increased resource in

the Ministerial Services team will ensure more trained staff are available to assist in processing OIA responses when required.

My comment

Notwithstanding the above, I encourage the Ministry to undertake some tracking of the time its staff spend responding to OIA requests so it has a clear picture of what, and where, resources are required. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Placement of Ministerial Services team within organisation structure

Finally, I note that the Ministerial Services team sits within the Policy and Sector Performance group, while other 'organisational support' functions such as the Legal and Communications teams sit within the Organisational Performance group. I understand this is a remnant from earlier days of the Ministry rather than a strategic decision. Although I have not identified any specific problems that have arisen as result of this structure, I am not convinced it is optimal for teams that are closely linked in terms of OIA functions to be disparate in terms of their oversight from senior leadership. I would encourage the Ministry to review this aspect of its structure to determine whether it is optimal.

Action point

Review placement of Ministerial Services team within organisation structure.

The Ministry's response

The Ministry has advised that the placement of the Ministerial Services team within the organisation structure is under review as part of its 'capability build process', which is currently underway. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Internal policies, procedures and resources

Key findings

The Ministry for Culture and Heritage:

- Has reasonably comprehensive OIA guidance which staff find useful
- Would benefit from a policy of regular feedback between teams involved in OIA processing to protect and promote institutional knowledge
- Has an Information Management system that is effective for storing and collating information. This is supported by good policy, although there are some issues around training to address
- Is developing a proactive release policy, which should be a high priority

While it is not a legislative requirement, nor an assurance that compliance with the OIA will follow, I do expect as a matter of good practice that the Ministry develops or adopts policies and procedures that will assist staff to apply the requirements of the OIA consistently. In addition, staff should be supported by good systems, tools and resources that will enable them to effectively process requests and make good decisions consistent with the provisions in the Act.

To assess the Ministry's internal policies, procedures and resources, I considered whether it had accurate, comprehensive, user-friendly and accessible policies, procedures and resources that enable staff to give effect to the OIA's principle, purposes and statutory requirements. This includes policies, procedures and resources in relation to:

- dealing with official information;
- records and information management; and
- proactive release of information.

After discussing aspects that are going well for the Ministry, I identify some opportunities for improvement.

Aspects that are going well

The Ministry has produced a clear and reasonably comprehensive 30-page document, *'Guidance on the OIA 1982 Process'* available to staff on its intranet. I am pleased to note the inclusion of some key information for staff, including:

- that a requester need not cite the OIA in his or her request;
- examples of what is, and is not, official information;
- the timeframes in which agencies may clarify, extend or transfer a request;

- the distinction between making and communicating a decision, and making information available; and
- guidance on fixing a charge for the supply of official information.

I understand the Ministry intends to create an OIA ‘landing page’ on its intranet which will make this guidance more visible and readily accessible to staff. It is also intended for this page to contain links to information such as SSC and Ombudsman guidance, and updates on matters related to the OIA. I strongly encourage this initiative.

I note the guidance is reviewed and amended regularly, for which I commend the Ministry. It is important that agencies ensure policies and procedures are regularly reviewed to ensure they align with current legislation and best practice, as they evolve.

Although the current guidance document has not been amended since April 2016, I understand that an updated document has been drafted, but not yet released to staff. It may be timely, then, to include some of the suggestions I have outlined below in the *Opportunities for improvement* before finalising and releasing the updated guidance document.

The Ministerial Services team sends a ‘*commissioning email*’ to analysts when they are assigned an OIA request. The email provides a suggested timeline along which to process the request, including statutory time limits for transferring requests and communicating a decision, and suggested timeframes in which to consult the requester to refine or clarify their request. The email also prompts staff to contact the Ministerial Services or Legal teams if their assistance is required, and encourages staff to conduct any internal consultation early in the process. This email is a good way of ‘anchoring’ the OIA process, making it clear where assistance can be found.

Opportunities for improvement

There are opportunities for improvement in relation to:

- formalising feedback taking place between teams that handle OIA requests;
- the Ministry’s OIA guidance – though generally sound, some amendments are suggested;
- OIA response template letters, in particular the consideration of the public interest;
- the use of the information management system; and
- the purchase of redaction software.

Feedback loops between teams

The Ministry is a relatively small one, with OIA knowledge concentrated in a few, key staff. As a result, a key staff member’s departure or temporary absence can have a disproportionate impact on the OIA process. It should be noted that this does not only apply to key staff in the Ministerial Services team. Due to the mixed model employed by the Ministry to handle OIA

requests, key staff in policy units may also take considerable OIA experience and knowledge with them when they leave.

In interviews, staff advised that there are no formalised feedback loops between teams involved in handling OIA requests, though the close proximity of these teams makes it fairly easy for this to occur on an ad hoc basis. I note, however, that ad hoc arrangements tend to become the lowest priority when workloads are high. I consider that formalising a policy around regular feedback between teams would reduce risk for the Ministry by providing a process that protects institutional knowledge and promotes learning and the sharing of knowledge and resources (which I also discuss further below, under [Performance monitoring and learning](#)). The policy may include:

- regular meetings or other feedback mechanisms between policy units, to discuss:
 - OIA resourcing, eg where experienced staff are available to provide assistance in a different area; and
 - current OIA requests, in order to identify whether another policy unit may also hold relevant information; and
- regular meetings or other feedback mechanisms between the Ministerial and Legal teams to discuss:
 - updated SSC or Ombudsman advice and decisions; and
 - recurring queries on the same topic in order to identify training needs.

Action point

Establish formalised feedback loops between teams that handle, and provide advice on OIA requests.

The Ministry's response

The Ministry has advised me that it intends to continue to use its sign out sheets and coversheets as a mechanism for decision makers and analysts to provide feedback on specific OIA responses.

My comment

I am concerned that these methods do not provide opportunities for staff to discuss issues around OIA processes more generally, in order to share knowledge between business units. I strongly encourage the Ministry to consider how it can facilitate conversations between teams, either by initiating regular meetings on the topic of OIA and proactive release of information issues, or by adding OIA issues to the standing agenda of meetings that are already in place.

There are a number of benefits to ensuring regular dialogue between teams in relation to OIA matters. These are detailed elsewhere in the report and include:

- sharing knowledge about Ombudsman and SSC guidance and decisions;
- identifying common themes of information requests to inform decisions around proactive release of information;
- establishing whether multiple business units hold information within the scope of a request; and
- identifying where business units require additional resource to respond to OIA request during busy periods.

I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

OIA guidance

As mentioned above, I understand that the Ministry's OIA guidance is currently under review. While the existing guidance is generally sound, there are some areas that should be further developed.

In particular, I note the guidance does not refer to the principle of availability articulated in section 5 of the Act. I suggest the Ministry amend this section of its guidance, giving primacy to this principle, which states:

The question whether any official is to be made available ...shall be determined ...in accordance with the purposes of this Act and the principle that the information shall be made available unless there is good reason for withholding it.

Part of the Ministry's work is to make decisions on funding, grants, and awards which may affect people in their personal capacity. As such, it is particularly important that the distinction between Privacy Act and Part 3 and Part 4 OIA requests is included in the Ministry's guidance for staff. Without this guidance, the Ministry could be vulnerable to challenges about the proper application of the relevant provisions of the OIA to a particular request, or even that it has responded under the correct Act.

I suggest the following aspects be included or expanded upon in the revised guidance document:

- requests for information on internal decision making rules and requests for statements of reasons (Part 3 of the OIA);
- requests by corporate entities for personal information (Part 4 of the OIA);
- requests for personal information which should be considered under the Privacy Act;

- the duty to consider consulting with requesters in certain circumstances;
- dealing with urgent requests;
- how to apply the withholding provisions and the public interest test;
- how to scope the request and ensure all relevant information is identified;
- documenting searches undertaken for the information within the scope of the request;
- documenting reasons for each item of information withheld and the agency's consideration of the public interest; and
- a clear statement about where responsibility rests for Ministerial OIA requests.

Based on interviews with staff, I understand that the Ministry intended to delay the release of the updated guidance until its proactive release policy was developed, in order to introduce the two simultaneously. As there is currently no set timeframe for the development of the proactive release policy, I see little merit in delaying release of the guidance. Therefore, I encourage the Ministry to expand or revise the guidance as per my suggestions above, and release it without delay.

Action point

Revise OIA guidelines incorporating my suggestions, and release without delay.

The Ministry's response

The Ministry has advised me that it accepts this action and will release updated guidance incorporating my suggestions shortly. I understand the Ministry had already begun updating its guidance at the time my investigation took place. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

OIA response template letters

OIA response template letters, tailored to different scenarios (extension of time limit for decision, consultation with third party, transfer to another agency, etc.) are available on the Ministry's intranet. These letters are accurate in terms of the OIA, and are a useful tool to assist staff in responding to requesters in a consistent and timely manner. I note that the template letters for OIA decisions in which information is withheld in whole or in part under section 9 of the OIA contains the following sentence relating to the public interest:

The reasons for withholding information are not outweighed by other considerations that render it desirable, in the public interest, to make that information available.

It is pleasing that the Ministry includes this detail to assure requesters that any countervailing public interest factors have been considered where information has been withheld under section 9 of the OIA. The template letters could be further enhanced by including a section wherein the specific public interest factors the Ministry has considered is detailed for the information of requesters.

I note that training on this topic will increase staffs' knowledge and confidence in applying the public interest test. In addition, the Ministry's OIA guidance document could be enhanced in respect of public interest considerations, as I mentioned earlier, under the section titled [OIA guidance](#). The Ministry may wish to note that a guidance document on the topic of public interest is available on the Ombudsman website that can also assist.¹⁹

Action point

Revise template OIA decision letters to include specific detail of the Ministry's consideration of public interest factors.

The Ministry's response

The Ministry has accepted my suggestion and advised me that it will update template letters accordingly. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Information management

While the staff survey indicates that the information management (IM) system is easy to use in relation to storing information, it is worth noting that a number of staff mentioned it was difficult to retrieve information on occasions, and that the lack of naming conventions caused some problems. Contrary to these statements, senior IM staff have advised that the system has good search functionality, which includes the ability to search documents by their content, not just their title, and that naming conventions exist and are introduced to staff in their initial training. There appears to be a discrepancy between policy and practice in this area that may be addressed with some targeted refresher sessions. It may also be that IM searching capability is not being fully realised by some staff.

Further to the above, I am aware that problems in locating documents can occur not because of IM systems, but due to individuals' understanding of how the Ministry works as a whole. For example, staff may not be aware which units are involved in various projects, and what documents are produced as a result of their involvement, for example; briefings, aides memoire, and Cabinet papers. Whatever the reason, it would be a concern if staff were unable to locate all relevant documents to respond to an OIA request. Some form of training needs

¹⁹http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/1991/original/public_interest_june_2017.pdf?1498081531.

analysis may be useful here in terms of diagnosing the problems with locating documents and delivering the appropriate training (or amendments to policy documents) to remedy them.

I also note that the establishment of formalised feedback loops I discussed above (under [Feedback loops between teams](#)) may mitigate issues around a lack of awareness between teams of others' work programmes.

Action point

Survey training needs in relation to searching for documents, then provide appropriate training.

The Ministry's response

The Ministry has accepted my suggestion and advised me that it will survey training needs in relation to searching for documents and will provide its staff with appropriate training. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Proactive release of information policy

I understand that a proactive release of information policy is under consideration as I have discussed in further detail above, under [Leadership and culture](#).

I encourage the Ministry to take this opportunity to make sure the proactive release policy that is developed is agile and comprehensive. A proactive release of information policy is about more than the release of responses to previous OIA requests. Proactive release of information can be an effective tool for managing OIA demand, incentivising targeted requests (as opposed to 'fishing expeditions'), and identifying efficiency gains. The trust and confidence benefits linked to increased openness and transparency can also be used to motivate continuing improvement in this area.

A number of agencies are working to develop effective proactive release policies at present. They will all have valuable insights to share, and I encourage dialogue with other agencies working in this area.

A proactive release policy could usefully include:

- A high level commitment to proactively releasing information.
- The types of information that will be proactively released. For example:
 - Information that has been released in response to OIA requests.
 - Information described in section 20 of the OIA about the agency and the information it holds.

- Information described in section 22 of the OIA about the agency's internal decision making rules, including its OIA policies and procedures.
- Strategy, planning and performance information.
- Financial information relating to income and expenses, tendering, procurement and contracts.
- Information about work programmes and policy proposals.
- Information about public engagement processes, including public submissions.
- Information relating to policy development, including Cabinet papers.
- Minutes, agendas and papers of advisory boards or committees.
- Information about regulatory or review activities carried out by agencies.
- A process for identifying opportunities for proactive release, for example, where a high number of OIA requests is received about a subject, or there is otherwise high interest in the topic.
- A process for preparing for proactive release, including managing risks around personal or confidential information, commercial information and information subject to third party copyright.
- A process for considering frequency and timing of publication.
- A commitment to releasing information in the most useable form (in accordance with the New Zealand Government Open Access and Licensing framework).
- Provision for the policy to be regularly reviewed and updated.

Action point

Prioritise the development of a proactive release policy, with a single, senior staff member accountable.

The Ministry's response

The Ministry has accepted my suggestion and has confirmed it has developed a proactive release of information policy.

Redaction software

I understand the Ministry is actively considering purchasing redaction software. At present, where redactions are required this is a manual process with the redacted document then scanned and sent as an 'image only' PDF. I note that documents are not searchable when in this format which may make them less useful to requesters, particularly if they have requested

a large volume of information. Nor would such formats be accessible to people with visual or learning impairments who use screen readers or other assistive technology.

I encourage the Ministry to obtain redaction software. This will almost certainly result in a saving of staff time, and will also ensure official information can be provided to requesters in a searchable, accessible format.

Action point

Proceed with existing plan to obtain redaction software.

The Ministry's response

The Ministry has advised me that it has initiated the purchase of redaction software.

Current practices

Key findings

The Ministry for Culture and Heritage:

- Should review its protocols for interacting with Ministers on departmental OIA requests
- Has established good practices in relation to Information Management
- Generally adheres to the guidance it has produced on responding to OIA requests
- Needs to ensure media information requests are handled in line with the requirements of the OIA

The effectiveness of the OIA is largely dependent on those who implement it on a day-to-day basis, and how they apply the resources available to them to manage the realities of giving effect to the Act.

To assess the current practices of the Ministry, I considered whether:

- the Ministry's official information practices demonstrate understanding and commitment to the principles and requirements of the OIA;
- Ministry staff have a good technical knowledge of the OIA; and
- the Ministry is coping with the volume and complexity of requests, and decisions are compliant.

After discussing aspects that are going well for the Ministry, I identify some opportunities for improvement.

Aspects that are going well

As discussed above, the Ministry has compiled a reasonably thorough, yet concise and user-friendly guidance document for handling OIA requests. Based on results from my survey of staff, 65 percent of respondents find the guidance *'useful'* or *'very useful'*, and 75 percent of respondents use the guidance either *'sometimes'*, *'frequently'* or *'every time'* they are called upon to handle an OIA request.

Generally, the Ministry's practices allow it to comply with its timeliness obligations under the OIA. In particular, I note a good awareness and adherence to statutory timeframes around transfers and consultation with requesters to refine and clarify their requests. The sample OIA request files provided by the Ministry in support of my investigation demonstrate that consultation with requesters happens regularly in practice. The *'commissioning email'* mentioned above (under [Internal Policies, Procedures and Resources](#)) is a useful tool to guide staff on these matters, and encourages early internal consultation, where required.

The Ministry has some laudable practices in the area of IM. Nearly 70 percent of staff have received training on IM policies and procedures within the last year. The information management team sends regular emails with record keeping ‘tips and tricks’ and team members make themselves available to provide one-on-one assistance to staff. I consider this an exemplar for other teams within the Ministry that provide organisational support functions.

Opportunities for improvement

There are opportunities for improvement in relation to:

- the Ministry’s interaction with Ministers on OIA requests;
- documenting the decision making behind OIA responses, including consideration of the public interest where applicable; and
- handling media information requests in accordance with the OIA.

Interaction with Ministers on OIA requests

The Ministry routinely refers all OIA responses (with the exception of those devoid of substantive content, for example a refusal under section 18(e) of the OIA) to the relevant Minister’s office five days in advance of the statutory 20 working-day deadline. Based on interviews with Ministry staff, I understand that there have been very few recent instances in which genuine, formal consultation with Ministers has been required in order to assist decision making on a request. Rather, responses are typically sent for the information of the Minister under the Cabinet Manual’s ‘no surprises’ principle.²⁰ It is important for the Ministry to be aware of the distinction between:

1. consultation – being a mechanism that allows an agency to seek the Minister’s input before making a decision on a request; and
2. notification to the Minister, for their information only, of a decision the Ministry has made on a request.

I understand Ministers’ desire to be made aware of requests that may result in questions in the House or from the media on sensitive or controversial issues. However, the Ministry’s ‘no surprises’ obligation to the Minister may be met by providing a copy of the Ministry’s decision to the Minister at the same time, or shortly before, it is sent to the requester. A delay of up to five working days in cases where input from the Minister is not required puts the Ministry at risk of failing to meet its legal obligation to make and communicate a decision on an OIA request ‘as soon as reasonably practicable’ and, once the Ministry has made its decision, to release information ‘without undue delay’. It also enables suspicion and mistrust to grow as to the politicisation of the Ministry’s decision.

I suggest the Ministry review and enhance its policy and practice in this area. I recently published guidance on [Dealing with OIA requests involving Ministers](#) which may assist with

²⁰ ‘Cabinet Manual’. (2017): Paragraph 3.22

this. The Ministry should also consider developing a written protocol in consultation with its Ministers on how requests that need to involve the Minister will be handled. This should include how to apply the ‘no surprises’ principle in a way that does not make the agency vulnerable to possible breaches of the OIA and/or suspicion that it is enabling potential political interference in the decision.

Action point

Undertake a review of protocols around interactions with Ministers’ offices.

The Ministry’s response

The Ministry has advised that it will no longer employ, as a matter of course, a five-day timeframe for Ministerial notification, and will discuss revising protocols with Ministers’ offices. I look forward to seeing the agency’s progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Documenting decision making and administrative steps for OIA responses

The Ministry prepares a covering memo for OIA responses that are referred to a Minister’s office. This includes a space to record the rationale behind the application of withholding grounds. I note, however, that in practice the detail recorded tends to be a description of the withholding ground, rather than the thought process behind its application. As a result, the Ministry’s decision making process can only be presumed or drawn from inference based on associated documents, such as internal emails. In cases where the staff member drafting the response conducts their internal consultation verbally rather than via email, there may be no complete record of the decision making process.

As I discussed above, (under [Internal policies, procedures and resources](#)) the decision making process in relation to OIA responses must include a genuine consideration of the public interest where section 9 withholding grounds apply, and this should be detailed in the Ministry’s documentation of its decision making.

Where appropriate, the Ministry should also document administrative steps in relation to processing OIA requests. While it may not always be necessary to do so, documenting the steps taken to search for documents, and the number and type of documents located, can assist staff handling similar requests in future, particularly if the request is for a broad range of information. In addition, documenting the time taken to collate a sample of documents within the scope of a request for a large amount of information can assist the Ministry in responding to an Ombudsman’s investigation where a complaint is made about a refusal under section 18(f) of the OIA, or about a decision to charge for the supply of information.

The lack of a comprehensive record around decision making is likely to make it more difficult for the Ministry to respond to an Ombudsman’s investigation, and to provide grounds in

support of its reasons for refusing an OIA request, if they are sought by the requester.²¹ Moreover, it represents a missed opportunity to create a repository of knowledge about how the Ministry makes decisions on OIA requests, thereby developing a consistent approach. I discuss this further below, under [Performance monitoring and learning](#).

Action points

Record reasons for OIA decisions, including consideration of the public interest if applicable, for example in a covering memo or file note which is accessible to staff.

Record administrative steps behind OIA responses where this may be necessary.

The Ministry's response

The Ministry has accepted my suggestions and has advised me that it intends to expand its OIA response coversheet to include a field in which the rationale behind decision making can be recorded. The Ministry has acknowledged that additional guidance for staff will be required to incorporate this step into its OIA response process, and intends to offer this guidance through an addition to its existing guidance document, and in training sessions for staff.

My comment

The Ministry has stated that the coversheets are stored in its information management system, TRIM. I understand that this means the coversheets may not be visible to all staff. While storing the information in a way that is accessible to the Ministerial Services team is important for the purpose of retrieval when required to respond to a complaint, this may be less effective for the purpose of developing a repository of knowledge for staff reference. I encourage the Ministry to give thought to how it can better disseminate the information it gathers on OIA decisions. It may wish to consider how its updated OIA intranet page can be used to facilitate this.

I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Media information requests

The Ministry has a communications team responsible for responding to straightforward information requests from the media. I understand the need for a mechanism to swiftly process requests according to the demands of the 24-hour news cycle, however, the Ministry must be mindful, as must all agencies, that such requests are governed by the OIA.²² This

²¹ See s 19(a)(ii) OIA.

²² This applies only to requests seeking information already held by the Ministry as described, not requests for the creation of new information, such as a request for comment on an issue.

makes little practical difference when the media team is able to fully meet the requester's needs in their preferred timeframe but, if not, it is essential the OIA is complied with in all respects.

In particular, decisions on requests from the media to decline in full or in part must be communicated in accordance with section 19 of the OIA, which requires that an agency:

- provide the reason for the refusal and, if requested, the grounds in support of that reason; and
- advise the requester that they may make a complaint to the Ombudsman and seek an investigation and review of this decision.

The Ministry should ensure that all media information requests are handled in accordance with the provisions of OIA. This should include providing specific guidelines and training for the Communications team on their obligations under the OIA. I discuss the tracking of media requests, and their inclusion in OIA reporting statistics further, under [Performance Monitoring and Learning](#).

Action point

Ensure that all media information requests are handled in accordance with the provisions of the OIA.

The Ministry's response

The Ministry has advised me that it intends to expand its log of media enquiries to include commentary on whether requests are declined and, if so, why.

My comment

I wish to reiterate to the Ministry that it is important not only that this information is kept, but that it is communicated to the requester, in accordance with section 19 of the OIA. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

In addition to the areas listed above, the Ministry may also wish to consider:

- updating and expanding its entry in the Directory of Official Information on the Ministry of Justice website and link to, or reproduce that on its own website; and
- utilising the automatic reminder function in its IM system as a back-up to the OIA tracking spreadsheet to mitigate against human error.

Performance monitoring and learning

Key findings

The Ministry for Culture and Heritage:

- Extracts timeliness information from reporting systems, and reports this data to the Ministry Leadership Team quarterly
- Has an ad hoc system for disseminating Ombudsman and SSC guidance, and for communicating the outcome of any Ombudsman investigations
- Could improve its collection of data related to OIA performance, and its analysis and reporting of this data
- Does not currently have any performance measures indicating Ministry, team or individual OIA performance
- Could improve the recording of its decision making processes

The OIA does not impose specific requirements on agencies in relation to record keeping and management of requests they receive for access to information. However, the Ombudsmen have consistently advocated maintaining a full audit trail for any decision made by an agency. Formulating a decision on a request for access to official information is no different. Once this information is recorded, agencies have a wealth of information that can be used to inform business planning and future decisions concerning access to information, but only if it is captured in a way that is meaningful, facilitates subsequent analysis, and regular monitoring and reporting occurs.

To assess performance monitoring and learning of the Ministry in relation to requests for official information, I considered whether:

- the Ministry has an established system for capturing meaningful information about its official information activities, and established appropriate and relevant performance measures;
- there is regular reporting and monitoring about the Ministry's management performance in respect of official information requests; and
- the Ministry learns from data analysis and practice.

After discussing aspects that are going well for the Ministry, I identify some opportunities for improvement.

Aspects that are going well

The Ministerial Services team logs all OIA requests into a tracking spreadsheet, together with an entry into its IM database for each OIA request. The Ministry is able to extract information about the number of requests, key dates of statutory time limits, the number of transfers, the

reasons for extensions, and whether the relevant Minister(s) was consulted on the decision. This enables the Ministry to track performance in relation to its timeliness obligations under the OIA.

OIA statistics are reported to Ministry Leadership Team (MLT) in its quarterly meetings. However, these statistics only include the number of requests, and the number that were late. I note that the reasons for lateness are not recorded, therefore not reported to MLT. If recorded, this data may help identify areas where business improvement initiatives could best be focused, including where additional resourcing or training is required. It may also inform decisions on the proactive release of information where there is a current topic of interest on which frequent requests are being made. Nor are any qualitative measures reported.

The Manager of the Ministerial Services team meets weekly with the Group Manager Policy and Sector Performance to discuss the number of OIA requests received, and the number in progress.

There is an ad hoc system for disseminating guidance released by my Office and SSC, with selected individuals kept abreast of updates and distributing these to relevant individuals by email. The same applies for communicating the outcome of any investigations I may have completed. I understand that further updates may also be disseminated from the MLT to staff through the Ministry's stand-up meetings, *'Te Hinu'*, and on the intranet.

Opportunities for improvement

There are opportunities for improvement in relation to:

- the collation and analysis of OIA performance data;
- the creation of performance measures and an improved quality assurance process;
- the recording of the decision making process; and
- formalising a system to disseminate Ombudsman and SSC guidance and feedback.

Analysis and reporting of OIA performance data

While timeliness and throughput are important, other measures (like the outcome of a request) are equally important. An undue focus on timeliness can incentivise fast, but poor quality, decisions. There is an opportunity to collect more meaningful information about the Ministry's OIA performance. In addition to timeliness compliance rates, I encourage the Ministry to collect information such as:

- the type of request (Part 2, 3 or 4 of the OIA);
- the type of requester;
- the number and reason for transfers, and whether the transfer was made in time;
- the number, length and reason for extensions;

- the outcome of the request (granted in full, granted in part, refused in full);
- the number and amount of charges made and collected;
- whether the decision was notified to the Minister;
- the time from receipt of the request to communication of the decision;
- the time from receipt of the request to release of the information; and
- the reasons for delays.

The Ministry could also collect additional data on resourcing needs. As discussed above, under [Organisational Structure, Staffing and Capability](#), the Ministry may benefit by collecting data related to staff time spent on OIA work.

Another issue to note is the importance of capturing data on information requests that are sent to the Ministry's Communications team. At present, these are tracked by that team's own tracking system, but are not included in OIA tracking overall. This results in an incomplete picture of the Ministry's OIA performance. It is also highly likely that the inclusion of media information requests in OIA reporting would result in an improvement of its rate of compliance with OIA timeliness obligations.

While the Ministry may need separate reporting systems for the Ministerial Services and Communications teams to gauge their respective performances and workloads, I strongly encourage the Ministry to base its reporting on OIA compliance on the combined total of OIA requests handled by both teams.

With the focus in the quarterly report being on timeliness, the Ministry is missing the opportunity to report to its leadership on emerging themes or trends, opportunities for proactive release, resourcing, capacity or capability issues, and the outcome of any Ombudsman investigations.

Action points

Collect more comprehensive data on the Ministry's handling of OIA requests so that opportunities for improvement can be identified; report regularly to senior leadership.

Include OIA requests handled by the Communications team in OIA statistical reporting.

The Ministry's response

The Ministry has advised me that it intends to review the range of information it currently captures, and will look to expand on this.

In relation to including OIA requests handled by its Communications team in OIA reporting, the Ministry has advised me that it accepts my suggestion.

I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Performance measures and quality tracking

In my meeting with the Ministry's Chief Executive, he expressed an interest in monitoring quality and taking steps to ensure a consistent approach to responses. The Ministry may wish to consider the below points, to assist it in developing such processes.

It is apparent that the only performance measures in place to indicate individual, team, or agency OIA performance relate to timeliness. At an individual level, performance is measured by *Coaching for Success*, whereby staff develop performance plans with their immediate manager. It is unclear how OIA performance fits within this framework. There may be scope to enhance OIA performance throughout the Ministry by introducing OIA specific performance objectives for staff who work with the OIA frequently, particularly those third tier managers who have the delegated responsibility to make official information decisions on behalf of the Chief Executive.

At present, the only formalised peer review check for an OIA is a review by the signatory, a third tier manager. When a draft response is referred to the Ministerial Services team, they complete a review, but generally this is more of a spell or 'sense' check rather than a substantive review. The system for approaching the Legal team for advice when considering applying withholding grounds is ad hoc, and not a requirement. There would be merit in the Ministry developing a more formalised system for peer review or quality assurance, to ensure consistency of decision making. This might include peer review with a set of criteria that each response is to be assessed against, and/or a random quality assurance check of closed files on a regular basis. If the Ministry were to implement better analysis and tracking of OIA data, and establish some quality and performance measures related to OIA performance, it would enable it to identify areas for improvement such as:

- the enhanced ability to track themes of requests and identify opportunities for proactive release;
- the ability to identify areas of weakness where additional training or support may be needed;
- a system where it is better able to assess and quantify the level of resourcing it needs to adequately respond to the requests for information it receives, thereby bringing benefits in developing appropriate budget bids and workforce plans; and
- help to gain more of an understanding of how changes, such as requests spikes or an increase in proactive release, affect the OIA workload.

Action points

Reinforce the existing peer review and quality assurance processes already in place.

Action points

Implement measures to track OIA performance by the Ministry as a whole, and for individuals in key roles, such as third-tier managers.

The Ministry's response

The Ministry has noted that the targeted training it intends to offer for its tier three managers will assist in reinforcing peer review process as it will enhance their understanding of what they should be looking for as they sign out OIA responses.

The Ministry has also advised me that its leadership team will consider whether internal documentation such as job descriptions should be altered to include compliance with the OIA.

I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Record of decision making process

As noted earlier under [Current Practices](#), the Ministry does not appear to be taking adequate steps to fully record the decision making process on OIA requests. While there is some record of internal consultations, and a Ministerial coversheet, there were often gaps in the decision making process in the files my staff reviewed, and no discrete place where the rationale behind the decision was clearly articulated.

The resulting information should be stored in a place where it accessible to all staff to assist as a reference points in the handling of future OIA requests.

An important aspect of performance monitoring is that it enables the Ministry to learn from its data to inform future decision making. Therefore, failure to record the outcome of past decisions can make it difficult for other staff within the Ministry to locate similar, previous requests to either ensure consistency of decision making or justified departure from any responses. The Ministry may wish to consider building a step into their decision making process whereby similar requests are scanned, which will also help to ensure consistency of decision making.

Action point

The Ministry should improve the record keeping on OIA requests; if the final decision is to refuse, this reasoning should include the basis for the decision, and the details and outcome of any consultations involved.

The Ministry's response

In line with an earlier action point (under [Current practices](#)), the Ministry has advised me that it intends to expand its coversheet for OIA responses to include a section in which staff will detail the rationale behind decision making, and the Ministry will provide guidance for staff to support this practice. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Mechanisms for distributing guidance and updates

As noted above, the Ministry currently has an ad hoc system for disseminating updates from my Office and SSC, with the responsibility for this generally resting on specific individuals. There are inherent risks with this, especially if key individuals are away, or leave the Ministry. There would therefore be a benefit in developing a formalised mechanism to share updates throughout the Ministry, whether this be by email, use of the intranet or meetings. This will help to ensure that the information reaches the relevant people, and creates the ability to discuss best practice throughout the Ministry.

There would also be a benefit in the Ministry establishing a formal feedback loop between the Ministerial Services, Legal and Media teams. While I understand that these teams currently have ad hoc feedback mechanisms, this is again reliant on particular individuals, and is at risk of falling by the wayside if individuals leave or are otherwise busy. Establishing a more formal mechanism will help these teams to discuss emerging trends, areas for improvement and any updates that may be relevant to their area of work. Creating similar, formalised feedback loops within the different policy teams within the Ministry will also help to facilitate the sharing of resource across teams, when required to, to meet demand.

The formalised feedback loops discussed under [Internal policies, procedures and resources](#) can be used as a mechanism for sharing guidance and updates.

Action point

Formalise the process for learning from Ombudsman and State Services Commission guidance, and reflect this in OIA policies and procedures.

The Ministry's response

The Ministry has advised me that it intends to use its updated intranet OIA page to make this information visible and accessible to staff, supported by increased messaging to staff from its Ministerial Leadership Team. The Ministry also notes that tier three managers should be taking an active role in ensuring their teams are compliant with the OIA.

My comment

I encourage the Ministry to consider how it can support its tier three leaders to facilitate this. I look forward to seeing the agency's progress on this action point over the course of the year, and I will be in contact with the Ministry on a quarterly basis.

Appendix 1. Investigation terms of reference

This document sets out the terms of reference for a self-initiated investigation by the Chief Ombudsman into the practices of agencies relating to the Official Information Act 1982 (OIA).²³

Purpose of the investigation

The investigation will cover how the Ministry works to meet the requirements of the OIA and achieve its purposes through its processing and decision making on requests for access to information it holds.

The investigation will include consideration of the Ministry's supporting administrative structures, leadership and culture, processes and practices, including information management public participation, and proactive release of information to the extent that these relate to achieving the purposes of the OIA.

The investigation will identify areas of good practice, and make suggestions for improvement opportunities if any areas of vulnerability are identified.²⁴

Scope of the investigation

The investigation will evaluate the Ministry's leadership and culture, organisational systems, policies, practices and procedures needed to achieve the purposes of the OIA, with reference to a set of indicators, grouped around the following dimensions:

- Leadership and culture
- Organisation structure, staffing and capability
- Internal policies, procedures, resources and systems
- Current practices
- Performance monitoring and learning

The investigation will include consideration of how the Ministry liaises with its Ministers on its preparation of responses to OIA requests that are made to the Ministry, and may meet with ministerial advisers working for the Ministry's Minister(s).

The investigation will not consider how the Ministry handles requests made to the Minister, nor review any decisions made by Ministers on individual OIA requests.

A sample of decisions reached by a Ministry on individual OIA requests may be considered as part of this investigation, to assist the Chief Ombudsman's understanding of the Ministry's

²³ See sections 13(1) and 13(3) of the Ombudsmen Act 1975 (OA).

²⁴ Formal recommendations under the OA will only be made if the Chief Ombudsman forms an opinion that a decision, recommendation, act, or omission by the agency was unreasonable or contrary to law under section 22 of the OA.

official information practices. If evidence emerges concerning specific examples of OIA breach, then a determination will be made in each case as to whether it can be addressed adequately within this investigation, or whether a separate stand-alone intervention is warranted. Any process issues which can be resolved during the course of the investigation will be rectified immediately.

Investigation process

The Manager Official Information Practice Investigations will work with a team of Senior Investigators and Investigators to assist the Chief Ombudsman conduct the investigation. The investigation team will liaise with your nominated contact official during the investigation. Information may be gathered through the processes set out below.

Information gathering

The information for the investigation will be gathered through desk research, a detailed survey of the Ministry's official information practices, a staff survey, meetings with key staff, and a survey of key external stakeholders. As usual, any requests for information during this investigation will be made pursuant to section 19 of the Ombudsman Act 1975 and subject to the secrecy provisions in section 21 of that Act.

Desk research

A review of publicly available information including the Ministry's annual reports, strategic intentions documents, and any other material made available on its website. Desk research will also review data and information held by the Office of the Ombudsman (for example, statistical data).

Surveys

A survey of the Ministry, including requests for the supply of internal documents about:

- Authorisations to make decisions on OIA requests
- Strategic plans, work programmes, operational plans
- Policies, procedures and guidance on responding to OIA requests
- Training materials and quality assurance processes
- Reports on OIA performance and compliance to the Ministry's senior management.
- The logging and tracking of OIA requests for response
- Template documents for different aspects of request processing
- Policies, procedures and guidance on records and information management to the extent they facilitate achieving the purposes of the OIA

- Policies, procedures and guidance on proactive publication.

A survey of Ministry officials about their experience of the Ministry's OIA culture and practice within the Ministry.

A survey of key media and stakeholder organisations that have sought information from the Ministry. The Chief Ombudsman may issue a media release that includes a link to the stakeholder survey.

Meetings

In addition to the meeting between the Chief Ombudsman and the Ministry's Chief Executive, the investigation team will meet with staff within the Ministry as set out in the schedule below. Also included is the likely length of time required for each meeting.

A member or members of staff with responsibility for	Approximate time required
Strategic direction, organisation and operational performance	1 hour
Logging and allocating and tracking OIA requests, processing and dispatch of OIA requests	½ - 1 hour
Providing information in response to OIA requests.	½ to 1 hour
Processing and dispatching of OIA requests	½ to 1 hour
Decision makers on OIA requests	½ hour
Media/communications	1 hour
External relations/stakeholder engagement	1 hour
Website content	½ hour
Information management	½ hour
Human Resources and training	½ hour
Providing legal advice on the OIA, including the application of refusal grounds, when a response is being prepared	1 hour
Receiving public enquiries (receptionist, call centre manager if relevant).	½ hour

A summary of key points gathered from the meetings will be sent by email to the individual staff to confirm accuracy.

Other

- A review of the Ministry's intranet.
- A review of a sample of files held by the Ministry on previous requests for information.

Fact checking

After all the information has been gathered, an initial summary of the facts relevant to support each of the indicators will be sent to the Ministry to ensure any relevant information has not been overlooked.

Reporting

Draft report

The draft report of the Chief Ombudsman's investigation will cover the indicators and incorporate good practices as well as any issues that may have been identified during the investigation. The draft report will outline the Chief Ombudsman's provisional findings and when relevant, identify the suggestions and/or recommendations that may be made to improve the Ministry for Culture and Heritage's official information practices. The draft will be provided to the Chief Executive for comment.

Final report

Comments received on the draft report will be considered for amendment of, or incorporation into, the final report. The Chief Ombudsman will provide the final report to the Chief Executive of the Ministry for Culture and Heritage, so that he can respond to the findings and suggestions and/or recommendations.

The final report will be made available to the relevant Minister(s) and published on the Ombudsman's website.²⁵

Evaluation

Following completion of his investigation, the Chief Ombudsman will conduct a review exercise as part of his Continuous Improvement programme. This will involve seeking the views of the Ministry's senior managers on their experience of this practice investigation, its value and relevance to their improving their work practices, and how future investigations may be improved when applied to other agencies.

²⁵ The Chief Ombudsman may also table a final report in the House of Representatives in specific cases/circumstances.

Appendix 2. Official information good practice indicators

Introduction

There are five key dimensions that have an impact on official information good practice in government agencies:

3. [Leadership and culture](#)
4. [Organisation structure, staffing and capability](#)
5. [Internal policies, procedures and resources](#)
6. [Current practices](#)
7. [Performance monitoring and learning](#)

These dimensions are underpinned by a series of **indicators**, which describe the elements of good practice we would expect to see in order to evaluate whether each of the dimensions is being met.

These indicators are not exhaustive and do not preclude an agency demonstrating that good practice in a particular area is being met in other ways.

Leadership and culture

Achieving the purposes of the Act²⁶ largely depends on the attitudes and actions of leaders, including Ministers, chief executives, senior leaders and managers within the agency. Ministers, chief executives and senior managers should take the lead in promoting openness and transparency, and championing positive engagement with official information legislation.

Element	Things to look for (indicators)
Ministers, chief executives, senior leaders and managers demonstrate a commitment to the agency meeting its obligations under the Act and actively foster a culture of openness within the agency	<ul style="list-style-type: none"> ✓ Chief executives, leaders and the relevant Minister(s) actively and visibly work together to promote a culture of positive OIA compliance and good administrative practice ✓ Leaders make clear regular statements to staff and stakeholders in support of the principle and purposes of official information legislation, reminding staff of their obligations ✓ Leaders demonstrate clear knowledge and support of the Act's requirements ✓ Leaders encourage staff to identify areas for improvement and provide the means for suggesting and implementing them when appropriate ✓ Leaders make examples of good practice visible ✓ A visible and explicit statement exists about the agency's commitment to openness and transparency about its work

²⁶ 'The Act' refers to the Official Information Act 1982 or the Local Government Official Information and Meetings Act 1987, whichever is applicable to the investigation.

Element	Things to look for (indicators)
<p>Senior leadership have established an effective official information strategic framework which promotes an official information culture open to the release of information</p>	<ul style="list-style-type: none"> ✓ The agency has a strategic framework committed to promoting: <ul style="list-style-type: none"> – compliance with the Act – good practice – a culture of openness and continuous improvement – participation and access to information by the public and stakeholder groups ✓ Senior leadership takes an active role in the management of information ✓ A senior manager has been assigned specific strategic responsibility and executive accountability for official information practices including proactive disclosure ✓ Senior managers have accountabilities for compliance with the Act ✓ Appropriate delegations exist for decision makers and they are trained on agency policies and procedures and the requirements of the Act ✓ Senior leaders model an internal culture whereby all staff: <ul style="list-style-type: none"> – are encouraged to identify opportunities for improvement in official information practice (including increasing proactive disclosure) and these are endorsed and implemented – are trained to the appropriate level for their job on official information policies and procedures and understand the legal requirements – have compliance with the Act in their job descriptions, key performance indicators, and professional development plans ✓ Senior leaders oversee the agency’s practice and compliance with the Act, the effectiveness of its structures, resources, capacity and capability through regular reporting. Issues are actively considered and addressed

Element	Things to look for (indicators)
<p>Senior leadership demonstrate a commitment to proactive disclosure, and public participation with clear linkages to the agency's strategic plans creating a public perception of openness</p>	<ul style="list-style-type: none"> ✓ Senior leaders are committed to an active programme of proactive disclosure and stakeholder engagement where the agency seeks and listens to the public's information needs through: <ul style="list-style-type: none"> – regular stakeholder meetings and surveys – reviewing and analysing requests and media logs – reviewing and analysing website searches ✓ There is clear senior leadership commitment to the agency publishing information about: <ul style="list-style-type: none"> – the role and structure of the agency – internal rules and policies – details of current or planned work programmes, including background papers, options, cabinet papers and consultation documents – corporate information about expenditure, procurement activities, audit reports and performance – monitoring data and information on matters the agency is responsible for – information provided in response to official information requests – other information held by the agency in the public interest ✓ The agency holds up to date information that is easily accessible (easy to find, caters for people requiring language assistance or who have hearing or speech or sight impairments) about: <ul style="list-style-type: none"> – what official information it holds – how it can be accessed or requested by the public and its stakeholders – how to seek assistance – what the agency's official information policies and procedures are (including charging) – how to complain about a decision ✓ The agency makes information available in different formats, including open file formats ✓ The agency's position on copyright and re-use is clear ✓ The public and stakeholders perceive the agency to be open and transparent

Organisation structure, staffing and capability

Responding to official information requests is a core function of the public sector. Therefore, it is expected agencies will organise their structure and resources to ensure they are able to meet their legal obligations under the Act considering each agency's size, responsibilities and the amount of information held.

Element	Things to look for (indicators)
Agency has the capacity to discharge its official information obligations, with clear and fully functioning roles, accountabilities, reporting lines, delegations and resilience arrangements	<ul style="list-style-type: none"> ✓ An appropriate, flexible structure exists to manage official information requests which is well resourced reflecting the: <ul style="list-style-type: none"> – size of the agency – number of requests received (and from whom, public, media, other) – number or percentage of staff performing official information functions in the agency – percentage of time these staff are also required to undertake other functions – need to respond within statutory time limits – use of staff time, specialisations, structural resilience ✓ Roles and responsibilities are clearly defined: <ul style="list-style-type: none"> – Specific responsibility exists for coordinating, tracking and monitoring official information requests and agency decisions (and ombudsman decisions) and there is the authority and support to ensure compliance²⁷ – Decision makers are sufficiently senior to take responsibility for the decisions made and are available when required, and if not, resilience arrangements exist – The official information function is located in an appropriate unit or area within the agency

²⁷ This indicator is also relevant to performance monitoring and learning.

Element	Things to look for (indicators)
Agency has the capability to discharge its official information obligations	<ul style="list-style-type: none">✓ Training at all levels on the requirements of the Act is provided regularly and staff are expected to comply with them✓ Training is role specific with additional training for senior managers, decision makers and staff with official information responsibilities to support their work✓ Expectations are set by senior leaders that regular refreshers are provided to all staff✓ Training is provided on information management and record keeping✓ The process for staff to assess and make decisions on official information requests is clear, understood, up-to-date and applied✓ Agency staff, including front line staff and contractors, know what an official information request is and what to do with it✓ User-friendly, accessible resources, guidance and 'go to' people are available✓ The agency can, and does, meet its obligations under the Act✓ Staff official information capability is regularly assessed and monitored✓ Official information obligations are included in induction material for all staff✓ The agency's internal guidance resources are highly accessible to its staff

Internal policies, procedures and resources

Agencies should develop or adopt policies and procedures that will assist staff to consistently apply the requirements of the Act supported by good systems, tools and resources ensuring effective processing of requests consistent with the requirements of the Act.

Element	Things to look for (indicators)
Good official information policies, procedures and resources	<ul style="list-style-type: none"> ✓ Good policies, procedures and resources exist for receipt and assessment of requests, which cover: <ul style="list-style-type: none"> – what is official information – identifying the type of official information request received (Parts 2, 3 or 4 of OIA and LGOIMA) and distinguishing from Privacy Act requests – identifying the scope of the request – consulting with and assisting the requester – establishing the eligibility of a requester when necessary – logging requests against a standardised definition – acknowledging receipt of the request – establishing statutory time limits and tracking the handling of the requests – identifying who in the agency should respond to the request – establishing criteria for deciding whether, and if so, how a response to a request should be provided urgently – managing potential delays, including the reasons for them, the escalation process and invoking the extension provision ✓ Good policies, procedures and resources exist for information gathering on requests, which cover: <ul style="list-style-type: none"> – identifying the information at issue – searching, finding and collating the information at issue – documenting the search undertaken for the information within the scope of the request (including time taken if charging is likely) – transferring requests to other agencies or Minister(s) and advising the requester – consulting officials within the agency and third parties – what to do if the information is held by a contractor covered by the Act by virtue of section 2(5) of the OIA and 2(6) of LGOIMA – engaging with Ministers on official information requests ✓ Good policies, procedures and resources exist for decision making on requests, which cover:

Element	Things to look for (indicators)
	<ul style="list-style-type: none"> - making a decision whether to release the information - making a decision on the format in which information is released - making a decision whether to charge for the release of information - guidance on application of withholding or refusal grounds relevant to requests made under Parts 2, 3 and 4 - guidance on any statutory bars on disclosure relevant to the legislation the agency administers - imposing conditions on release where appropriate - advising the requester of the decision - recording reasons for each item of information withheld, and the agency’s consideration of the public interest in release where required ✓ Good policies, procedures and resources exist for releasing requests, which cover: <ul style="list-style-type: none"> - providing the information in the form requested - preparing information for release (including deletions) ✓ The agency has tools and resources for processing official information requests, such as templates, checklists, ‘go-to’ people, effective tracking and monitoring systems, and redaction software and staff are trained on how to use them ✓ The agency’s official information policies, procedures and resources are regularly reviewed and up-to-date ✓ Staff find them useful and easy to access

Element	Things to look for (indicators)
Good records and information management policies, procedures and resources	<ul style="list-style-type: none"> ✓ Staff are able to identify, access and collate information that has been requested under the Act ✓ The agency has accurate and comprehensive records and information management policies, procedures and resources which enable information relevant to a request to be identified and collated ✓ The policies and procedures cover aspects such as: <ul style="list-style-type: none"> – creating, organising, maintaining and storing records – managing and modifying records – the security of information – a guide to determining which records systems exist and what information each holds – retaining, retrieving and disposing of records – both manual and electronic records, including personal e mail accounts, instant messaging and text messages – assigned responsibilities and performance criteria for records and information management by staff – the provision of secure audit trails – annual/periodic audits of records. ✓ These policies and procedures are regularly reviewed and up-to-date ✓ Staff find the policies and procedures useful and easy to access

Element	Things to look for (indicators)
Good proactive release policies, procedures and resources	<ul style="list-style-type: none"> ✓ The agency has accurate and comprehensive proactive release policies and procedures ✓ The policies and procedures cover the release of such things as: <ul style="list-style-type: none"> – information that has been released in response to official information requests – information described in section 20 of the OIA about the agency and the information it holds – information described in section 22 of the OIA about the agency’s internal decision making rules, including its official information policies and procedures – strategy, planning and performance information – financial information relating to income and expenses, tendering, procurement and contracts – information about work programmes and policy proposals – information about public engagement processes, including public submissions – minutes, agendas, and papers of advisory boards or committees – information about regulatory or review activities carried out by agencies. ✓ The policies and procedures include a process for identifying opportunities for proactive release, for example, where a high number of official information requests is received about a subject ✓ The policies and procedures include a process for preparing for proactive release, including managing risks around private or confidential information, commercially sensitive information and information subject to third party copyright ✓ The policies outline how and where the information should be made available for access, and if any charge should be made ✓ They are regularly reviewed and up-to-date ✓ Staff know about the agency’s proactive release policies and procedures ✓ Staff find them useful and easy to access

Current practices

The effectiveness of the Act is largely dependent on those who implement it on a day-to-day basis and how they apply the resources available to them to manage the realities of giving effect to the Act.

Element	Things to look for (indicators)
Official information practices demonstrate full implementation of policies and procedures resulting in excellent official information performance that is well evidenced with verified data	<ul style="list-style-type: none"> ✓ The agency complies with maximum statutory timeframes to transfer, extend, decide on requests, and release official information ✓ Requests are handled in accordance with the applicable law (Privacy Act, Part 2 OIA, section 22 OIA, section 23 OIA, Part 4 OIA) ✓ The agency makes appropriate use of the withholding grounds and administrative reasons for refusal ✓ The agency makes appropriate use of the mechanisms for dealing with large and complex official information requests ✓ The agency gives proper consideration to the public interest in release of official information, and explains this to requesters ✓ The agency interprets the scope of official information requests reasonably ✓ The agency consults with, and provides reasonable assistance to requesters ✓ The agency consults appropriately with third parties ✓ Ministerial involvement in agency official information decision making is appropriate ✓ Official information is released in the form requested unless there is a good reason not to ✓ Consideration is given to releasing information in accessible formats ✓ Staff regularly use the agency's policies and procedures

<p>Good record keeping and management practices</p>	<ul style="list-style-type: none"> ✓ The agency documents its handling of official information requests, including the steps taken to search for the requested information, the information identified as relevant to the request, and the reasons for its decisions ✓ The agency’s records and information management practices facilitate official information compliance (it is generally easy to find information that has been requested under the Act) ✓ There are high levels of staff compliance with records and information management policies and procedures as described in <i>Good records and information management policies, procedures and resources</i>
<p>Good proactive release practices</p>	<ul style="list-style-type: none"> ✓ The agency’s entry in the <i>Directory of Official Information</i> is full, accurate and likely to assist requesters, and is linked to, or reproduced on, the agency’s own website ✓ The agency publishes useful information online including the types of information described in the Good Proactive Release policies, procedures and resources indicator ✓ The agency publishes information in multiple formats, and applies open use standards ✓ The agency’s position on copyright and re-use is clear ✓ Staff regularly use the agency’s proactive release policies and procedures

Performance monitoring and learning

Agencies should adopt performance monitoring and learning frameworks that enable them to learn and drive performance improvement and innovation.

Element	Things to look for (indicators)
<p>The agency has an established system for capturing data to inform meaningful and appropriate performance measures</p>	<ul style="list-style-type: none"> ✓ Performance measures include: <ul style="list-style-type: none"> – quantity – eg the number of requests, from where and the number processed – efficiency – eg duration of request handling, number of responses that exceed legislative maximum time limits, the reasons for any delays – quality– eg outcome of any internal quality assurance reviews and/or external reviews of official information decisions and processes and whether or not the results of those reviews provide evidence of system-wide issues – monitoring of opportunities for proactive release – eg identifying common types of requests or a high number that indicates information that could be made available ✓ The agency collects data about its performance under the Act including such things as: <ul style="list-style-type: none"> – the number of requests – the type of request (Part 2, 3 or 4 of the Act) – the type of requester – the information sought – the number and reason for transfers, and whether the transfer was made in time – the number, length and reason for extensions – the outcome of the request (granted in full, granted in part, refused in full, withdrawn or abandoned) – the number and amount of charges made and collected – the grounds on which information was withheld or the request refused – whether the requester was consulted prior to any refusal under section 18(f) or 17(f) – whether the Minister was consulted on the decision – whether the decision was notified to the Minister – whether, and which, third parties were consulted – the time from receipt of the request to communication of the decision

Element	Things to look for (indicators)
	<ul style="list-style-type: none"> - the time from receipt of the request to release of the information - if the time limit (extended or not) was breached, the reasons for the delay - whether the response was proactively published and if not why - whether the Ombudsman investigated or resolved a complaint about the request - the outcome of the Ombudsman's investigation or involvement - the outcome of any internal quality assurance reviews of processes or decisions - staff time spent and costs incurred in processing official information requests <ul style="list-style-type: none"> ✓ The agency analyses this data to determine whether it is complying with its relevant performance measures ✓ The agency monitors information demand (for example, through official information requests, website use, and other enquiries) to identify opportunities for proactive release ✓ The agency monitors any difficulties in identifying and collating information that has been requested
There is regular reporting about the agency's management and performance in respect of official information requests	<ul style="list-style-type: none"> ✓ Data about the agency's official information performance, and information demand is regularly reported to senior leaders, and at least quarterly to the Chief Executive ✓ Reports include emerging themes or trends, opportunities for improvement and proactive release, resourcing, capacity or capability (training) issues ✓ Reporting informs planning, resourcing and capability building decisions

Element	Things to look for (indicators)
<p>The agency learns from data analysis and practice</p>	<ul style="list-style-type: none"> ✓ The agency has a system for sharing official information learning and experience, such as meetings, newsletters, email or intranet updates, or official information ‘champions’ ✓ The agency monitors relevant data, guidance and publications, including those produced by the Ombudsman and State Services Commission ✓ The agency monitors the outcome of Ombudsman investigations and reports these to relevant staff, including official information decision makers ✓ The agency analyses this information to determine where it has the potential to improve official information practice, stakeholder relations, or increase opportunities for public participation ✓ The agency periodically reviews its relevant systems, structures, and compliance with policies and procedures ✓ The agency actively participates in initiatives to share and discuss best practice externally, for example through forums, interest groups, networks and communities of practice

Survey of official information experience of workers of the Ministry for Culture and Heritage

Please note: the responses to questions **1** (contact details), **11**, **14**, **15** and **37** have been removed as these questions asked for comments, the details of which have been considered and form part of the full report.

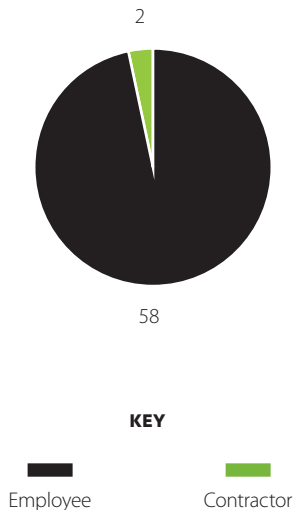
For questions which have a single response component (eg yes/no) but also ask for comment,

the details have been considered as part of the full report.

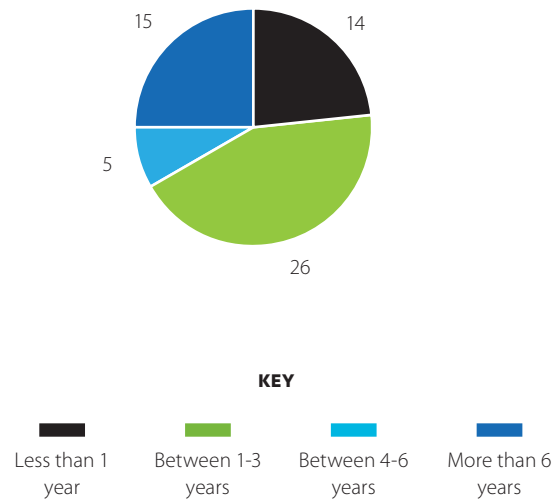
In total, 60 staff replied to all or parts of the survey. The number in brackets at the end of each question indicate how many staff answered that particular question.

Q1. Contact details (60)

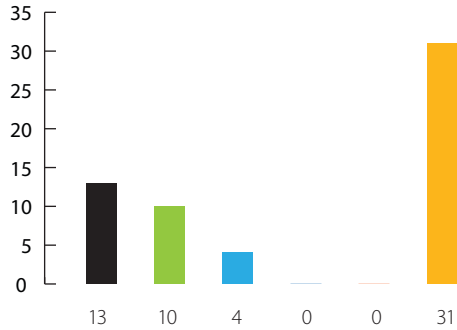
Q2. Are you an employee or contractor of your agency? (60)



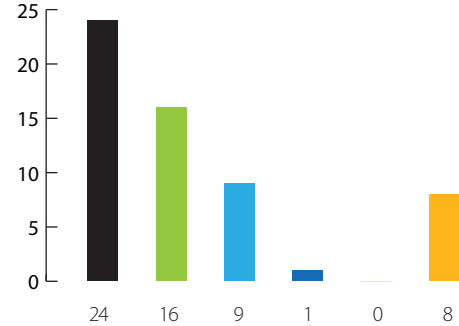
Q3. How long have you worked at the agency? (60)



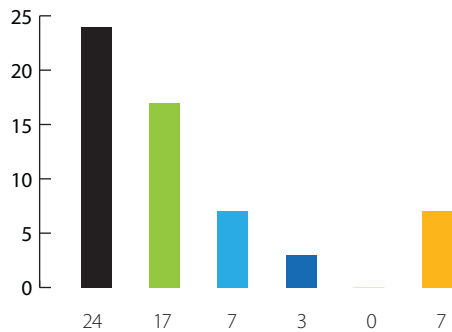
Q4. Thinking about communications received from Ministers, how would you rate the signals sent by your Minister(s) about the OIA? (58)



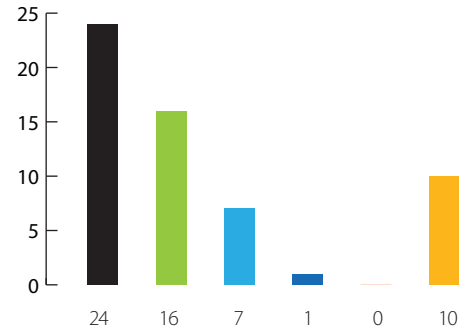
Q5. Thinking about factors such as internal emails, memos, publications and formal or informal statements made to staff, how would you rate the signals sent by your Chief Executive about the OIA? (58)



Q6. Thinking about factors such as internal emails, memos, publications and formal or informal statements made to staff, how would you rate the signals sent by the senior leadership team about the OIA? (58)



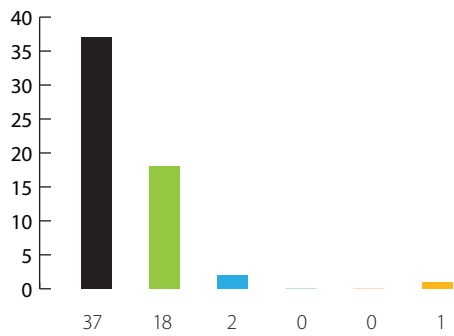
Q7. Thinking about factors such as internal emails, memos, publications and formal or informal statements made to staff, how would you rate the signals sent by your immediate manager about the OIA? (58)



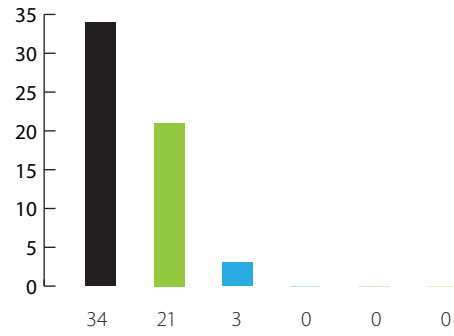
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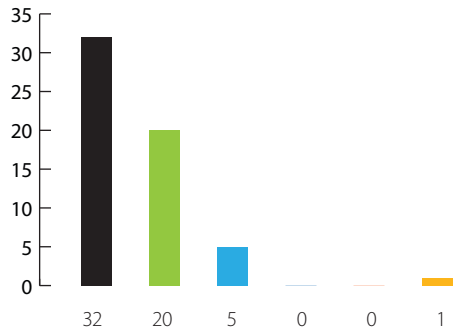
Q8. How would you rate the signals sent by the Chief Executive about openness and public engagement in the work of the agency? (58)



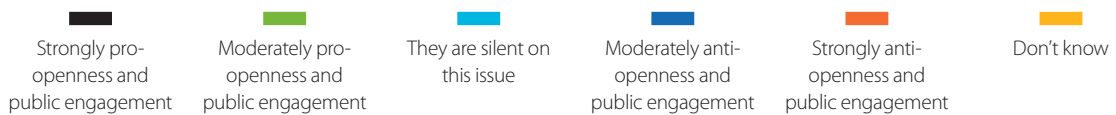
Q9. How would you rate the signals sent by the senior leadership team about openness and public participation in the work of the agency? (58)



Q10. What is your impression of your agency's overall commitment to a strong culture of openness and public participation? (58)



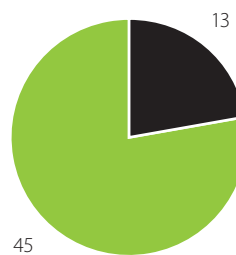
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Q11. Is there anything else about the agency's culture and leadership about openness and access to information you would like to add? (11)



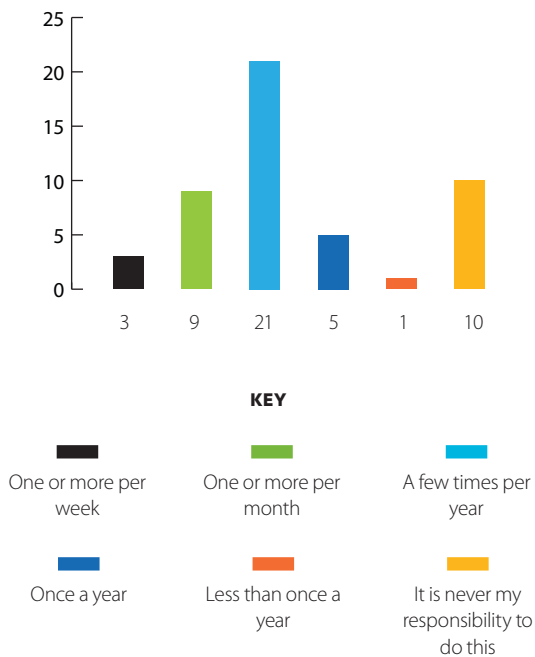
Q12. Do you work in a core OIA role? (58)



KEY



Q13. If you do not work in a core OIA role, how often do you handle, or are asked to assist in the handling (performing all actions required to respond to an OIA request, including co-ordination and processing) or processing (identifying requested information and determining whether it should be released) of an OIA request? (49)



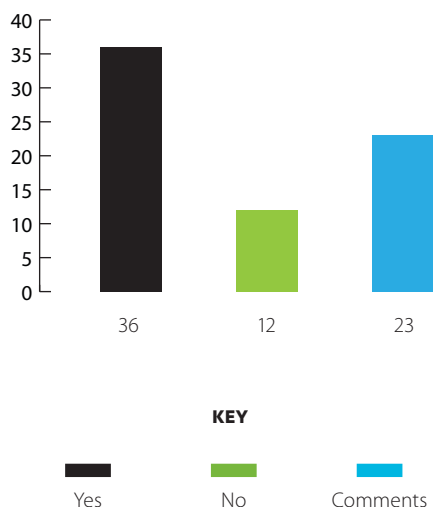
Q14. If you handle, or are asked to assist in the handling or processing of an OIA request, what support or processes for escalation of questions or concerns exist? (47)



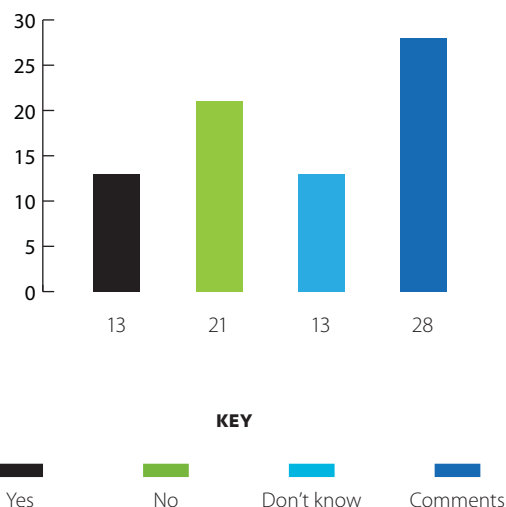
Q15. Is this support or are these processes for escalation effective? (46)



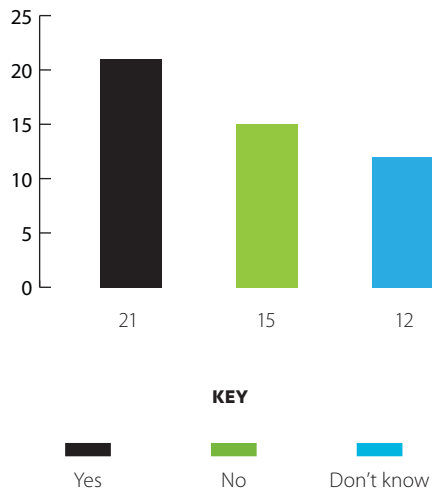
Q16. If you handle, or are asked to assist in the handling or processing of an OIA request, do you feel like you've been adequately trained to respond appropriately? (48)



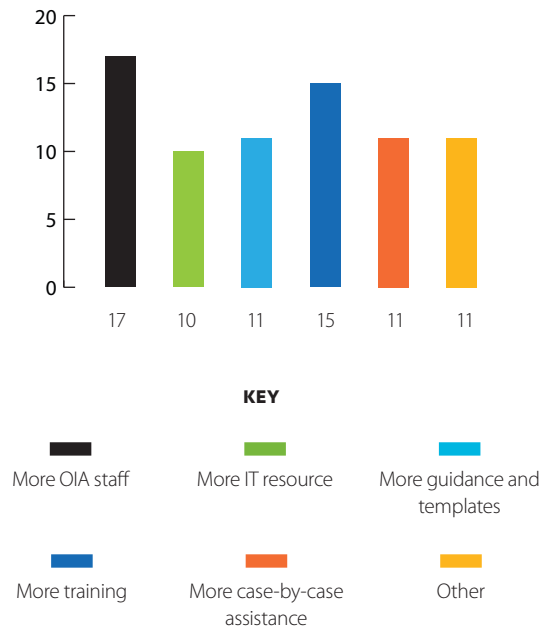
Q17. If the agency experiences a sudden increase in the number of OIA requests that it has to respond to, do you think it is able to cope with the increased workload and still maintain quality standards in its OIA responses? (47)



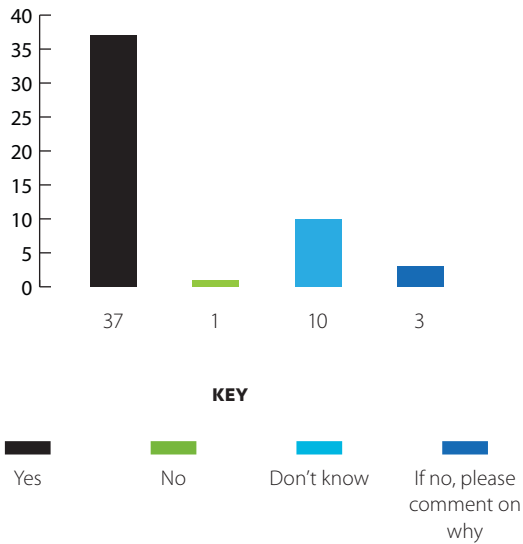
Q18. Overall, do you think your agency allocates sufficient resources to comply with its OIA obligations? (48)



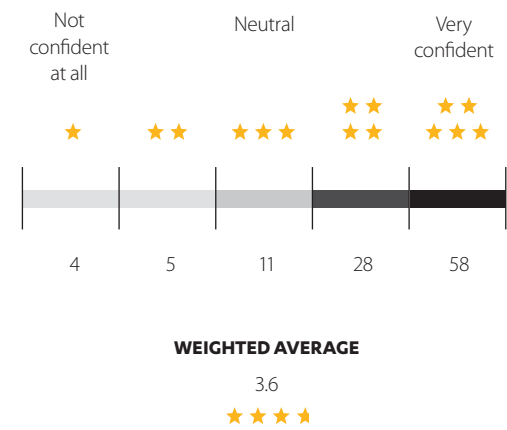
Q19. If no, what extra resource do you believe the agency requires? (select all that apply) (27)



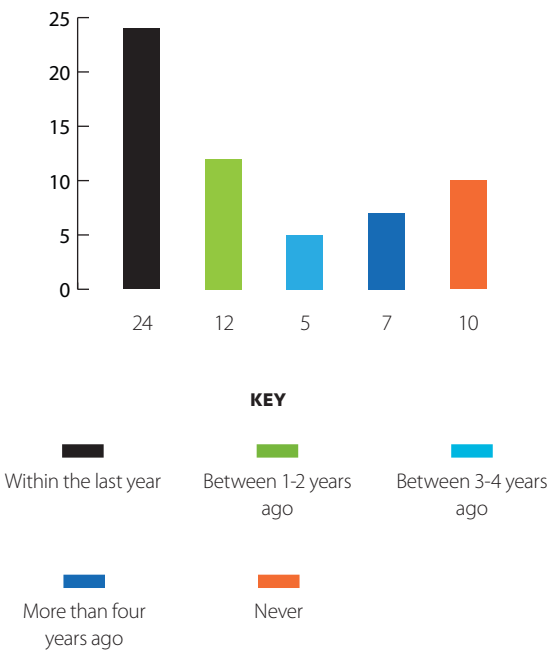
Q20. Does your agency's system for processing OIA requests, including quality assurance and sign-off processes, generally enable it to meet its timeframe obligations? (48)



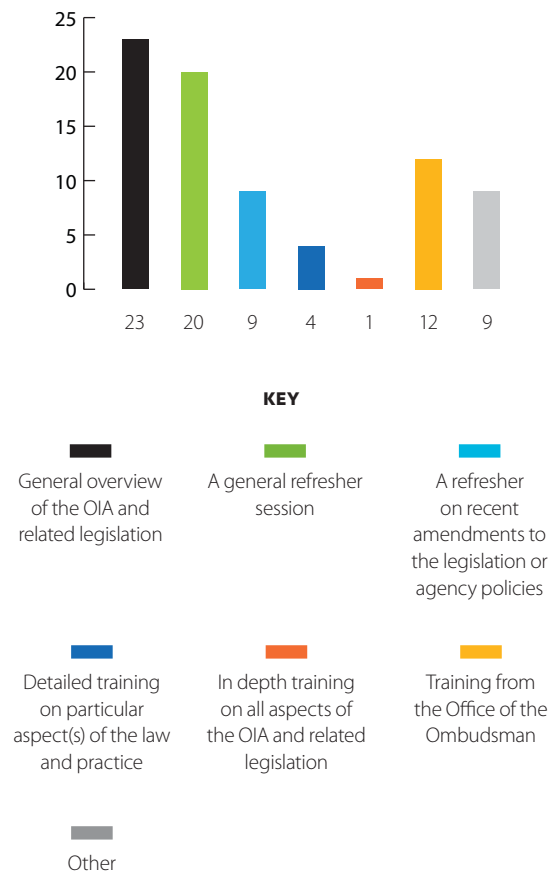
Q21. How confident or not do you feel in your knowledge of the OIA? (58)



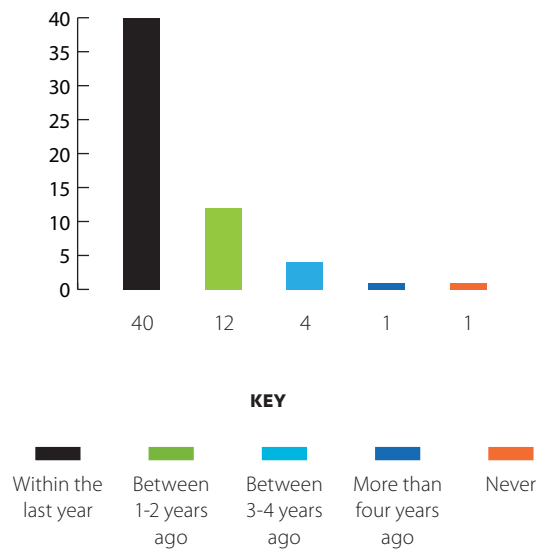
Q22. When was the last time you received any training on responding to OIA requests? (58)



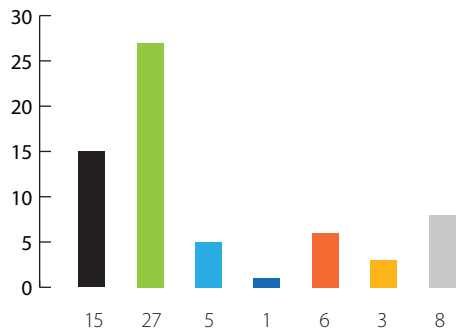
Q23. What was the nature of this training on the OIA? (select all that apply) (49)



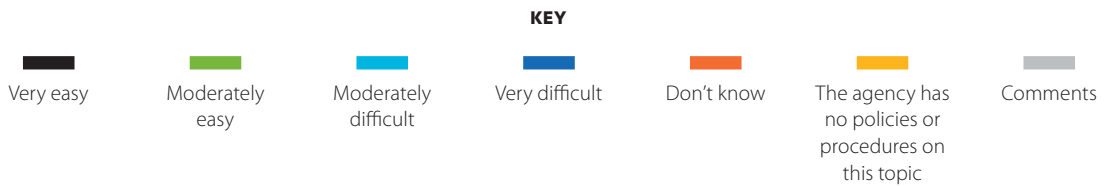
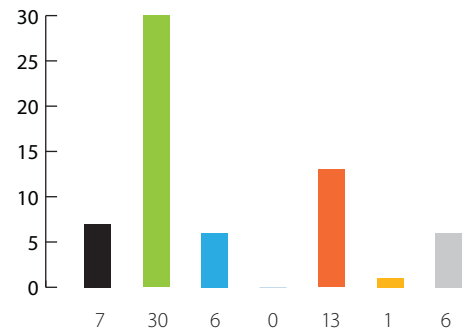
Q24. When was the last time you received any training on agency policies and procedures for using the record keeping and management systems? (58)



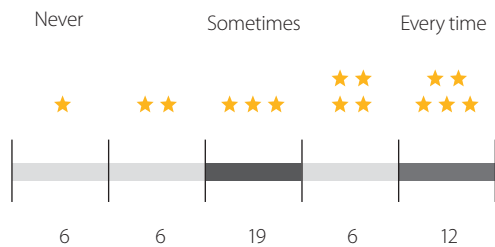
Q25. How easy is it to find your agency's policies, procedures and resources on responding to OIA requests? (57)



Q26. How useful are your agency's policies, procedures and resources on responding to OIA requests? (57)



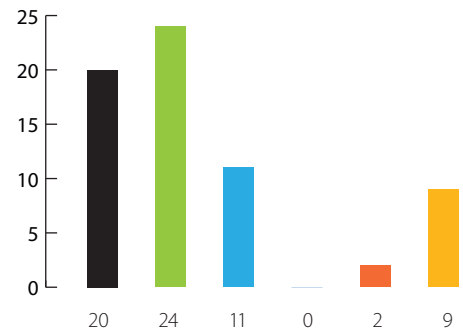
Q27. How often do you use your agency's policies, procedures and resources for responding to OIA requests? (49)



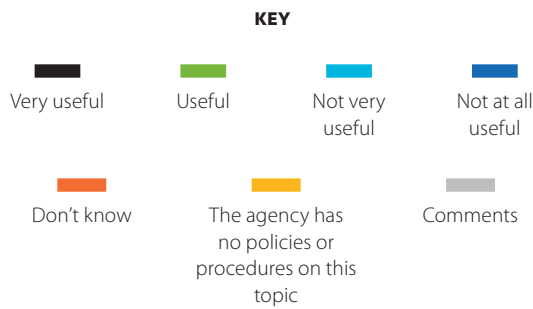
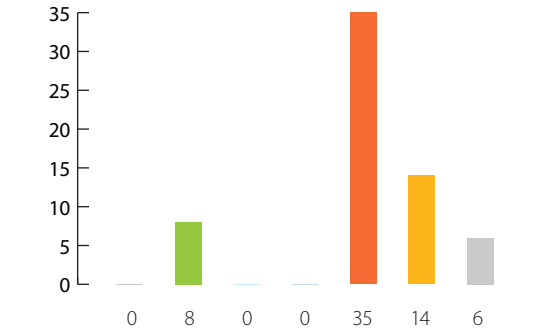
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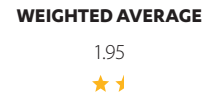
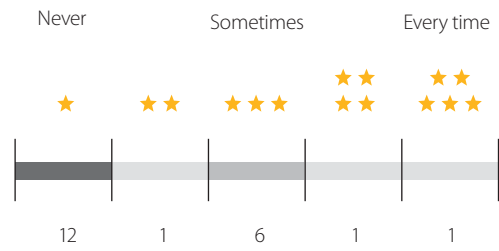
Q28. How easy is it to use your agency's information management systems to record (store) information? (57)



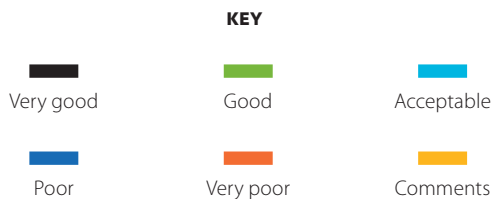
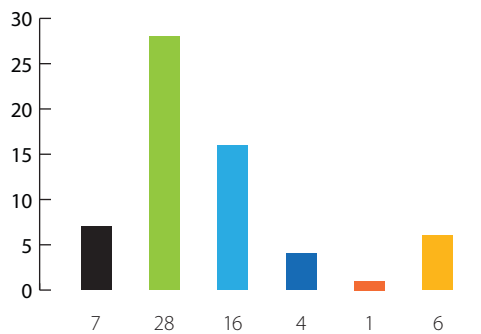
Q29. How useful are the agency's policies and procedures on proactive release (i.e. publishing official information before a request is received in the interests of promoting transparency, accountability and effective public participation in decision making) of information? (57)



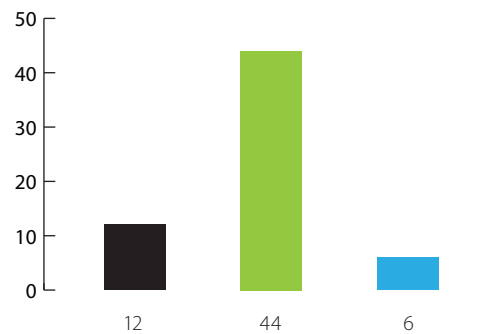
Q30. How often do you use your agency's policies and procedures on proactive release? (21)



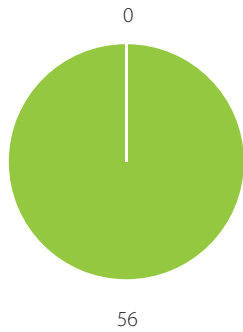
Q31. How would you rate the effectiveness of your agency's current OIA practices? (56)



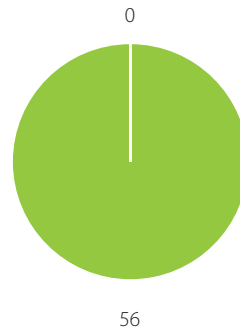
Q32. Are you aware of information not being recorded to avoid possible disclosure under the OIA? (56)



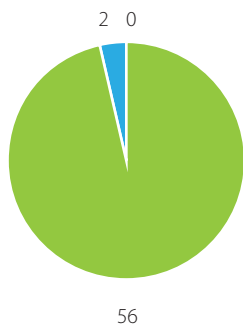
Q33. Are you aware of your agency erroneously advising a requestor that information could not be located, to avoid possible disclosure under the OIA? (56)



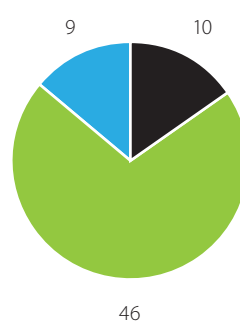
Q34. Are you aware of information being destroyed to avoid the OIA? (56)



Q35. Are you aware of requests being interpreted more narrowly than was justified? (56)



Q36. Do you have any concerns about the agency's current OIA practices? (56)



KEY

Yes

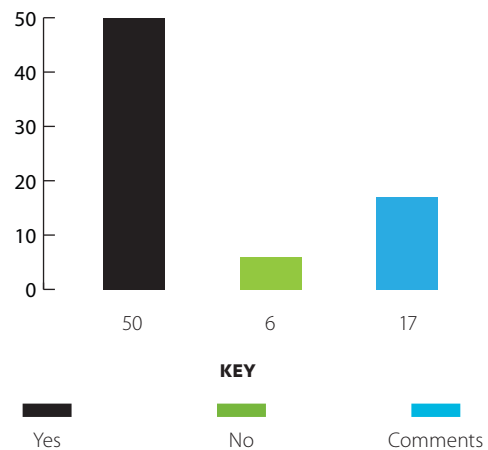
No

Comments

Q37. In relation to OIA practices, what does your agency do best? (35)



Q38. Are your agency's records and information management practices generally sound, so that information is able to be found when it is requested under the OIA? (56)



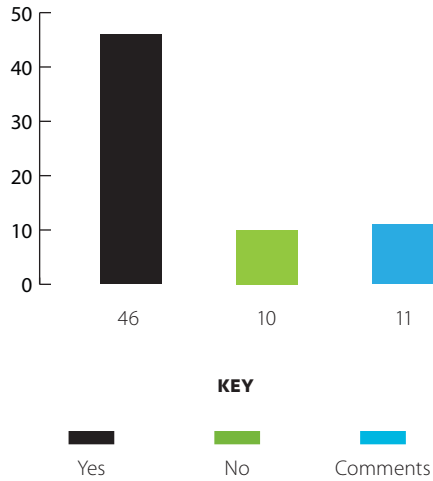
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Yes

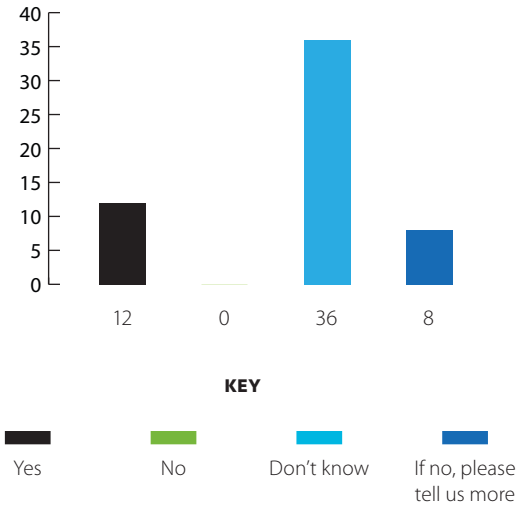
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Comments

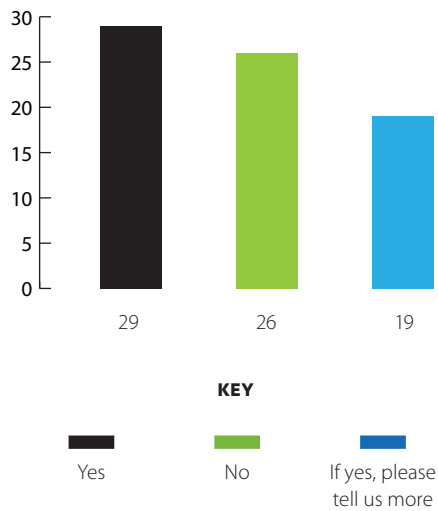
Q39. Are your agency's records and information management practices generally sound, so that information is able to be easily collated when it is requested under the OIA? (56)



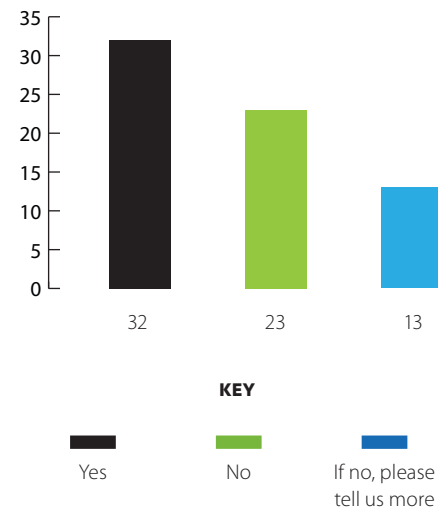
Q40. In your experience, have the agency's processes for proactive release of information (publishing official information outside the OIA request process, in the interests of promoting transparency, accountability and effective public participation in decision making) worked well? (56)



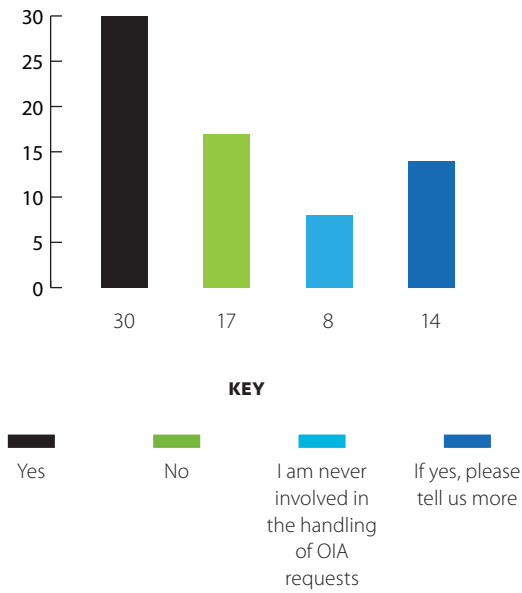
Q41. In your experience, does your agency have effective practices for ensuring staff learn from Ombudsman decisions on OIA complaints? (55)



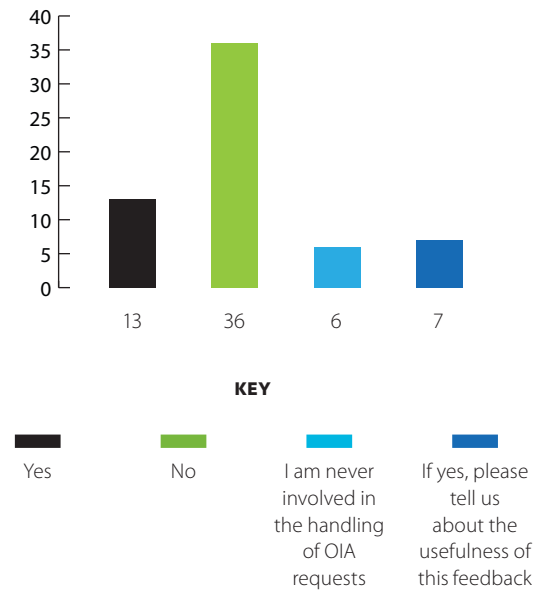
Q42. In your experience, does your agency have effective practices for ensuring staff learn from State Services Commission and Ombudsman guidance relating to the OIA? (55)



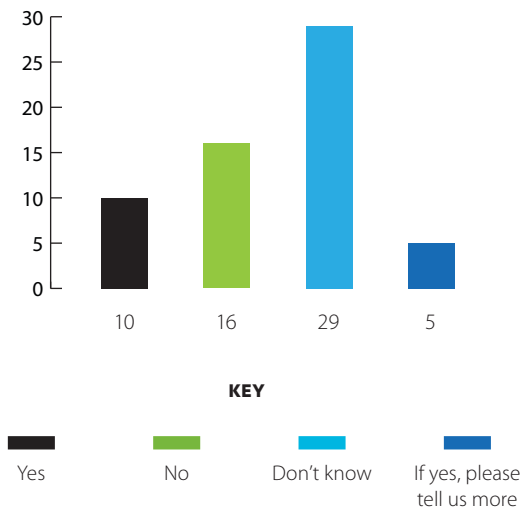
Q43. In your experience, does your agency take any steps to promote improvements in its OIA practices through learning from the experience of responding to OIA requests? (55)



Q44. Have you ever received any feedback on the quality or timeliness of work you have done on an OIA request? (55)



Q45. Do senior managers encourage staff to identify areas of improvement to OIA practices, and then provide the means to implement them when appropriate? (55)



Ombudsman

