Ombudsman
Fairness for all

Official Information Act compliance and practice

Ministry for the Environment
Manatū Mō Te Taiao

Office of the Ombudsman
Tari o te Kaitiaki Mana Tangata

![Ombudsman — Fairness for all]

OIA compliance and practice in the Ministry for the Environment

Opinion of the Chief Ombudsman   September 2018

Contents

Appendix 3. Aggregate data from my survey of Ministry staff

Foreword

Manatū Mō Te Taiao, the Ministry for the Environment (the Ministry) was established in 1986 under the Environment Act 1986. The Ministry is tasked with ensuring that the New Zealand environment thrives and prospers. The Ministry achieves this by working with New Zealanders to create change, through monitoring the system, and driving continuous improvement for both the environmental and natural resources systems covering air, atmosphere and climate, fresh water, land, marine, and urban.

The Ministry has specific functions under 12 pieces of legislation, and also monitors the performance of the Environmental Protection Authority. Its responsible Ministers are the Minister for the Environment, Hon David Parker, and Associate Ministers Hon Nanaia Mahuta and Hon Eugenie Sage, and the Climate Change Minister, Hon James Shaw. In the 2017 calendar year, the Ministry had an average FTE count of 329 permanent and fixed-term employees. The majority of these staff are Wellington-based policy analysts, tasked with developing national environmental policy.

For the 2016-17 financial year, the Ministry handled 118 OIA requests, with 75.4 percent handled within the legislative timeframe. In the 2017-18 financial year, the Ministry handled 138 requests, with 92 percent handled within the legislative timeframe.

In June 2018, the Ministry was given an opportunity to comment on my provisional opinion. Overall, the Ministry noted that the report provided *'valuable insights which we will use to further improve our practices.'* The Ministry provided specific comments on some of my suggested action points, and these responses are noted underneath the relevant points. I will be following up with the Ministry on a quarterly basis to check in on its progress in implementing my suggested action points as part of 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 devoted to prepare the response to the agency survey. I would also like to thank Ministry staff, particularly those in the Executive Relations 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 on Official Information Act 1982 (OIA) compliance and practice within the Ministry for the Environment (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 identified a number areas of practice which are going very well for the Ministry, particularly in the areas of Leadership and Culture.

I have also identified some good practices and some opportunities for the Ministry to improve its ability to discharge its OIA responsibilities more effectively.

Leadership and culture

Overall, it is evident the Ministry's senior leadership has a strong commitment to the principle and purposes of the OIA, and to openness and transparency more generally. Its senior leaders provide good internal messaging to staff about the OIA, however, its external messaging to stakeholders could be improved.

Of particular note is the Ministry's positive approach to the proactive release of information, and to public consultation. Although the Ministry implemented a programme of proactive release without policies to support it, it did establish a board to review proposed material for release. The Ministry expects to have adopted a policy in support of its proactive release practices by August 2018.

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1   See s 13(1) OA

2   See s 22(1) and (2) OA

Further opportunities for improvement in this area relate to external messaging around the OIA, including improvements to the Ministry's OIA webpage. Ideally, I would like to see a system for staff to identify improvements in OIA or proactive release. I also consider senior leaders should require further reporting from staff (not just on OIA timeliness), which would create a feedback loop, and confirm the effectiveness of the top down messaging.

Action points
1. Clear messaging to external stakeholders and the public about the Ministry's commitment to comply with the purposes, principle and requirements of the OIA.
2. Improve the OIA webpage by providing an overarching statement about the purpose of the OIA, and publishing internal OIA policies.
3. Provide a system for staff to identify and communicate opportunities for improvements to OIA policies and practice and proactive release of information.

Organisation structure, staffing and capability

The Ministry operates a 'mixed' model of processing OIA requests. The central Executive Relations team is responsible for the coordination of requests and 'subject matter experts' in other business units process the requests. The request goes through a review and sign-out process, where up to six individuals check the OIA response. I consider the OIA model is suitable for the size of the organisation and the number of OIA requests it receives. However, I question whether the number of steps as part of the sign-out process is required for all OIA responses.

The Ministry has formal and clear delegations. OIA training is offered to all staff at induction, and the training appears to be a good 'beginners guide'. However, I consider that providing specialised training for decision makers and the Communications team would be advantageous. I would also encourage the Ministry to keep accurate records of those attending OIA and Records Management training, and follow up if staff do not attend.

I would like to see the establishment of a mechanism to allow business units to share resources when there are spikes in OIA demand. Consideration should also be given to the role of the Communications team in the review process and whether it is appropriate for the unit to comment on material for release.

Action points
1. Specialised training for OIA decision makers (Directors).
2. Consideration of more in-depth training for OIA processors (Analysts) and the Communications team.
3. Ensure all staff complete induction training in OIA and records management, and there is an accurate record of attendance.
4. Establish and formalise a mechanism to allow business units to assist other units when there is an influx of OIA requests in one area.

Action points
5. Streamline the OIA review process and consider whether the current procedure is necessary for all OIA requests.
6. Consider the role of the Communications team and review whether it is appropriate for the unit to comment on all material for release.

Internal policies, procedures and resources

I consider that the Ministry has some sound and user-friendly OIA guidance, resources, templates and tools for staff. However, its OIA guidance could be improved by providing links from the one-page guidance document to a more robust policy. Its record keeping policy could be improved by including specific guidance on the retention of texts, instant messaging and other forms of communication.

The Ministry has started to release information proactively, and has developed some good practice to support this. The Ministry is working towards a policy to support its practice, and expects to have this in place by August 2018.

The Ministry has a good peer review, or buddy, system to support staff who are new to processing OIA requests, but there is scope to improve this system by publicising within the Ministry the position, identity, and role of all OIA buddies.

Action points
1. Review OIA guidance and template response table.
2. Consider publicising within the Ministry the position, identity and role of all OIA buddies.
3. Clarify the record keeping policy in relation to the retention of texts, instant messaging and other forms of communication.
4. Develop a proactive release policy to underpin current practices.

Current practices

Recently, the Ministry has demonstrably improved its level of adherence to the timeliness obligations of the OIA. It has some commendable practices in relation to recording its decision making processes, which demonstrate that staff have good, technical knowledge of the OIA. The Ministry has also taken a leadership role within a cross-agency 'community of practice' group and applies the Cabinet Manual's '*no surprises*' principle pragmatically.[3]

However, there are some opportunities for improvement. Staff have indicated challenges with using the Ministry's database *Te Puna* to access documents. Some analysis should be undertaken on the root cause or causes of this problem in order to effectively address it.

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[3]   'Cabinet Manual' (2017): Paragraph 3.22.

Media requests for information are dealt with by the Communications team. The Ministry should ensure the necessary systems and training are in place to ensure that all OIA requests by the media are handled in accordance with the Act.

The Ministry had a practice of withholding the names of officials below management level, as a matter of course. However, it has amended this practice, as a result of my provisional opinion that this was wrong. In light of the Ministry's confirmation that the practice has ceased, a formal recommendation is unnecessary.

Action points
1. Consider conducting training needs analysis to understand levels of confidence in storing and retrieving information and develop training accordingly.
2. Ensure that all media information requests are handled in accordance with the OIA.

Performance monitoring and learning

The Ministry is taking some steps to monitor performance in order to enhance its OIA practice, such as the collection of data relating to timeliness and the reporting of this data to its Senior Leadership Team on a monthly basis. The Chief Executive has also introduced a timeliness target of 100 percent for the Ministry's OIA work.

However, there is room for improvement. The Ministry would benefit from collecting more OIA performance data, including in relation to media information requests. Better analysis of this data would be advantageous, as well as the implementation of performance measures and improved record-keeping of OIA requests. I would also encourage the Ministry to consider implementing a framework for assessing the quality of its OIA responses. Lastly, it should consider formalising the process for learning from Ombudsman and State 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. Consider implementing measures to track OIA performance for the agency and individual staff.
4. Consider implementing a quality assurance framework and apply this to the existing peer review processes.
5. Improve record keeping on OIA requests, particularly records of internal and external consultations.
6. Formalise the process for learning from Ombudsman and State Services Commission guidance and reflect this in OIA policies and procedures.

Introduction

The OIA allows 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***.[4] (emphasis added)

Purposes of the Act

The key purposes of the OIA are to:[5]

- 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;

    - 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.[6] 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.

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[4] See s 5 OIA.

[5] See s 4 OIA.

[6] *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 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.*[7]

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.[8] 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.

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[7] 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.

[8] See sections 13(1) and 13(3) of the Ombudsman Act 1975 (OA).

My opinion

I have not identified any conduct by the Ministry that is currently wrong, unreasonable or contrary to law and, as such, I have not made any formal recommendations.[9] While the Ministry did have a practice of blanket withholding of officials names under tier four, in light of its confirmation, in the course of this investigation, that this practice has ceased, and taking into account its overall performance, I am of the opinion that there are currently no administrative deficiencies in the Ministry's official information practices.

As noted in my foreword, the Ministry has agreed to act on all of my suggested action points, and has already begun implementing changes to its practice.

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 from April to 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 (eg the information relating to the OIA on the agency's website and information held by my office on the agency's OIA practices);

- a survey completed by the Ministry;

- a survey completed by Ministry staff;

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[9] Formal recommendations under the OA may only be 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.

- a public survey;

- meetings with key Ministry staff; and

- a meeting with the Chief Executive.

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

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 145 staff responded.[10]

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[10] 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 has:

- Demonstrated that its senior leadership team has a strong commitment to the principle and purposes of the OIA and to openness more generally

- Good internal messaging about the principle and purposes of the OIA, however, its external messaging regarding its approach to the OIA could be improved

- A commitment to proactive release of information and public engagement which is commendable, but the policies supporting these practices require development

- An OIA webpage that publishes a range of useful information in accessible formats online, though this could be improved by making available the OIA policy

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 engagements with those who want to know and understand what work they are doing, and enables compliance with the principles, 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 demonstrate a commitment to the Ministry meeting its obligations under the OIA and actively foster 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 agency's strategic plans thereby 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

Overall, it is evident that the Ministry's senior leadership has a strong commitment to the principle and purposes of the OIA, and to openness and transparency more generally. The aspects that are going well are:

- Internal messaging

- Proactive release

- Public consultation.

Internal messaging

The leadership team at the Ministry is providing positive messaging about OIA compliance and openness, which in turn, leads to a good culture within the agency.

The Chief Executive makes strong statements in support of OIA compliance in a variety of ways, such as her weekly email blog, on the intranet and in staff meetings or kotahitanga.

For example, on 1 September 2017, the following was included in the Chief Executive blog:

> *Our OIA response rate gets reported twice a year, and I wish I didn't have to say this, but the timeliness of our responses is not good ... This hurts out reputation as an open department ... It's also not good for democracy and our service to New Zealanders. I'd like to stress that we can't see OIA requests as an inconvenience: this is an essential, and important, part of our jobs as public servants.*

The blog also states that the Chief Executive expects to see 100 percent timeliness compliance for the next reporting period. I am pleased that the Chief Executive's message to staff discusses both timeliness and the broader purpose of the OIA being '*good for democracy*'.

Another email, sent to all staff on 6 October 2017, stated:

> *#gettingto100percent! ... I am delighted to tell you, since I asked that we collectively focus on lifting out OIA timeliness, we've had a 100% perfect record ... In an effort to maintain (or better) our current results, I'd like to encourage you to take advantage of the deluxe tailored OIA training. We're aiming for all staff to be trained by the end of 2017. It will take an hour of your time, but will make life so much easier when the next OIA hits your team. If you are curious, come and check out the OIA Rainbow Board of Dreams...*

I consider the Chief Executive's use of phrases such as '*#gettingto100percent*' and '*Rainbow Board of Dreams*', to be an innovative way of raising OIA awareness within the Ministry. These phrases, in combination with the Chief Executive's ability to link to why the OIA is important, for instance by saying '*this is an essential, and important, part of our jobs as public servants*', is to be commended.

The staff survey responses support that the Ministry's leaders' internal messaging is pro-OIA. When asked about the Chief Executive's formal and informal statements made about the OIA, 83 percent of respondents stated that the Ministry was either strongly or moderately pro-OIA.

One result of the Chief Executive stressing the importance of the OIA and openness to staff is that there has been an improvement in OIA timeliness performance within the Ministry.

The Ministry reported to the State Services Commission in 2015/16 that 78 percent of OIA requests it handled were within the legislated timeframe. The following year (2016/17), the Ministry reported 75 percent of OIA requests were handled in the legislated timeframe. However, the statistics for 1 July 2017 to 30 June 2018 showed that 90.6 percent of OIA requests it completed were within the timeframe.

One explanation for this improvement is that where there may have previously been delays in the processing and sign-out procedure, a strong emphasis on OIA compliance from the Chief Executive served to ensure staff prioritised OIA requests, so they were completed within the statutory timeframe.

This example demonstrates the positive effect that top-down messaging has, and can serve as, an example to other agencies.

The staff also indicated in the survey responses that the Ministry's senior leadership team were generally positive about the OIA. Eighty percent of staff surveyed stated that senior leaders were either strongly or moderately pro-OIA in communications.

It is encouraging to see that senior leaders at the Ministry have used internal messaging in support of the OIA effectively, to create a positive culture throughout the agency. However, I consider that the Ministry would also benefit from developing new and innovative ways to communicate with staff, such as an OIA event. This would build on the work that the Ministry is already doing, thereby ensuring the positive culture of openness and transparency is continually reinforced.

Proactive release

It was evident from meetings with staff that the Ministry's leaders have begun focussing their attention on the proactive release of information. It is clear the Chief Operating Officer has strategic responsibility not only for official information practice, but also for the proactive release policy. There was a general view that information released proactively may address public interest and help manage the volume of OIA requests.

Proactive release of information is occurring in two ways:

- publishing information which has been released under the OIA; and

- publishing other information such as briefing notes and Cabinet papers.

To support good proactive release, the Ministry has established a Board of Directors with representation from policy areas, communications, legal and ministerial. The Board will review material for proactive release and identify redactions in accordance with the OIA. The first

meeting of the Board was scheduled to occur in July 2018. The draft terms of reference state that the Proactive Release Group will review and advise Ministers on the proactive release of monthly lists of briefing note titles, weekly updates over three months old, and selected briefing notes. I highly commend the Ministry's approach to proactive release and, subject to developing a policy to support it, it is on course to be among the leaders in this area.

A number of meeting attendees said that they considered their agency to be one of the first to release information such as weekly updates to Ministers proactively, and were proud that the Ministry may be a leader in the space. Meeting attendees also generally responded positively to beginning a programme of release prior to formally adopting a policy.

Although I consider implementing a programme of proactive release without policies and procedures to support it to have some inherent risks, which are discussed in more detail in *Internal policies, procedures and resources*, I do also consider it admirable to start. The relatively small size of the Ministry[11] means it can be more flexible and agile than bigger agencies and can take a lead role in releasing this kind of information. However, I encourage the Ministry to develop a proactive release framework as soon as practicable.

Public consultation

The Ministry has reported making improvements in relation to public engagement, and can demonstrate a commitment to conducting open consultations, which it has listed on its website.[12]

In addition, the Ministry is trialling new ways of making public consultation processes more accessible. The agency response states:

> *For the upcoming Zero Carbon Bill, we plan to host online public meetings for the first time, and we are developing an online consultation survey tool. For this programme of work, we have also developed a specific plan for engagement with Māori, iwi and hapū which draws from the early work of the new Crown Māori Relationship unit.*

The Ministry has stated there are currently no formal policies relating to the online survey tool, but it is one example of trialling something new. The goal is for the Ministry to '*work in a more agile and interactive way*'. One meeting attendee also stated that the Ministry is collaborating more with stakeholders on projects, even when there is not a legislative requirement to consult. The approach the Ministry is taking to ensure it is effectively consulting with the public is to be commended.

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[11] 328.7 FTE permanent and fixed term staff in 2017.

[12] http://www.mfe.govt.nz/more/consultations

Opportunities for improvement

There are opportunities for improvement in relation to:

• external messaging;

• the information available on the OIA webpage;

• staff contributing ideas for improvements to OIA practice; and

• senior leaders requiring performance reporting.

External messaging

It is encouraging to see positive messaging on the Ministry's website, such as the Chief Executive's biography stating that she is a *'champion for inclusive growth, transparency and accountability'*. However, I still believe the Ministry could improve on its external messaging to stakeholders. Agencies' strategic plans should ideally include clear commitments to openness, transparency and the availability of official information.

The Ministry has advised that it is currently working toward a 'Partnerships and Customer strategy'. It states that one strategic focus for 2018-19 will be a *'shift in emphasis from reactive to proactive'* and that the Ministry will:

> *Demonstrate to our partners and customers a commitment to openness and transparency.*

The document is not publicly available at this stage, but it does demonstrate to me that the Ministry is moving toward improving its external messaging regarding openness and transparency.

The Ministry has also referred to a document titled *'Strategy on a page'*, which states that the Ministry is *'partnering with purpose'* and engaging early *'in our thinking and doing'*. Again, it is not clear if this document is publicly available and although it discusses public engagement, it does not include an explicit statement about the OIA.

In my view, the Ministry should consider including visible and explicit statements about the OIA and its commitment to openness more generally in its strategic plan and other corporate documents.

Action point
Clear messaging to external stakeholders and the public about the Ministry's commitment to comply with the purposes, principle and requirements of the OIA.

The Ministry's response

The Ministry has advised that it notes the comments about improving external messaging, and that it is taking opportunities to communicate about proactive release specifically.

My comment:

I also encourage the Ministry to include broader messaging about the OIA and its commitment to openness and transparency more generally, in its external messaging. 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

The information published about the OIA on the Ministry's website is a good signal of its leaders' commitment to the implementation of the Act. There is a dedicated OIA webpage,[13] accessible from the homepage.

The page contains the following helpful information for requesters:

- How to make a request

- How long the Ministry will take to respond

- Withholding information

- Where to complain

- A table of information released under OIA, including the date information was released to the requester, what the request was for and a link to the documents released

The webpage includes the following introduction statement:

People in New Zealand can request government information (official information) and can expect it to be made available unless there is a good reason to withhold it.

The Ministry also publishes a range of useful information on its website, some dating back to 1993. Users can search for information by topic, publication type, and year of publication. Information is available in multiple formats, including document types that are both searchable, and accessible to people using a screen reader.

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[13]   http://www.mfe.govt.nz/about-us/official-information-act-requests.

I consider there is scope for improvement of the OIA webpage in the following ways:

- include an overarching statement on how the purpose of the OIA is to enable the public to participate in government decision making and to hold government agencies to account.[14]

- include links to helpful pages or information, such as a link to the Ombudsman website if a requester would like to complain; and

- publication of documents such as internal policies around the OIA and, when they are available, proactive release policies and a proactive release schedule.

The Ministry may want to consider the guidance developed by the State Services Commission, titled '*agency website guidance'.*[15]

Action point
Improve the OIA webpage by providing an overarching statement about the purpose of the OIA, and publishing internal OIA policies.

The Ministry's response
The Ministry has advised that it has made changes to its website, and has improved its messaging. It has informed me that it is something that it will continue to work on and I strongly encourage it to do so. 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 have driven the majority of improvements and progress made in the OIA space, such as the development and trialling of an A3 OIA guidance document. However, it is not evident that there is a mechanism in place for staff to identify and communicate opportunities for improvements in OIA practice or proactive release. Provision of such a system has the potential to obtain innovative ideas from staff, which may enhance processes.

Action point
Provide a system for staff to identify and communicate opportunities for improvements to OIA policies and practice, and proactive release of information.

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[14] For instance, see the Ministry of Justice's OIA page: https://www.justice.govt.nz/about/official-information-act-requests/

[15] http://www.ssc.govt.nz/sites/all/files/oia-agency-website-guidance-dec2017.pdf

The Ministry's response

The Ministry has advised me that it will incorporate this suggestion into a work programme planned for the 2018-19 year. 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.

Reporting to senior leadership

As I will discuss in the *Performance monitoring and learning* section, there is an opportunity for improvement in the reporting on performance and quality of OIA responses. I mention it in this section because if leaders require staff to regularly monitor and report on performance, it sends a clear message to staff that OIA compliance is a high priority. In turn, this creates a feedback loop, which starts with senior leaders providing internal messaging to staff, and leads to performance reports back to those leaders to confirm the effectiveness of those messages. I would also encourage the Ministry to report on the quality of OIA responses, as well as timeliness.

Organisation structure, staffing and capability

Key findings

The Ministry has:

- An OIA model that is suitable for the size of the organisation and the number of OIA requests it receives

- A mixed model that generally works well, but could be improved by considering whether every stage of the review and sign-out process is necessary in all cases

- Formal and clear delegations for OIA decision making

- Good OIA induction training, but specialised OIA training is not mandatory for decision makers

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 aspects that are going well are:

- the 'mixed' or 'devolved' OIA model that generally works well;

- formal and clear delegations; and

- OIA induction training.

The OIA model

The Ministry operates a 'devolved' or mixed model to process OIA requests. In this model, the Executive Relations team performs the administrative functions of receiving, logging and triaging OIA requests with assistance from the Legal team. It then identifies the appropriate

business unit for allocation of the request. The business unit collates the information, considers application of the withholding grounds, and drafts a response.

The Executive Relations team retains overall responsibility for monitoring the progress of requests. It acts as the Ministry's champion to ensure compliance with the OIA's maximum statutory timeframes. The team maintains a whiteboard that records each OIA request the Ministry and Minister have on hand. It also records the received date, the analyst responsible for its progress, and the relevant due dates.

The business unit is responsible for processing the request and preparing the Ministry's response. The responsibility for delivering the OIA response is with the lead analyst who is a subject matter expert. The lead analyst is responsible for:

- finding and collating the material in the scope of the request;

- reviewing the material and proposing any redactions under the OIA;

- identifying where other parties may need to be consulted;

- outlining risks and issues and preparing a memo; and

- drafting a decision letter for sign off by the director.

For assistance, each lead analyst has a Manager, OIA buddy, Solicitor, Communications Account Manager, and Executive Relations advisor assigned to them. The Solicitor assigned to the OIA reviews any proposed decision to withhold official information, and the business unit is required to justify the redactions.

The OIA response goes through a review process. It is reviewed and checked for content by a peer reviewer, a member of the Communications team, and the Legal team. The Manager then approves and signs the memo, and a Director or Deputy Secretary makes the final decision and signs the letter. The Minister's office is sent notification of the OIA for their information. I discuss ministerial notification of OIA decisions further in the *Current practices* section.

Overall, staff who responded to the survey and those who attended meetings were generally positive about the support provided when processing an OIA. There was some concern expressed about staffing levels during spikes in demand, and that timeliness can be an issue. As I discuss below in *Opportunities for improvement*, a review of the effectiveness of the escalation process may address these issues.

It is encouraging to see that the Ministry has expanded the Executive Relations team by two new staff. The Ministry also anticipates that the implementation of its improved proactive disclosure practice may help to reduce the time the organisation spends on responding to OIA requests, due to decreased demand from requesters, as more information will be available publicly.

Delegations

The OIA decision maker is the Chief Executive Officer, or Secretary for the Environment, who delegates the decision to the Chief Operating Officer (Deputy Secretary) or the relevant Director.[16] The majority of OIA decisions are made at Director level.

I am pleased to see that the delegations are formal and clearly written. They require OIA decisions to be made by Director level and above, which demonstrates to me the importance the Chief Executive has given to the Ministry's OIA responses.

The seniority of decision makers also ensures the independence of the final decision is preserved, and minimises the risk of undue influence of Ministers and/or their advisors in the Ministry's decisions on OIA requests. I have reviewed sample files from the Ministry and these indicate that there is a good process in place for assessing and making decisions on OIA requests.

OIA training

All new staff are offered OIA training as part of the Ministry's 'induction checklist', which it states must be completed within three months of joining the Ministry. Although it does not currently have formal records relating to who has attended training sessions, the Ministry has stated that it encourages Managers not to allocate OIA requests to staff until they have completed OIA training. If that is not possible, the Executive Relations team will provide individuals with one-on-one training.

I have reviewed the Ministry's induction training and consider it to be a good 'beginner's guide' to the OIA. I am pleased to see the training outlines the broader importance of the OIA, stating:

> *No Act – no democracy?! Information is fundamental to a well-functioning democracy!*

The training covers the key principles of the OIA and a broad outline of what a lead analyst is required to do. The training touches on scoping, analysis, withholding information, recording analysis, redacting, writing the memo and response letter, and the review process.

The training does not go into detail about applying the withholding grounds, which could be seen as an area of weakness. One meeting attendee said more specific training is available when an analyst receives an OIA request. They said it might be a few months between receiving OIA training and dealing with an OIA request, and some points may be forgotten by that time. The Legal team provides one-on-one guidance as required, which is a good method of training if used in combination with group sessions. As I discuss further under *Specialised training*, improvements are advisable.

Further, a peer reviewer is allocated to the analyst once they have received their first OIA request. The peer reviewer or 'buddy' provides further support and assistance on processing

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[16] Tiers 1, 2 and 3 of the Ministry's management structure.

the OIA request. The peer review system is discussed further in *Internal policies* and *Current practices*.

The Ministry states that it runs tailored training, specifically for Managers. The Manager's training covers some theory such as the principle of availability, and stresses the importance of complying with the 20-day maximum timeframe. It also outlines some potential problems that may arise.

The training does not go into detail about specifics such as applying the withholding grounds. The training also does not outline that a decision on a request should be made and communicated *'as soon as reasonably practicable,'* and that the 20 working day timeframe is a maximum timeframe. However, a meeting attendee said the PowerPoint alone is not representative of the detail covered, as it is used to lead discussion during the training. Through discussions with meeting attendees, it is unclear how often the training has occurred for Managers.

On the whole, the Ministry's training appears to be effective, and this is reflected in comments received through the staff survey. Comments received from 79 percent of respondents said they felt adequately trained to work on an OIA request. Staff also felt the 'buddy system' supporting staff with their initial OIA requests worked well (see *Current practices* for details). While some staff commented that the training was basic and that refresher training would be helpful, 37 percent of staff indicated that they had received a general refresher training session, which suggests refresher training is available and staff generally are aware of it.

The Ministry's system of sharing responsibility for each OIA request between business units, Executive Relations and the Legal team means that decision makers have a robust support network in place before reaching their decision. This system appears to work for the Ministry due to its smaller size and relatively low number of OIA requests received.[17] However, it may not be an efficient system for all agencies.

Opportunities for improvement

While I am generally pleased with what I have observed in terms of organisational structure, staffing and capability, I have identified a number of opportunities for improvement:

- specialised and targeted OIA training;

- improving structural resilience; and

- the OIA process.

Specialised training

I have identified that while OIA training is offered at induction, and Managers get some specialised training, there is no specific training for Directors who are ultimately the OIA

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[17] Number of staff in 2017 – 328.7; number of OIA requests received July 2015 – June 2016 – 104; number of OIA requests handled July 2016 to June 2017 – 118.

decision makers. While I appreciate that many Directors may have experience and good support mechanisms in place, relying on an individual's knowledge and past experience to make the appropriate decision underestimates the benefits of ongoing training and regular refreshers, including any changes in law or new opinions issued by my Office. This can leave the Ministry vulnerable to unintended poor practice and decisions that are passed on to other staff and then embedded into practice. The benefits of requiring regular training for decision makers include:

- it would demonstrate leadership from the top, that responding to OIA requests is core business and should be prioritised;

- it would test officials' understanding and knowledge;

- it would promote efficiencies and consistencies in decision making; and

- it would demonstrate commitment to support and grow the professional development of staff.

I also note that those processing OIA requests are not provided with specialised in-depth training. However, due to small numbers of OIA requests received[18], and the devolved nature of the OIA model, I understand that it may be more efficient for the Executive Relations or Legal team to provide specialised one-on-one training as required.

As I discuss 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.

As the Ministry is aware, staff from 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 team and decision-makers).

Another potential area of weakness is training in information and records management. As outlined in *Current practices*, many staff who responded to our survey stated that it was difficult to retrieve information from the information management system, '*Te Puna*'. A number of meeting attendees stated that a reason for this might be low attendance at information management training. The Ministry said that it offers weekly induction sessions, but new staff have a choice as to whether to attend.

One area for improvement is making training such as information management training and OIA training compulsory for new staff. I am of the view that keeping an accurate record of attendees and having a central unit responsible for following up on training not attended would alleviate some of the issues identified with training.

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[18]   Average of 111 a year for years 2015-16 and 2016-17.

Action points
Specialised training for OIA decision makers (Directors).
Consideration of more in-depth training for OIA processors (Analysts) and the Communications team.
Ensure all staff complete induction training in OIA and records management, and there is an accurate record of attendance.

The Ministry's response

The Ministry has advised that:

Training will be a big factor in our OIA improvement programme for 2018/19. In particular, we will be looking at how to encourage more analysts and managers to attend sessions by making them more engaging, developing specific training for Directors, and ensuring Executive Relations staff have access to specialist training.

My comment:

As noted above, I encourage the Ministry to implement compulsory training for new staff at induction, and consider taking firm steps to require staff such as decision makers to attend targeted training on the OIA to ensure the Ministry is not vulnerable to unintended poor practice and decisions that then embed into practice. I also encourage the Ministry to ensure that the Communications team receives targeted 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.

Resilience

Overall, I consider the Ministry has some in-built level of resilience because OIA decision making is not dependent on one or two key staff. However, during the course of the investigation, it became clear that the Ministry has had to deal with spikes in demand for information it holds which has put pressure on the Executive Relations team and the analysts in the business units who are responsible for processing OIA requests.

Of staff surveyed, 56 percent felt that the Ministry would not be able to cope with a sudden increase in requests. The recent addition of two staff in the Executive Relations team may alleviate this. However, the analysts in business units, who are responsible for processing OIA requests alongside their day-to-day work, may still be stretched. There is also a risk that some directorates could get overloaded, particularly if there is a demand for information from a particular area.

While there appears to be an effective working relationship between Legal, Communications and the Executive Relations team, I would encourage the Ministry to establish more formal

connections between the various directorates to understand demand and where resources could be shared.

Staff noted that there is currently no established mechanism to allow a business unit to temporarily 'borrow' OIA capacity from another unit. Staff thought such a capacity would better allow the Ministry to address incoming OIA requests as a whole, without the need to bring in contractors. One suggested improvement is a visible electronic dashboard, showing OIA statistics, timeliness, and the responsible area. If managers were able to view where the bulk of OIA requests are situated, other directorates may be able to assist those which were struggling with workload.

Action point

Establish and formalise a mechanism to allow business units to assist other units when there is an influx of OIA requests in one area.

The Ministry's response

The Ministry has advised me that it will incorporate this suggestion into a work programme planned for the 2018/19 year. 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.

The OIA process

Some aspects of the Ministry's OIA process require review to ensure that the appropriate level of peer review is applied to each response, while also providing information to requesters without undue delay as per the requirements of the OIA.

Currently, every OIA response is reviewed by a peer reviewer, a member of the Communications team, a member of the Legal team, a manager, and a Director or the Deputy Secretary. I am concerned that engaging up to five staff members to review a single response may put the Ministry at risk of breaching its obligation under the OIA to make and communicate a decision '*as soon as reasonably practicable*' and to provide information '*without undue delay'.* While the Ministry may deem this process necessary on particularly complex and sensitive issues, I question whether this level of review is required for all OIA responses, and I encourage the Ministry to review its practice in this regard.

For example, meeting attendees have informed me that the role of the Communications team in reviewing OIA responses is to assess the potential impact of the release and prepare for potential enquiries. It is not always necessary for the team to provide input on the response. Where this is the case, the Ministry should consider sending the final response to the Communications team in sufficient time to prepare a media response if required, but as an 'FYI' only, rather than as a step in the review process.

There is also scope for the Ministry to employ a more pragmatic approach to the scoping stage of its process. In particular, it would be helpful to empower staff to engage with requesters on the nature, or scope, of their request before it is allocated to the appropriate business unit for processing. Engaging with requesters and getting to the heart of what the requester is seeking may further streamline the OIA process, while having benefits in making scoping and allocation easier, and enhance relationships with stakeholders.

Action points
Streamline the OIA review process and consider whether the current procedure is necessary for all OIA requests.
Consider the role of the Communications team, and review whether it is appropriate for the unit to comment on all material for release.

The Ministry's response

The Ministry has advised me that it will incorporate this suggestion into a work programme planned for the 2018/19 year. 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 has:

- Some sound OIA guidance, resources, templates and tools. However, the guidance could be improved by linking it to more substantial policy

- Good proactive release practice, including the formation of an internal practice group, but the policy still needs to be developed

- A great peer review or buddy system, but it could be improved to provide more support for staff

While it is not a legislative requirement, nor an assurance that compliance with the OIA will occur, I do expect as a matter of good practice that the Ministry develop or adopt 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 in their work 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 majority of respondents to the staff survey said they find the Ministry's policies and resources for responding to OIA requests useful or very useful.[19] In particular, I find the following aspects are going well:

- a sound, practical OIA guidance document;

- resources, templates and tools; and

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[19] Very useful – 14.84%; useful - 57.03%

- record keeping policies and practices.

OIA guidance document

The Ministry has the following documentary resources for handling OIA requests:

- An A3 page of guidance entitled '*Leading an OIA request response at the Ministry for the Environment*'.

- An OIA memorandum template for each request which records (among other things) scoping, consultation and public interest considerations.

- OIA letter templates (link to Office of the Ombudsman's templates).

- A response table detailing every document considered, the decision, the reasons for any withholding, public interest considerations, and whether the document was previously released.

The Executive Relations team, with support from the Legal team and analysts, recently developed the one-page A3 process-oriented guidance document. When a request is allocated to an analyst, they are given a copy of the guidance document, which includes information on timeframes, scoping, feedback loops, legal, peer review, quality control and sign-out.

I consider it a sound and practical document that is particularly helpful to staff who are new to processing OIA requests. I applaud its strong opening statement about *'Why does [the OIA] matter?'* This is a positive message to staff about the Ministry's recognition of the constitutional importance of the OIA, and its role in supporting open and transparent government.

However, I consider there are opportunities to enhance this document, which I discuss below in *Opportunities for improvement*.

Resources, templates and tools

The OIA memo template and the response table are good tools for reminding those dealing with OIA requests to consider and record:

- their reasons for relying on a withholding provision; and

- their consideration of the public interest in release.

The peer review system, whereby an analyst is assigned an 'OIA buddy,' who provides assistance at key points through the process of responding to a request, is another tool the Ministry uses to assist those dealing with OIA requests. This system has potential to not only add to quality development and control, but to build resilience within the Ministry.

However, there are *Opportunities for improvement*, which I discuss in the section below. I have identified an issue with the response table and I consider a refinement to the buddy system may enhance its potential.

Information management policies

The Ministry's primary information management system is called *Te Puna.* An Information and Data Policy is available on the intranet. This policy provides for security, retaining and disposing of records, and assigned responsibilities for staff at different levels. It contains links to further documents on information management strategy, guidelines and factsheets.

Information management training is provided at induction and there are two follow-up training sessions. However, as discussed in *Organisation structure, staffing and capability,* attendance numbers are unclear. Refresher courses are provided periodically and 'hints and tips' are published on the intranet. The intranet page also contains links to 'User champions'.

Taken together, the Information and Data Policy and the information available through the Information and Technology page on the Intranet constitute comprehensive records and information management policies that are easily accessible.

Notwithstanding the above, I have identified an opportunity for improvement which I discuss below under the subsection *Guidance on record keeping formats*.

Opportunities for Improvement

There are opportunities for improvement in relation to:

- internal OIA policy;

- peer review or buddy system;

- information management policy; and

- proactive release policy.

OIA policy

I understand that the Ministry made a considered decision to provide short, user-friendly guidance on its OIA practice, so that it is process-oriented and the document makes it clear to staff who to go to for further help. However, the guidance lacks advice on some crucial aspects of the OIA process. The present A3 guidance could be enriched by referring to significant aspects of the OIA (either in the document itself or through a hyper-link to a fuller guidance document) such as:

- the definition of 'official information;'

- identifying the type of OIA request received (Part 2, 3 or 4 of the OIA) and distinguishing from the Privacy Act;

- how to consult and provide reasonable assistance to the requester;

- how to apply withholding provisions and the public interest test;

- charging (including considering whether to fix a charge);

- dealing with urgent requests; and

- protection for release of official information in good faith (section 48 of the OIA).

The Ministry has stated that staff refer to the OIA or to Ombudsman guidance when dealing with complex OIA requests, and significant support from the Executive Relations team and the Legal team is provided. However, it may be beneficial to include links to useful resources on the A3 guidance, where staff can be directed to guidance that is more substantive. This would enable accessibility to more extensive guidance within the one document, which is a more efficient practice and is likely to be 'clicked' on and referred to.

As discussed in *Current practices*, the Ministry's response table also needs to be reviewed to take account of the change in practice about the withholding of officials' names.

My Office is available to assist in the reviewing of guidance.

Action point
Review OIA guidance and template response table.

The Ministry's response
The Ministry has advised me that it will incorporate this suggestion into a work programme planned for the 2018/19 year. 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.

Peer review system

The 'buddy system' is a good tool. However, I understand OIA 'buddies' are not clearly identifiable to all staff.

I consider a potential area of improvement would be making the position, role and identity of OIA 'buddies' more visible, for instance on the intranet or by having a visible electronic dashboard. This would mean there would always be someone to go to (OIA Champions) to assist when staff who might have the role and experience are away, leave or when there is an increase in OIA requests.

Action point
Consider publicising within the Ministry the position, identity and role of all 'OIA buddies'.

The Ministry's response
The Ministry has advised me that it will incorporate this suggestion into a work programme planned for the 2018/19 year. 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.

Guidance on record-keeping formats

The information management policy discussed above does not address the issue of creating appropriate records for work-related texts sent and received.

The Information and Technology section on the intranet contains links to further guides which detail how to use the information management system, what information must be stored, and the approved information formats. There is an explicit directive that '*texts are not an approved records format*'. I understand that the Ministry also uses posters to emphasise that texts and instant messaging are not Ministry approved records. While it is positive that the Ministry provides a clear message that texts are not an appropriate record format, care needs to be taken to ensure that *if* work texts are sent or received, they are converted into an approved format and stored in *Te Puna*.

Action point
Clarify the record-keeping policy in relation to the retention of texts, instant messaging and other forms of communication.

The Ministry's response

The Ministry has advised me that it will incorporate this suggestion into a work programme planned for the 2018/19 year. 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 policy

As noted in *Leadership and culture* above, the Ministry has taken some very positive steps in the area of proactive release of information. The Ministry reported that its increased focus on proactive release is due to a '*large increase*' in OIA requests since the change in government.[20] As a result, it is seeking to publish the full list of briefings that it provides to Ministers and all weekly updates to Ministers, as it stated in the agency survey that '*we get many OIAs asking for this material*'.

The Ministry has stated that the proactive release of official information and other material is a '*new area*', and it is still developing its policies and protocols. One meeting attendee said that

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[20]   2016-2017 – 56 OIA requests 29 percent from political parties, 2017-2018 - 120 OIA requests 78 percent from political parties.

they have decided to '*start by starting*', and they plan to develop policies and guidelines once the practice has been trialled. Another meeting attendee said the '*philosophy is to start somewhere, but the aim is to take it further*'.

One risk of starting the practice of proactive release prior to development of a policy is the possibility of inconsistent practice across the organisation. Although there is no current policy, it is clear the development of a proactive release policy is a priority and is underway with the appointment of a staff member to lead the work. It is encouraging that the Ministry has advised that a proactive release policy was expected to be adopted by August 2018.

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
Develop a proactive release policy to underpin current practices.

The Ministry's response:

The Ministry has advised that it is looking to adopt a proactive release policy in August 2018. The Ministry notes:

In our view, the risk of operating without a final policy in place has been minimised by the implementation of the Proactive Release Board and significant oversight from the Manager of Executive Relations and Director of Communications and Engagement.

My comment:

I acknowledge the Ministry's comment that these steps may have mitigated the risks raised above regarding a lack of proactive release policy. However, for the reasons set out above, it is important that there is a policy in place to guide proactive release work, and I am pleased that the Ministry has taken these steps to develop a proactive release policy.

Current practices

> **Key findings**
>
> The Ministry:
>
> - Applied a blanket policy of withholding the names of certain officials which was wrong, but has subsequently advised that it has ceased this practice
>
> - Has some commendable practices around recording decision making on OIA requests, and can demonstrate that staff have a good, technical knowledge of the OIA
>
> - Is engaged, and has taken a leadership role, within a cross-agency 'community of practice' group
>
> - Has employed practices that have dramatically improved its timeliness in providing OIA responses
>
> - Applies the 'no surprises' principle pragmatically

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.

Aspects that are going well

The Ministry's practices are generally sound and allow it to comply with its obligations under the OIA. Of note, the Ministry:

- has focused on OIA timeliness and, as a result, has improved its performance significantly;

- documents its decision making process on OIA responses;

- has implemented an appropriate policy for interacting with its Ministers' offices;

- has a 'buddy' system for guiding staff who are dealing with OIA requests; and

- participates and takes a lead role in a 'community of practice' group.

Focus on OIA timeliness

As discussed earlier, under *Leadership and culture*, the Ministry's commitment to reversing a trend of poor compliance with OIA timeliness obligations is laudable.

Staff's considerable effort in this respect is reflected in statistics. In the 2016/17 financial year, the Ministry responded in time to only 76 of 109 OIA requests (70 percent). In the 2017-18 financial year, the Ministry responded in time to 127 of 138 requests (92 percent), which is a considerable improvement. I note this statistic was limited only to those OIA requests handled by the Executive Relations team, not those requests made by the media and handled by the Communications team. I encourage the Ministry to base its statistics on requests received by both the Executive Relations team and the Communications team to ensure a comprehensive overall picture of the Ministry's performance.

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*.

Documenting decision-making process on OIA requests

The Ministry employs good practice in relation to recording its decision-making on OIA requests, by capturing the information in a memo provided to the Director who is the assigned signatory for the response. Such a practice assists in providing a response to an Ombudsman in the event of a complaint, and when required to provide grounds in support of its reasons for refusing an OIA request if sought by the requester.[21]

Where it is necessary to do so, the memo also contains details of the administrative steps required to respond to a request. Documenting the time taken to search for and collate a sample of documents within the scope of a request for a large amount of information can assist an agency in responding to an Ombudsman's investigation where a complaint is made about a refusal on administrative grounds, or about a decision to charge for the supply of information.

In a sample file provided to this office, an administrative withholding ground was invoked which required, under section 18A of the OIA, that the Ministry consider fixing a charge for the supply of information, or extending the time limit for response. I am pleased to note that the Ministry considered these factors, and documented the details of its considerations in the covering memo.

Overall, the sample memos provided to this office in support of my investigation show a reasonable level of detail around the decision-making process where withholding grounds applied, and a good technical knowledge of the OIA. I commend the Ministry for its practice in this regard.

However, as noted in *Performance monitoring and learning*, some improvements to record keeping are possible. From the sample files my staff reviewed, it does not appear that Ministry

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[21] See s 19(a)(ii) OIA.

staff always save relevant documentation such as emails about the processing of the request in its database.

Interaction with the Ministers' offices

The Ministry recently reviewed its process in terms of Ministerial input into departmental OIA requests. The Ministry no longer provides all OIA responses to the Ministers' offices as a matter of course. Instead, it provides a list of OIA requests received to the Ministers, who then flag those they are interested in viewing. When responses are forwarded to a Minister's office, this is done only a short time (24 to 48 hours) before the response is sent to the requester. I consider this to be an appropriate and pragmatic application of the 'no surprises' principle,[22] ensuring the Ministry does not breach its obligation under the OIA to provide information to requesters without *'undue delay'*.

'Buddy' system for OIA responses

The Ministry employs an OIA 'buddy' system, whereby newer staff are assigned another, more experienced staff member to guide them in scoping and compiling information for the response, then conduct an initial peer review of the documents for release, the response letter, and the covering memo.

I discuss some suggested improvements to this system above, under *Internal policies, procedures and resources*. Notwithstanding these suggestions, I commend this practice as a pragmatic method of sharing OIA knowledge amongst staff members and ensuring consistent, quality responses to OIA requests.

Participation and leadership role in a 'community of practice' group

The Ministry has advised of its participation in a cross-agency 'community of practice', which is a forum of practitioners in the OIA environment. I understand that the group has already discussed some important topics, such as agencies' respective approaches to proactive release policies. I strongly encourage this initiative and I welcome any approach from the group to my Office if our guidance on any relevant topic can be of assistance.

It is particularly encouraging to note the Ministry has taken a leadership role within this group, with the Manager of Executive Relations chairing these meetings.

Opportunities for improvement

Withholding public sector officials' names

It was identified in discussions with staff, and from the Ministry's response table (see *Internal policies, procedures and resources*), that there was a practice of blanket withholding of the names of public sector staff who are under fourth tier management.

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[22] See above note 3.

The Ministry's response table provided some inaccurate advice on the application of section 9(2)(a) of the OIA by indicating that there needs to be a public interest in release of the identity of an official below managerial level. This incorrectly reversed the presumption of availability and implied a 'class withholding' approach. Blanket withholding of public sector officials' names under the OIA has been considered in various published opinions.[23] Adopting such a practice leaves agencies vulnerable to making decisions that are not compliant with the OIA.

Ministry's response

The Ministry has advised that it has changed its practice and will no longer withhold officials' names on a blanket basis, but only where there is good reason to do so in the circumstances of a particular case.

My comment:

In light of the Ministry's confirmation that this practice has ceased, a formal recommendation is unnecessary. As noted above, under *My Opinion,* taking into account the Ministry's practices as a whole, I am of the opinion that there are currently no administrative deficiencies in this regard.

Information management retrieval

Thirty percent of staff did not think that information management practices made it easy to collate information when it is requested under the OIA. A number of staff said they were not sure they could respond to an OIA request without talking to the people who generated the records. While checking with relevant staff is good practice to ensure all information is found, this may also indicate a lack of confidence in the ability to conduct an effective search. It may be that *Te Puna's* capability is not being fully realised by some staff.

In terms of the OIA, it is always a concern if staff feel that they may not be locating all relevant information to respond to a request. A survey of information management and record keeping training needs might be useful here, particularly for existing staff who may not have had recent induction training or attended recent refresher courses. The survey could be targeted to levels of confidence in storing and retrieving information.

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[23] See:

http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/532/original/identities_of_submitters_and_staff_involved_in_decision.pdf?1358974467

http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/1076/original/295849_investigation_of_refusal_to_provide_information_about_staff_working_on_vaccine_approvals_and_immunisation_programmes__2_.pdf?1443153109

Action point
Consider conducting training needs analysis to understand levels of confidence in storing and retrieving information, and develop training accordingly.

The Ministry's response
The Ministry has advised me that it will incorporate this suggestion into a work programme planned for the 2018/19 year. 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 media enquiries according to the demands of the 24-hour news cycle. However, the Ministry must be mindful that the procedure and decision on any requests for information are governed by the OIA.[24] This has little practical impact on current practices when the media team is able to fully meet the requester's needs in their preferred timeframe but, it is essential the OIA be complied with in all respects.

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

- provide the reason for the refusal and, if requested, the grounds in support of that reason; and

- advise the requester that they may complain 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 OIA. This may require some changes to the current OIA process, such as reviewing whether the review and sign-out procedure is required in all cases. This should also include providing specific guidelines and training for the Communications team on their obligations under the OIA.

Action point
Ensure that all media information requests are handled in accordance with the OIA.

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[24] This applies when the request is for information already held by the agency. It does not include requests for the creation of fresh information such as a comment on a particular issue.

The Ministry's response

The Ministry has advised me that it will incorporate this suggestion into a work programme planned for the 2018/19 year. 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.

Accessibility of information

In addition to the above, I also encourage the Ministry to review the accessibility of the format in which it releases OIA responses to requesters. The agency survey states that responses are provided as a searchable PDF, however, it is unclear to me whether this format is compatible with screen readers for those who require them. If this format is incompatible with screen readers, the Ministry may wish to ask requesters if a compatible format is required.

Performance monitoring and learning

Key findings

The Ministry:

- Has performance objectives for timeliness

- Is able to extract key timeliness information from its tracking spreadsheet, and use this data to report monthly to senior leaders

- 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 (other than a timeliness target for the Ministry overall)

- Although it has some sound practices around the recording of its decision making processes, these could be strengthened

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 respect of requests for access to 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

As set out above, the Ministry has taken steps to improve timeliness after poor results for the 2015-16 and 2016-17 financial years. This has been driven in part by the Chief Executive setting an ambitious target of meeting 100 percent timeliness for departmental OIA requests. This target is higher than the 95 percent goal that is reported in the Ministry's Annual Report for 2016-2017.[25] I note this statistic was limited only to those OIA requests handled by the Executive Relations team, not those requests made by the media and handled by the Communications team.

The Ministry is able to extract some information about OIA performance from its tracking systems, being the type of requester, the number of transfers, and the time from receipt of the request to communication of the decision. This enables it to track performance in relation to the OIA's timeframe requirements.

OIA performance statistics form part of the monthly Organisational Health Report presented to senior leadership.

The Executive Relations team have daily stand-up meetings that were established as a measure to improve timeliness throughout the agency. These meetings assist the team in keeping track of all OIA requests on hand, and identifying where they may need to work more closely with the analyst or manager to *'get an OIA back on track'.* There is also an initial scoping meeting for each OIA request, where key members of staff can have an early discussion and share knowledge as necessary.

There is an ad hoc system for disseminating guidance released by my Office and the State Services Commission, with selected individuals keeping abreast of updates and distributing these to relevant individuals by email and on the intranet. The same applies for communicating the outcome of investigations I have completed.

It is encouraging to see that the Ministry is taking steps to discuss best practice externally. As discussed in *Current practices*, the Manager, Executive Relations chairs an inter-agency meeting, where various agencies discuss key issues and themes related to the OIA.

Opportunities for improvement

While timeliness and completion rates 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 compliance rates, this information should include:

- the type of request (Part 2, 3 or 4 of the OIA);

- reasons for transfers, and whether the transfer was made in time;

- the number, length and reason for extensions;

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[25] http://www.mfe.govt.nz/sites/default/files/media/About/soi-annual-report-2017.pdf, p 81.

- the outcome of the request (granted in full, granted in part, refused in full);

- the number 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; and

- the time from receipt of the request to release of the information.

I also consider there would be benefit in collecting data related to staffing hours spent on OIA work.

Another issue to note is the importance of capturing information requests that may be dealt with by the Ministry's Communications team. In the absence of data from the Communications team, there is in an incomplete picture of the Ministry's OIA performance. I strongly encourage the Ministry to base its reporting on OIA compliance on the combined total of OIA requests handled by both the Executive Relations and Communications teams. Including these in the Ministry's OIA tracking system would help to ensure a comprehensive overall picture of OIA performance.

Finally, there would be benefit in the Ministry tracking the requester, and the subject matter of a request, to enhance its ability to locate similar, previous requests, therefore either ensuring consistency of decision-making or justified departure from previous practice. At present, I understand that this check is a step in the decision-making process, however, it is currently reliant on institutional knowledge, rather than the ability to extract information from a database.

I understand that the Ministry is currently upgrading its tracking system. The Ministry has stated that it has committed significant funds to the project, which is due to commence in the new financial year. This is encouraging to see as it will enable the Ministry to track and analyse more than just timeliness data. This will also provide the Ministry with the opportunity to report to its leadership on emerging themes or trends, opportunities for the proactive release of information, resourcing needs, capacity or capability issues, and the outcome of any Ombudsman investigations. This tracking will be particularly important for the Ministry given its mixed model, and the need to track OIA performance and capability across the various directorates.

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 that it has recognised tracking themes and workflow management as an area for improvement, and that it is looking to make changes to improve reporting prior to the implementation of its new tracking system.

It notes *'understanding trends will allow us to anticipate OIAs and share resources.'*

Performance measures and quality tracking

As noted above, the Ministry currently has an agency performance objective to respond to 100 percent of OIA requests within the statutory maximum or extended timeframe. However, it is apparent that there are no other performance measures to indicate individual, team or agency OIA performance.

As noted in *Organisation structure, staffing and capability,* the Ministry has a complex sign-out process that every OIA request is required to go through. While, as discussed above, there may be benefit in reconsidering whether this full process is required for every OIA, it certainly affords the agency the opportunity to ensure that an OIA request has been thoroughly peer reviewed and quality checked prior to the decision being communicated to the requester. It also helps to ensure that feedback can be passed down the chain, allowing the analysts who are tasked with preparing a response the ability to learn and improve. To improve this process further, the Ministry may wish to consider a set of criteria that each response is to be assessed against throughout this process, and/or a random quality assurance check of closed files on a regular basis.

If the Ministry was 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:

- an enhanced ability to track themes of requests and identify opportunities for proactive release;

- an 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 an increase in proactive release, affect the OIA workload.

Action points
Consider implementing measures to track OIA performance for the agency and individual staff.
Consider implementing a quality assurance framework and apply this to the existing peer review processes.

The Ministry's response

The Ministry has advised:

> *While we do not currently measure quality, it is possible that our robust sign-out process actually improves the quality of OIAs. This is supported by the fact that we receive few complaints. We will look at implementing quality measures as part of our OIA improvement schedule.*

My comment:

I understand that the Ministry has a robust sign-out process that will help to ensure quality responses to OIA requests. However, the Ministry could enhance this process by implementing quality measures to assess each response against throughout the sign-out process, to ensure that each response meets a Ministry standard.

The Ministry could also use a similar checklist to complete an assessment of a randomly selected number of closed files on a regular basis assessing such things as consistency of decision making, whether Ministry processes and templates were used and followed, and ensuring appropriate contextual information was provided to the requester. In this way, implementing quality assurance need not be burdensome for the Ministry, but it would greatly assist it in ensuring quality of all responses.

I also strongly encourage the Ministry to consider OIA related performance measures for staff and for the agency, other than timeliness measures. This also need not be burdensome, and could fit within the existing human resources framework that the Ministry has in 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.

Record of decision making process

As noted earlier under *Current practices*, the Ministry has a memorandum prepared by the analyst responsible for each OIA request, which goes some of the way to recording the decision making process and the reasons behind the decision.

I understand that there is also an expectation that staff save other documentation, such as emails setting out internal and external communications in the Ministry's information management system. However, from the sample files my staff reviewed, it does not appear that this always happens.

In cases where the final decision was to refuse any part of the request, a failure to keep adequate records could inhibit the agency's ability to explain to an Ombudsman why it came to the decision at the time it was made. Therefore, while the Ministry does certainly take some steps to ensure that the decision making process is recorded, it could do more to keep full records of such considerations as the outcome of any third party consultations, its consideration of the relevant withholding grounds, and the public interest test.

Further, as noted above, failure to adequately record the details of OIA requests can make it difficult for other staff within the Ministry to locate similar, previous requests. I understand that this scan is a step in the process when an analyst is allocated an OIA, however, with the current tracking system the Ministry has in place, there is a reliance on institutional knowledge to complete this scan, rather than the ability to complete a documentary search.

Action point
Improve record keeping on OIA requests, particularly records of internal and external consultations.

The Ministry's response
The Ministry has advised me that it will incorporate this suggestion into a work programme planned for the 2018/19 year. 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 the State Services Commission, 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 agency. There would therefore be a benefit in developing a formalised mechanism to share updates throughout the agency, 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 agency.

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 will incorporate this suggestion into a work programme planned for the 2018/19 year. 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).[26]

Purpose of the investigation

The investigation will cover how the agency 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 agency'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.[27]

Scope of the investigation

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

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

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

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[26] See sections 13(1) and 13(3) of the Ombudsmen Act 1975 (OA).

[27] 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 agency'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 agency'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 agency, 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 agency'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 agency officials about their experience of the agency's OIA culture and practice within the agency.

A survey of key media and stakeholder organisations that have sought information from the agency. 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 agency's Chief Executive, the investigation team will meet with staff within the agency 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 agency's intranet.

- A review of a sample of files held by the agency 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 agency 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 the Environment's official information practices. The draft will be provided to the Ministry's 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 the Environment 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.[28]

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 agency'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.

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[28] 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:

1. Leadership and culture

2. Organisation structure, staffing and capability

3. Internal policies, procedures and resources

4. Current practices

5. 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 Act[29] 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, 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	✓ 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.

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[29] '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)

Senior leadership have established an effective official information strategic framework which promotes an official information culture open to the release of information	✓ The agency has a strategic framework committed to promoting
	   – 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:
	   – 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 is structures, resources, capacity and capability through regular reporting. Issues are actively considered and addressed.

Element	Things to look for (indicators)

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	✓ 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:
	  – 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:
	  – 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:
	  – 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.	✓ An appropriate, flexible structure exists to manage official information requests which is well resourced reflecting the: – 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: – 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 compliance[30] – 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.

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[30] 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	✓ 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	✓ Good policies, procedures and resources exist for receipt and assessment of requests, which cover:
	  – what is official information
	  – identifying the type of official information request received (Part 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:
	  – 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)
	– 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:
	– 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	✓ 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:
	   – 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	✓ The agency has accurate and comprehensive proactive release policies and procedures
	✓ The policies and procedures cover the release of such things as:
	  – 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	✓ 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.

Good record keeping and management practices	✓ 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 *Good records and information management policies, procedures and resources*.
Good proactive release practices	✓ The agency's entry in the *Directory of Official Information* 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)

The agency has an established system for capturing data to inform meaningful and appropriate performance measures	✓ Performance measures include:
	   – 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:
	   – 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)
	– 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. ✓ 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	✓ 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)
The agency learns from data analysis and practice	✓ 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 the Environment

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, 145 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 (145)

Q2. Are you an employee or contractor of your agency? (145)

5

140

KEY

▬ Employee   ▬ Contractor
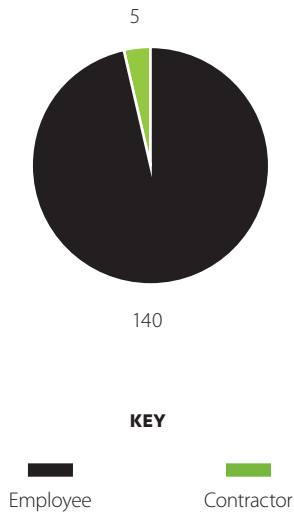
Q3. How long have you worked at the agency? (145)

27

41

22

55

KEY

▬ Less than 1 year   ▬ Between 1-3 years   ▬ Between 4-6 years   ▬ More than 6 years
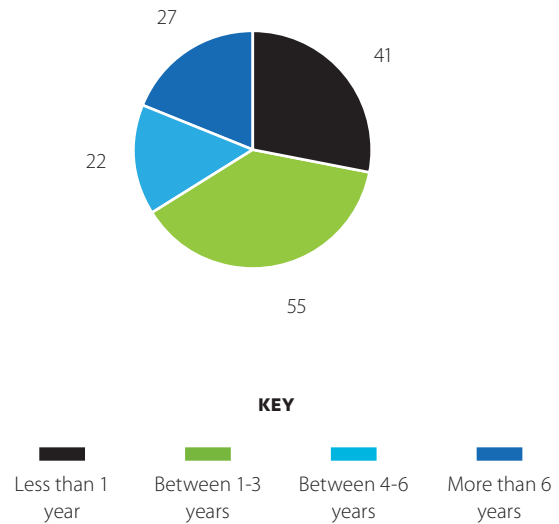
Q4. Thinking about communications received from Ministers, how would you rate the signals sent by your Minister(s) about the OIA? (133)

| 33 | 29 | 25 | 6 | 0 | 40 |
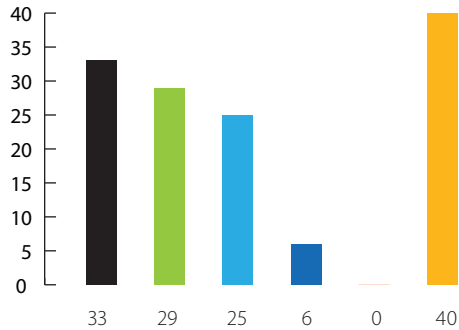
Q5. Thinking about factors such as internal emails, memos, publications and formal or informal statements made to staff, how would you rate the signals sent by your Chief Executive about the OIA? (133)

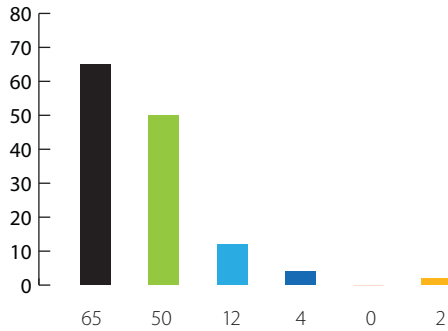| 61 | 49 | 11 | 2 | 0 | 10 |
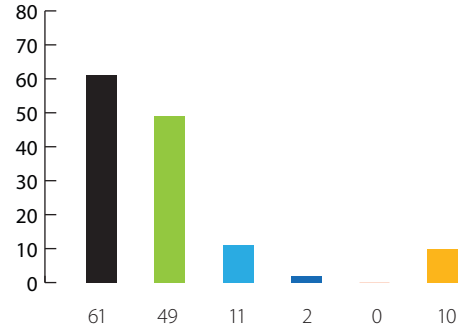
Q6. Thinking about factors such as internal emails, memos, publications and formal or informal statements made to staff, how would you rate the signals sent by the senior leadership team about the OIA? (133)

| 46 | 60 | 11 | 5 | 1 | 10 |
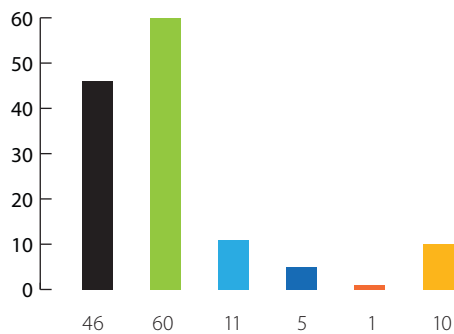
Q7. Thinking about factors such as internal emails, memos, publications and formal or informal statements made to staff, how would you rate the signals sent by your immediate manager about the OIA? (133)

| 51 | 52 | 12 | 10 | 2 | 6 |

KEY

| Strongly pro-OIA | Moderately pro-OIA | They are silent on this issue | Moderately anti-OIA | Strongly anti-OIA | Don't know |
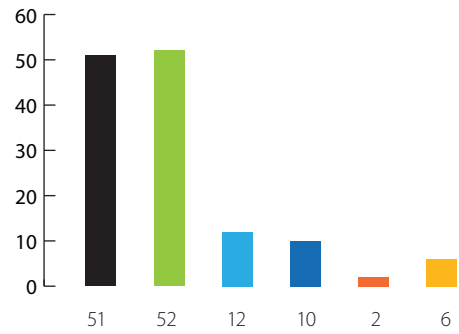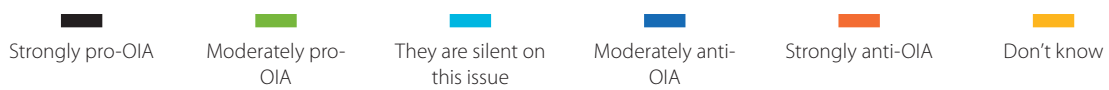
Q8. How would you rate the signals sent by the Chief Executive about openness and public engagement in the work of the agency? (133)
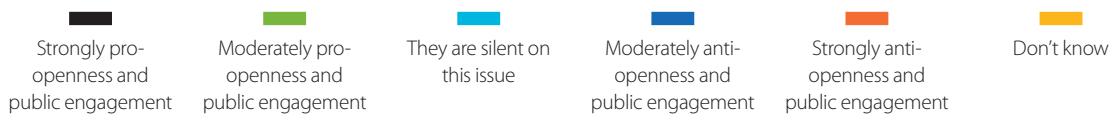

| 76 | 48 | 2 | 2 | 0 | 5 |
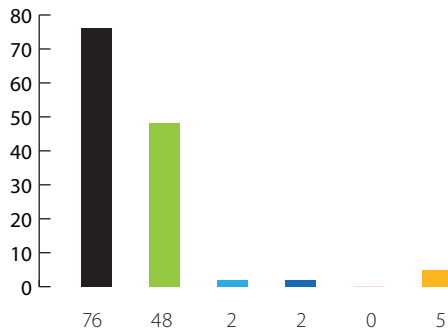
Q9. How would you rate the signals sent by the senior leadership team about openness and public participation in the work of the agency? (133)

| 70 | 50 | 5 | 2 | 0 | 6 |
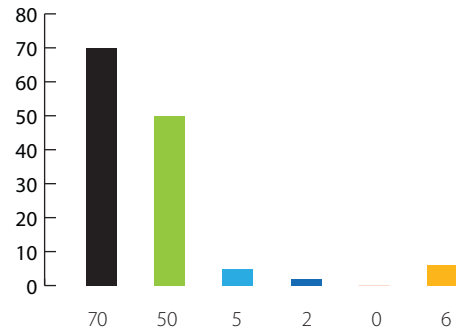
Q10. What is your impression of your agency's overall commitment to a strong culture of openness and public participation? (133)


| 65 | 50 | 12 | 4 | 0 | 2 |

KEY

▬	▬	▬	▬	▬	▬
Strongly pro-openness and public engagement	Moderately pro-openness and public engagement	They are silent on this issue	Moderately anti-openness and public engagement	Strongly anti-openness and public engagement	Don't know

Q11. Is there anything else about the agency's culture and leadership about openness and access to information you would like to add? (44)

RESPONDED:

(44)

Q12. Do you work in a core OIA role? (128)

9

119

KEY

▬	▬
Yes	No
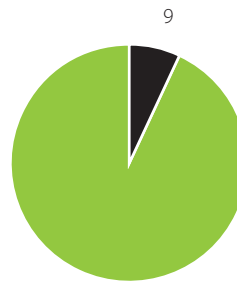
Q13. If you do not work in a core OIA role, how often do you handle, or are asked to assist in the handling (performing all actions required to respond to an OIA request, including co-ordination and processing) or processing (identifying requested information and determining whether it should be released) of an OIA request? (119)


KEY

— One or more per week

— One or more per month

— A few times per year

— Once a year

— Less than once a year

— It is never my responsibility to do this
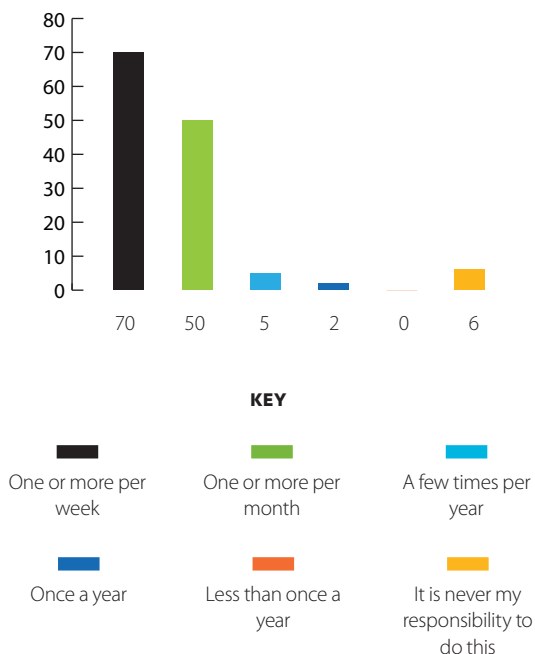
Q14. If you handle, or are asked to assist in the handling or processing of an OIA request, what support or processes for escalation of questions or concerns exist? (96)

RESPONDED:

(96)

Q15. Is this support or are these processes for escalation effective? (92)

RESPONDED:

(92)

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? (114)
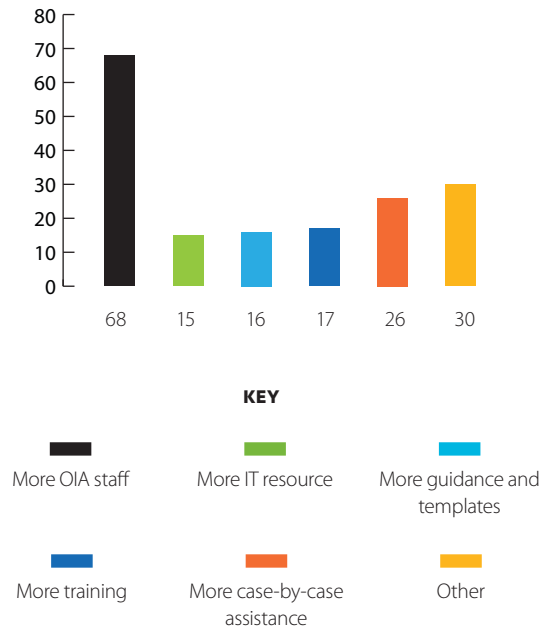

KEY

— Yes

— No

— Comments
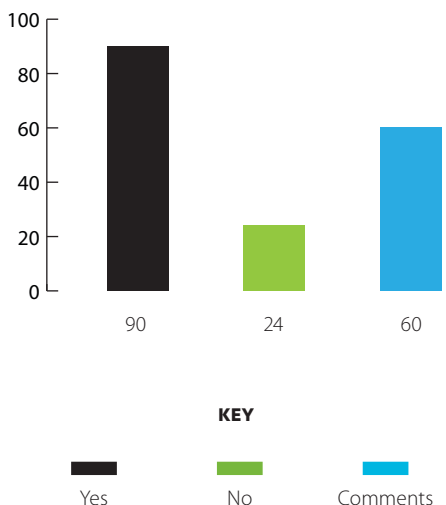
Q17. If the agency experiences a sudden increase in the number of OIA requests that it has to respond to, do you think it is able to cope with the increased workload and still maintain quality standards in its OIA responses? (119)
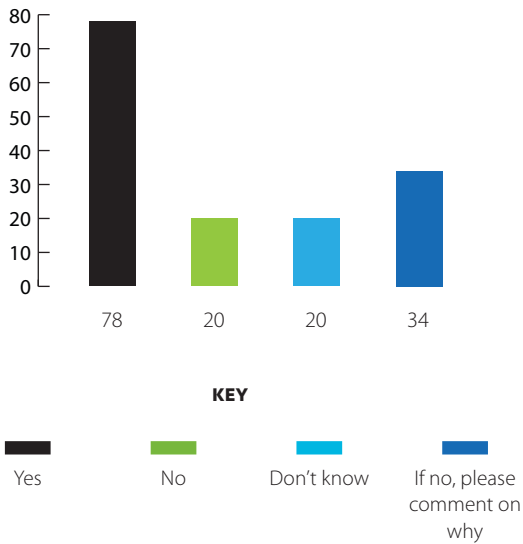

KEY

— Yes

— No

— Don't know

— Comments
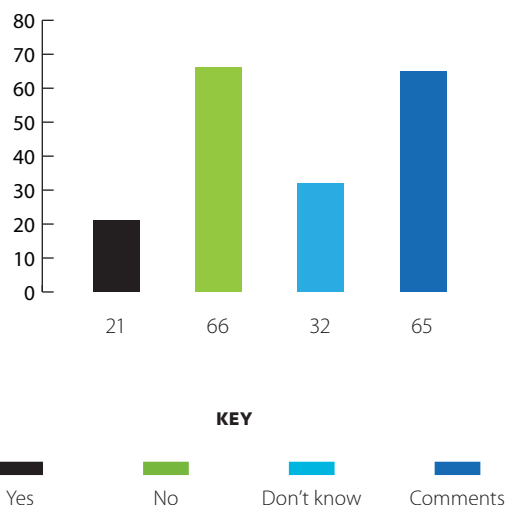
Q18. Overall, do you think your agency allocates sufficient resources to comply with its OIA obligations? (119)
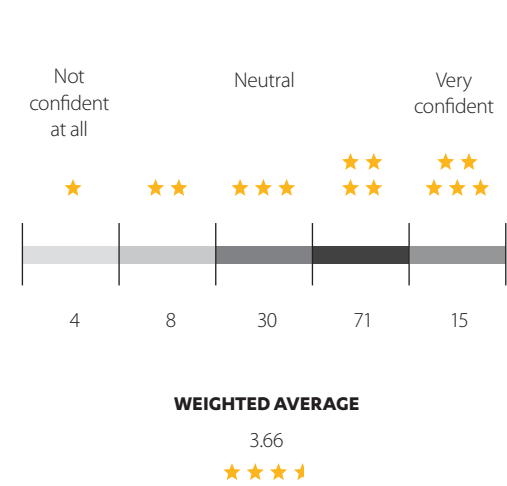

27	66	26

KEY

Yes — No — Don't know
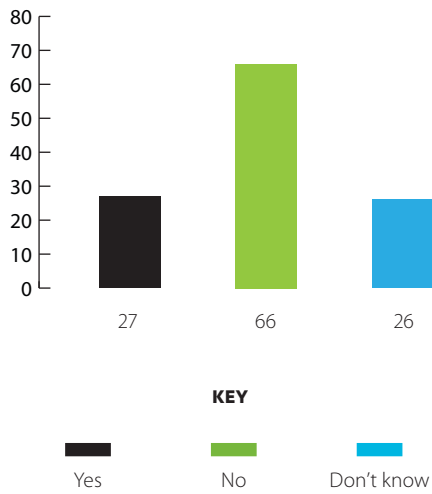
Q19. If no, what extra resource do you believe the agency requires? (select all that apply) (86)

68	15	16	17	26	30

KEY

More OIA staff — More IT resource — More guidance and templates

More training — More case-by-case assistance — Other

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? (118)
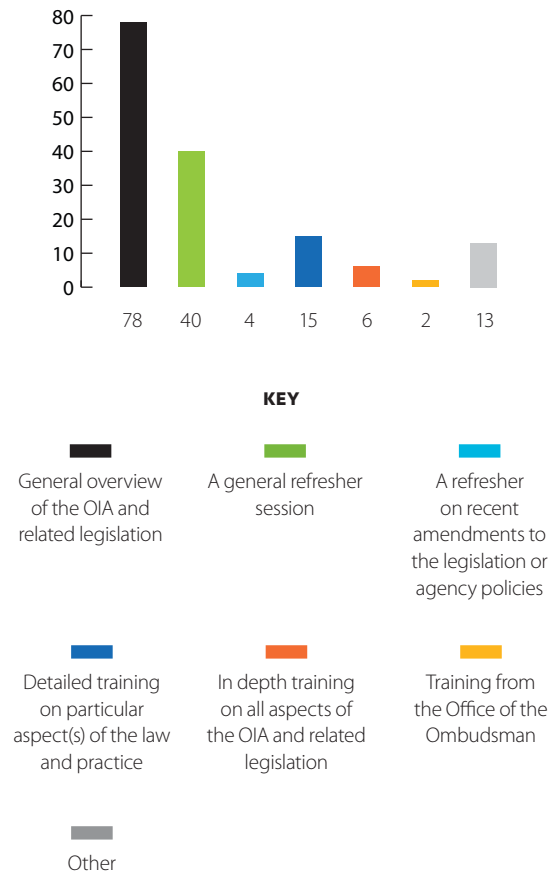

78	20	20	34

KEY

Yes — No — Don't know — If no, please comment on why

Q21. How confident or not do you feel in your knowledge of the OIA? (128)

Not confident at all — Neutral — Very confident

★ — ★★ — ★★★ — ★★★★★ — ★★★★★

4	8	30	71	15

WEIGHTED AVERAGE

3.66

★★★★

Q22. When was the last time you received any training on responding to OIA requests? (128)

| 40 | 40 | 18 | 10 | 20 |

KEY

■ Within the last year ■ Between 1-2 years ago ■ Between 3-4 years ago

■ More than four years ago ■ Never
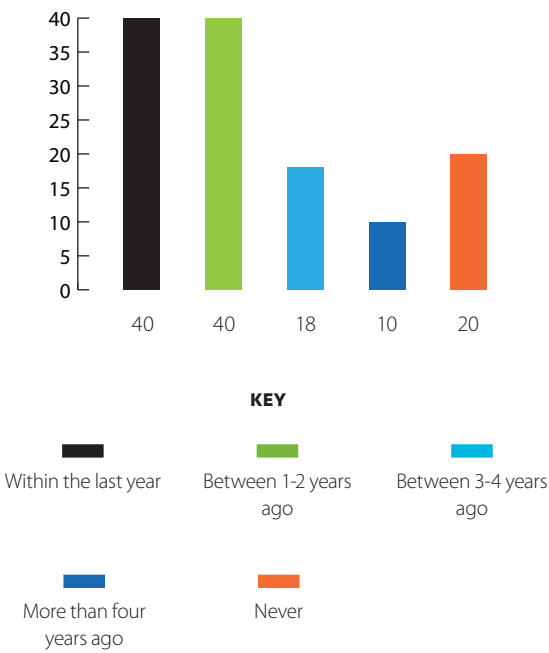
Q23. What was the nature of this training on the OIA? (select all that apply) (109)

| 78 | 40 | 4 | 15 | 6 | 2 | 13 |

KEY

■ General overview of the OIA and related legislation ■ A general refresher session ■ A refresher on recent amendments to the legislation or agency policies

■ Detailed training on particular aspect(s) of the law and practice ■ In depth training on all aspects of the OIA and related legislation ■ Training from the Office of the Ombudsman

■ Other

Q24. When was the last time you received any training on agency policies and procedures for using the record keeping and management systems? (128)

| 43 | 49 | 16 | 5 | 15 |

KEY

■ Within the last year ■ Between 1-2 years ago ■ Between 3-4 years ago ■ More than four years ago ■ Never
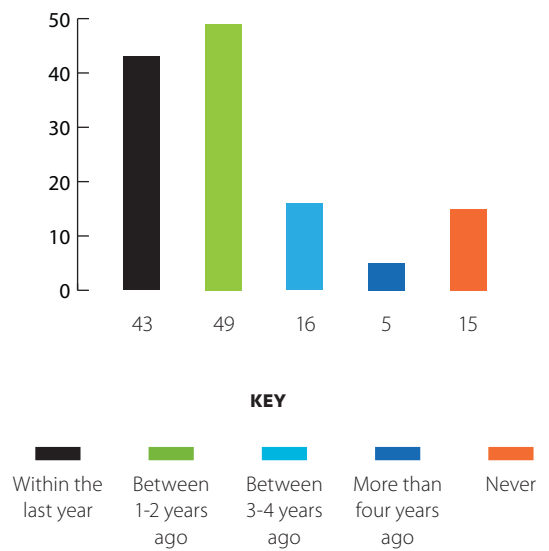
Q25. How easy is it to find your agency's policies, procedures and resources on responding to OIA requests? (128)

28   64   15   3   18   0   15

KEY

| Very easy | Moderately easy | Moderately difficult | Very difficult | Don't know | The agency has no policies or procedures on this topic | Comments |
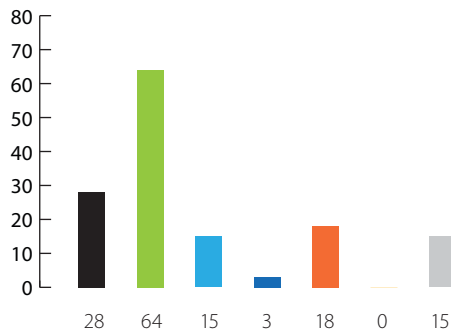
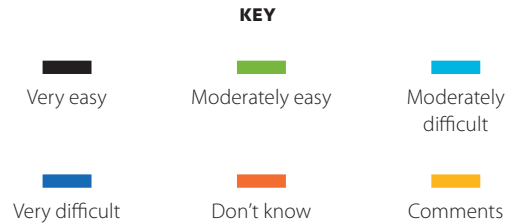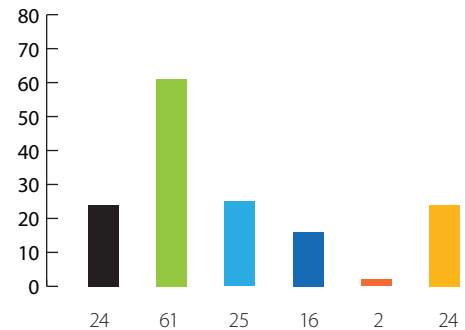**Q26.** How useful are your agency's policies, procedures and resources on responding to OIA requests? (128)

19   73   10   1   25   0   6
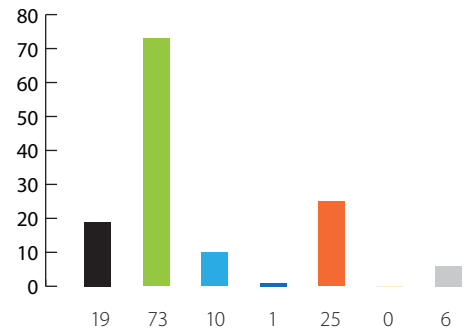
Q27. How often do you use your agency's policies, procedures and resources for responding to OIA requests? (109)

Never   Sometimes   Every time
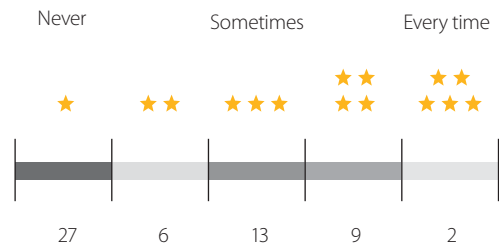

9   8   33   20   39

WEIGHTED AVERAGE

3.66

★ ★ ★ ★

Q28. How easy is it to use your agency's information management systems to record (store) information? (128)

24   61   25   16   2   24

KEY

| Very easy | Moderately easy | Moderately difficult |
| Very difficult | Don't know | Comments |

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? (128)
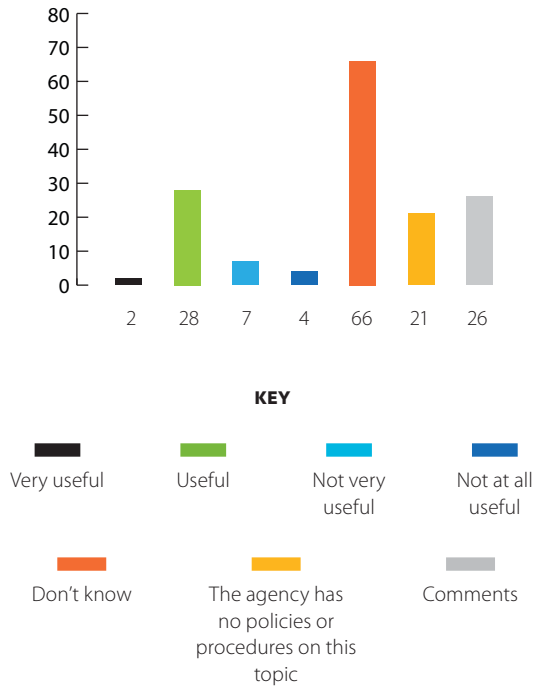

2	28	7	4	66	21	26

KEY

- Very useful
- Useful
- Not very useful
- Not at all useful
- Don't know
- The agency has no policies or procedures on this topic
- Comments

Q30. How often do you use your agency's policies and procedures on proactive release? (57)

Never		Sometimes		Every time
27	6	13	9	2

WEIGHTED AVERAGE

2.18
★★

**Q31.** How would you rate the effectiveness of your agency's current OIA practices? (126)

13	52	49	12	0	21

KEY

- Very good
- Good
- Acceptable
- Poor
- Very poor
- Comments
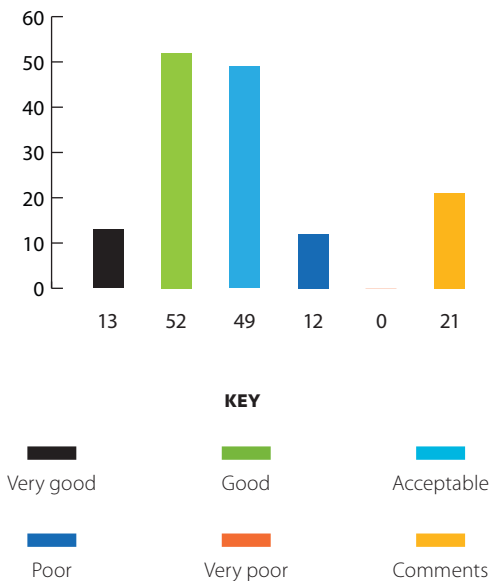
Q32. Are you aware of information not being recorded to avoid possible disclosure under the OIA? (126)

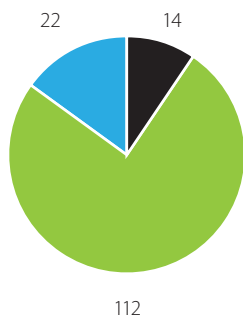|		
33	93	26

KEY

- Yes
- No
- Comments
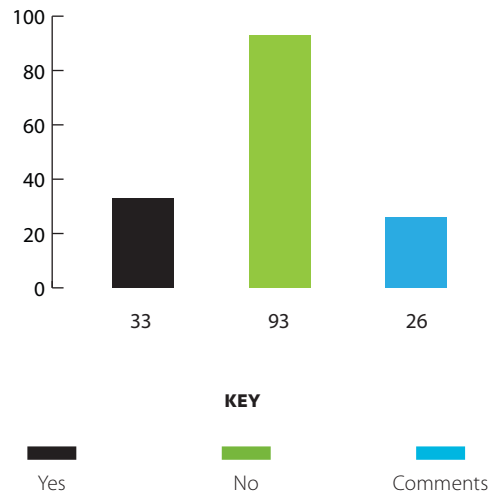
Q33. Are you aware of your agency erroneously advising a requestor that information could not be located, to avoid possible disclosure under the OIA? (126)
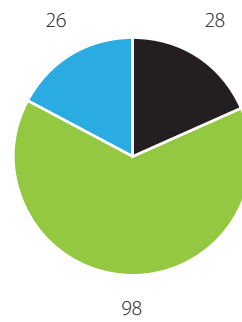
0   4

126
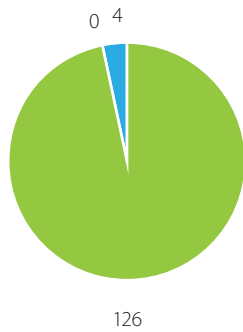
Q34. Are you aware of information being destroyed to avoid the OIA? (126)

0   2

126
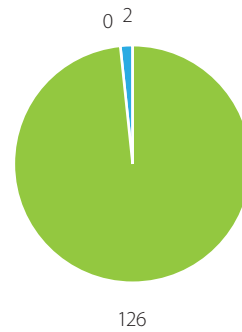
Q35. Are you aware of requests being interpreted more narrowly than was justified? (126)

22   14

112

**Q36.** Do you have any concerns about the agency's current OIA practices? (126)

26   28

98

KEY

■	■	■
Yes	No	Comments

Q37. In relation to OIA practices, what does your agency do best? (77)

RESPONDED:

(77)

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? (126)
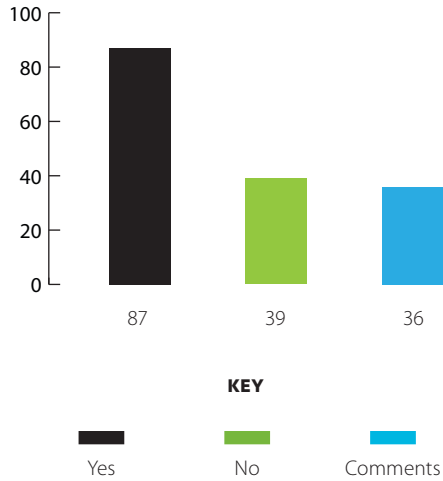
100
80
60
40
20
0
          96   30   43
**KEY**
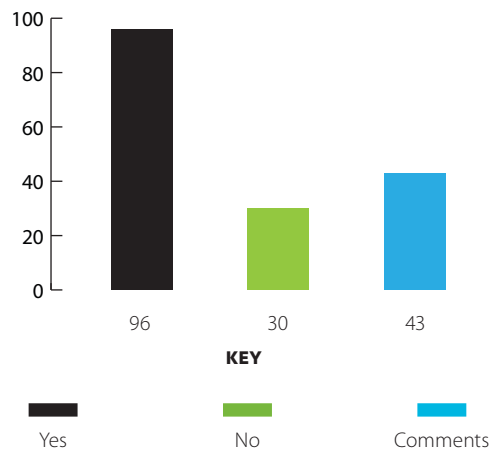
| ■	■	■
Yes	No	Comments

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? (126)

87	39	36

KEY

▬	▬	▬
Yes	No	Comments

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? (126)
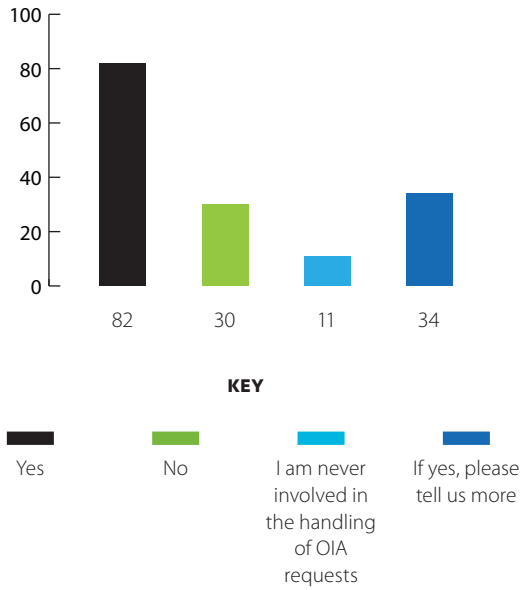

42	0	72	12

KEY

▬	▬	▬	▬
Yes	No	Don't know	If no, please tell us more
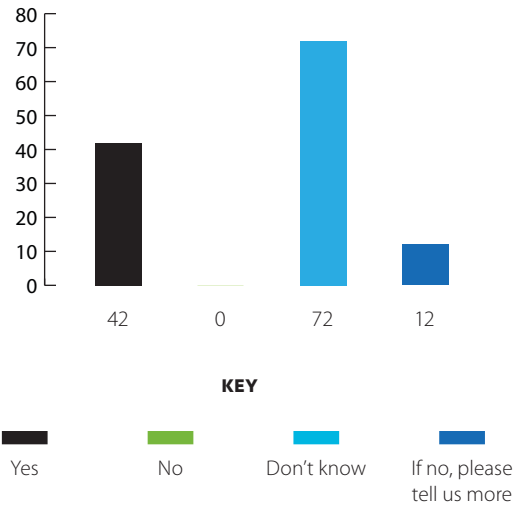
Q41. In your experience, does your agency have effective practices for ensuring staff learn from Ombudsman decisions on OIA complaints? (123)

51	72	39

KEY

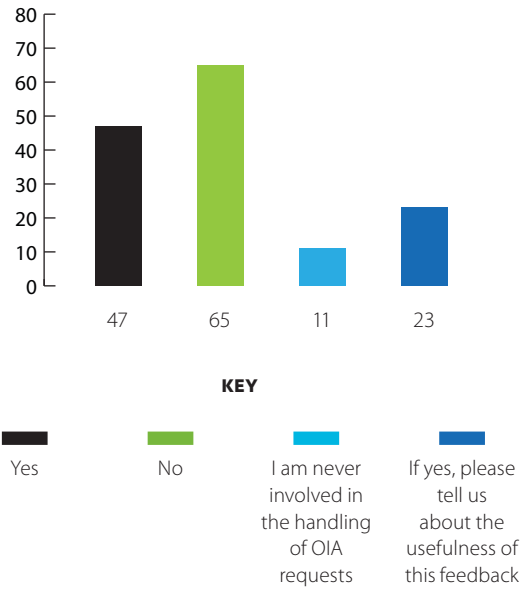| ▬	▬	▬
Yes	No	If yes, please tell us more
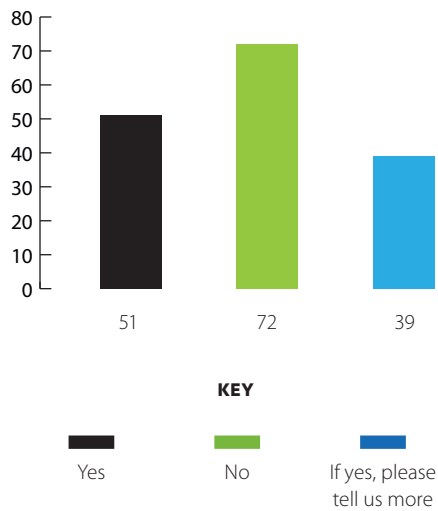
Q42. In your experience, does your agency have effective practices for ensuring staff learn from State Services Commission and Ombudsman guidance relating to the OIA? (123)

66	57	32

KEY

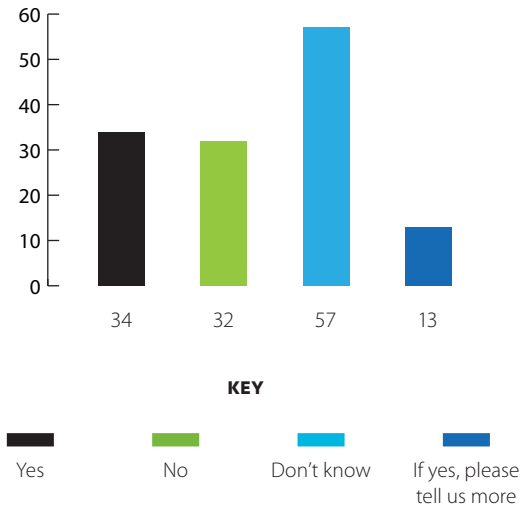| ▬	▬	▬
Yes	No	If no, please tell us more
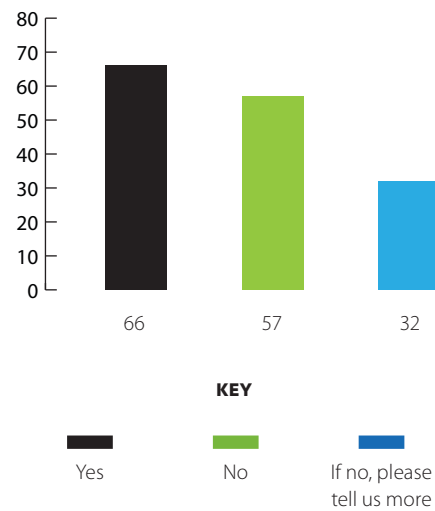
Q43. In your experience, does your agency take any steps to promote improvements in its OIA practices through learning from the experience of responding to OIA requests? (123)

| 82 | 30 | 11 | 34 |

KEY

Yes — No — I am never involved in the handling of OIA requests — If yes, please tell us more

Q44. Have you ever received any feedback on the quality or timeliness of work you have done an OIA request? (123)

| 47 | 65 | 11 | 23 |

KEY

Yes — No — I am never involved in the handling of OIA requests — If yes, please tell us about the usefulness of this feedback

Q45. Do senior managers encourage staff to identify areas of improvement to OIA practices, and the provide the means to implement them when appropriate? (123)

| 34 | 32 | 57 | 13 |

KEY

Yes — No — Don't know — If yes, please tell us more

Ombudsman