

**Local Government Official
Information and Meetings Act
compliance and practice**

Horowhenua District Council

LGOIMA compliance and practice in Horowhenua District Council

Office of the Ombudsman

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Cover image: Foxton estuary, courtesy Horowhenua District Council



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Report of the Chief Ombudsman

June 2019

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Foreword

This is the first self-initiated investigation into Local Government Official Information and Meetings Act 1987 (LGOIMA) practice in a local authority. My warmest thanks to the leadership team, staff and elected representatives of the Council for their constructive engagement with this investigation, and for responding so quickly to my suggestions for improvement.

As Chief Ombudsman, I have been tasked by Parliament with monitoring agencies' official information practices, resources and systems. I do this by undertaking targeted investigations and publishing reports of my findings.

New Zealand has 78 local authorities. In selecting which ones to include in this initial series of investigations, I wanted to ensure a mix of different council structures, levels of resource, and regions of the country. I also considered the nature of complaints received by my Office, and whether a council had been dealing with any high-profile issues that had increased the number of information requests received.

I have considered the information gathered from the investigation against an assessment framework developed from my investigations of official information practices in central government agencies. Given the unique nature of each local authority and the particular challenges it has, I have sought to apply the assessment framework pragmatically while still observing the key elements of good practice that I want to see.

Horowhenua District Council has a good set of policies and processes in place to meet its LGOIMA obligations. It has excellent information technology systems and resources for its size, and these enable it to meet its LIM report targets with ease, and ensure meeting processes run smoothly. Council meetings are also livestreamed to improve community access.

In relation to official information requests, the building blocks are all there. The Council has well-developed webpages for making a request, sound policy documents and a database for tracking requests. However senior leadership needs to take ownership of the Council's official information practices. There was a marked absence of engagement from senior leadership in this area and I think the political climate during the recent Council term has been a distraction in this respect.

LGOIMA requests are a key accountability tool for local government. Having an effective official information regime is not a regulatory or compliance activity, but one that sits at the very heart of local government practice and should be closely connected with governance, community engagement and communications functions. I encourage senior leaders and the Chief Executive to actively promote the value of responding to LGOIMA requests as an integral part of being a democratic and accountable organisation.

In May and June 2019 the Council provided comments on my provisional opinion, and I have taken this feedback into account in my final report. The Council accepts my suggested actions for improving its practices and has already arranged training for Council staff from my Office and sought some advice in relation to requests for property information. I will be following up

on a quarterly basis to check in on the Council's progress in implementing the remaining action points.

Again, I wish to acknowledge the Council for the positive and open way it engaged with this investigation, In particular, I thank the former and current Information Management staff, for the time they took to prepare the response to our detailed questionnaire; and all those staff who participated in employee surveys, and met with my investigators to discuss their role and share their views on the Council's LGOIMA practices.

I was impressed with the level of commitment shown by staff to their work in local government, and with the passion they have for their community.

I also acknowledge members of the public, including journalists, regular requesters, and regular council meeting attendees for the views they shared in our public survey.

I look forward to continuing my engagement with the Council as it works through implementing my suggested actions.

Peter Boshier
Chief Ombudsman
June 2019

Introduction

This report sets out my final opinion on how well the Horowhenua District Council¹ is meeting its obligations under the Local Government Official Information and Meetings Act 1987 (LGOIMA).

My investigation has looked at how the Council deals with requests for official information, produces Land Information Memorandum (LIM) reports and administers council meetings in accordance with LGOIMA.

The purpose of LGOIMA is to increase the availability of information held by local authorities and to promote the open and public transaction of business at meetings. This ensures people can:

- effectively participate in the actions and decisions of local authorities;
- hold local authority members and their officials to account for any decisions; and
- understand why decisions were made which will enhance respect for the law and promote good local government in New Zealand.

The Act also protects official information and the deliberations of local authorities from disclosure but only to the extent consistent with the public interest and the need to protect personal privacy.

As Chief Ombudsman, I am committed to improving the operation of LGOIMA to ensure the purposes of the Act are realised. Key to achieving this is Parliament's expectation that I regularly review the LGOIMA practices and capabilities of councils.

I have initiated this practice investigation using my powers under the Ombudsmen Act 1975 (OA). This provides me with the tools needed to investigate matters I consider important to improve administrative decision making across the public sector.² The full terms of reference for my investigation are in Appendix 1.

I have considered the information gathered through my investigation against an assessment framework consisting of the following five areas:

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

¹ When I use the term 'Council', this primarily relates to the operational arm of the organisation unless the context suggests otherwise.

² See sections 13(1) and 13(3) Ombudsmen Act 1975.

Appendix 2 provides a set of good practice indicators for each of these areas. 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.

Reporting the outcome of these investigations promotes a council's accountability, and gives the public an insight into their council's ability to promote openness and transparency.

My opinion

I have not found any conduct by the Council that was wrong, unreasonable or contrary to law and, as such, I have not made any formal recommendations.³ Through the investigation process, I have identified areas of good practice, and areas of vulnerability that I think the Council should address. I have suggested a number of actions, 27 in total, that I consider will improve the Council's practices. The Council has advised me that it accepts all my suggested action points and will work through these.

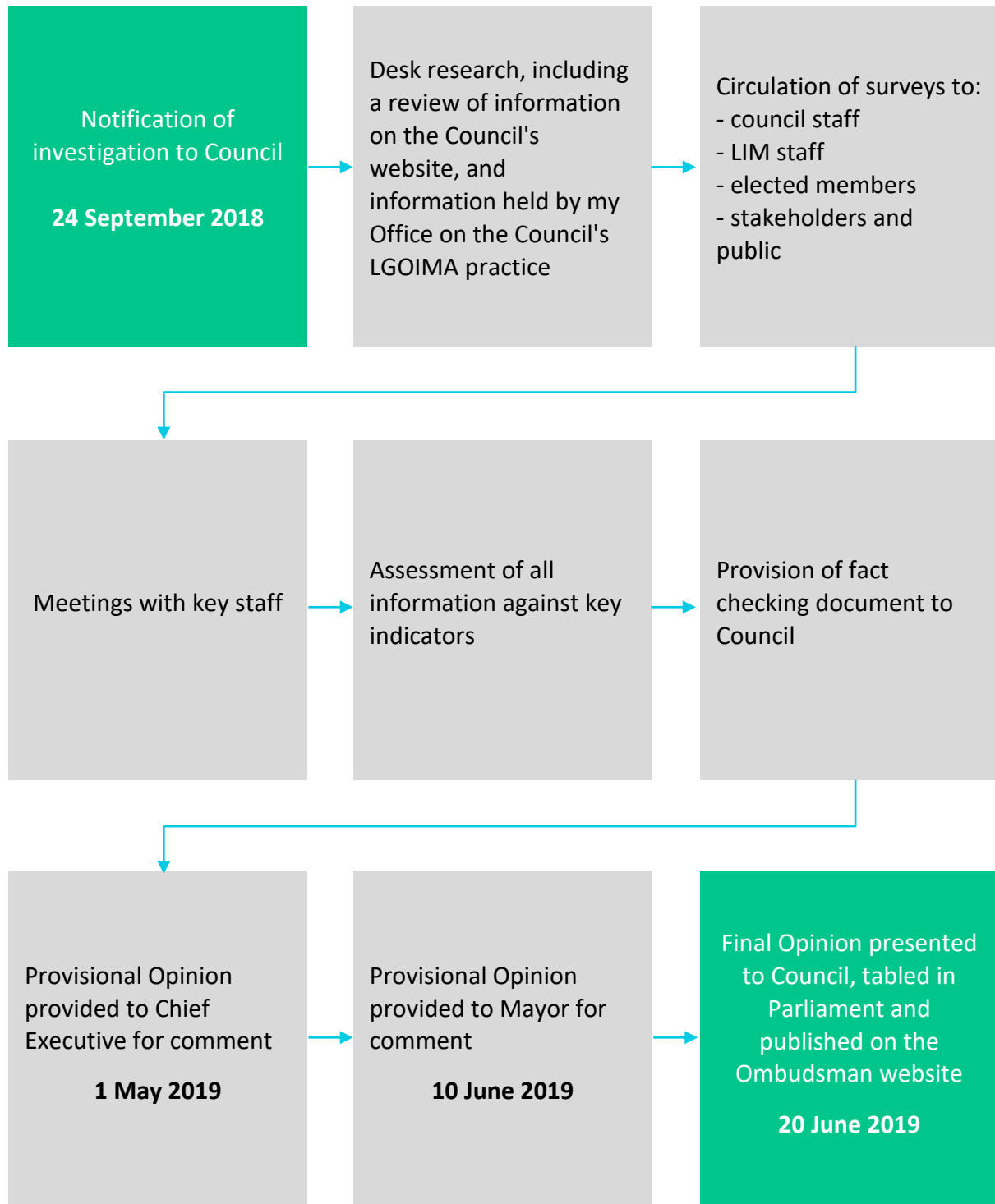
In the body of my report, I address each of the five dimensions listed above, setting out:

- an overview of my findings;
- aspects that are going well; and
- opportunities to improve the Council's LGOIMA compliance and practice.

My opinion relates only to the Council's practice during the period in which my investigation took place.

³ Formal recommendations under the OA are only made if I form an opinion that a decision, recommendation, act, or omission by the agency was wrong, unreasonable or contrary to law under s 22 of the OA.

Timeline and methodology



Horowhenua District Council: a snapshot

Horowhenua District lies between the Tasman Sea and the Tararua ranges, on the west coast of New Zealand's North Island, with a land area of 1,064 kilometres.

The local authority, Horowhenua District Council, has 10 elected Councillors and one elected Mayor. Elections are held every three years.

The Council's responsibilities include infrastructure, community development, and emergency management. The Local Government Official Information and Meetings Act (LGOIMA) both requires and encourages Council to be open and transparent in its decision making and activities.



In 2017/18, Horowhenua District Council:

- served 31,300 residents
- received \$36.381 million in rates
- employed 185 full-time equivalent staff (220 people)
- received 141 requests under LGOIMA
- handled 87.9 percent of these requests within the legislative timeframe
- received 392 LIM applications
- handled 100 percent of LIM applications within the legislative timeframe



Image courtesy Horowhenua District Council

MAYOR Michael Feyen

DEPUTY MAYOR Cr Wayne Bishop

ELECTED COUNCILLORS 10

WARDS Levin, Kere Kere, Waiohepu, Miranui

COMMUNITY BOARD Foxton Community Board (five elected members)

CHIEF EXECUTIVE David Clapperton

Executive summary

This summary draws together the key findings and suggested actions from my investigation. The diagram on p13 presents these as a ‘snapshot view’ of what will further lift LGOIMA performance at Horowhenua District Council.

Leadership and culture

My overall assessment of Horowhenua District Council is that many elements of good LGOIMA practice are present: LIM reports are produced on time, meetings follow the requirements for notification, and there are some sound processes and policies in place for dealing with official information requests.

The fact that the Council has excellent systems and strong official information policies is testament to the leadership it has had in recent years. More recently the Council has lifted its performance in the way it is seeking to interact with the community, and in this context is looking at how to better convey useful information to its residents and engage them more in Council decision making.

Leaders should be responsible for fostering an organisation-wide culture that promotes good official information practice

However, Council leadership needs to take ownership of its LGOIMA official information practice. There is a marked absence of engagement from senior leadership. I think that the current political climate has been a distraction in this respect. There have been occasions where the political tensions have spilled over into LGOIMA practice, and I think this illustrates why there is a need for a robust peer review structure for decisions on tricky LGOIMA requests.

Leadership needs to be responsible for fostering an organisation-wide culture that promotes good official information practice, not a third tier manager as is presently the case. I would like to see senior leadership demonstrating commitment to the values of openness and transparency through positive messages to staff and the public on these themes.

There is a clear overlap between LGOIMA official information practice and better public engagement. I think there is an opportunity to consider how to include official information practices, including proactive release, in the Council’s strategic planning on public engagement.

Action points: leadership and culture

1	Establish an appropriate formal peer review structure for decision-making on LGOIMA requests
2	Appoint an executive sponsor for official information practice
3	Incorporate responsibility for supporting and fostering a culture that promotes good official information practice into Chief Executive and second tier roles
4	Include positive messages from senior leadership on openness and transparency as part of regular office-wide and public communications
5	Consider ways to implement the Council’s policy on proactive release

6	Consider how the Council's policy on proactive release can be incorporated into strategic frameworks on community engagement
7	Consider incorporating transparency questions in the Residents Survey
8	Consider revising initial statement on official information request webpage
9	Consider making the Official Information and Proactive Release policy publicly available and accessible from the official information request webpage
10	Consider adding wording about LGOIMA requests to the website information about Council meetings and minutes, and a link to the official information request webpage where relevant

Organisation structure, staffing and capability

The Governance team carries out the necessary administration for Council and Community Board meetings, and reports directly to the Group Manager Corporate Services. Staff feedback indicated that the meeting administration process runs smoothly.

A team within Information Management Services coordinates LGOIMA requests and processes LIM reports. This team reports to the Information Services Manager, a third tier role. Staff in the rest of the organisation will be allocated relevant LGOIMA requests to work on, or will contribute to LIM reports. Concerns were expressed about the work involved in some LGOIMA requests being difficult to fit in with business as usual tasks.

It's important to avoid an organisational 'silo' for official information work, divorced from governance and community engagement

I am concerned that placing the coordination role for official information requests within Information Management Services runs the risk of creating an organisational 'silo' for this work, divorced from governance and community engagement functions.

Information specialists are responsible for providing expert advice on LGOIMA requests; however, staff across the organisation referred to seeking assistance with using the relevant database, rather than advice on whether information should be released or withheld. The information specialists have not received any targeted training on the LGOIMA withholding provisions, and the process does not require their input if it is not sought.

I have made some suggestions aimed at lifting the expertise of the staff responsible for input into decision making on requests, and recognising that expertise by developing a delegations framework.

Action points: organisation structure, staffing and capability

1	Consider whether Information Management Services is the most appropriate location for: <ul style="list-style-type: none"> • Coordinating LGOIMA requests • Providing in-house expert advice on substantive LGOIMA issues
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2	Develop a training programme tailored to the needs of all staff, including induction training, and more detailed training for staff considering the application of LGOIMA withholding provisions
3	Establish a delegations framework for responding to LGOIMA requests

Internal policies, procedures and resources

The Council has a good set of policies and procedures covering its LGOIMA practice in respect of official information, LIMs and meeting administration. The key deficit is in the area of applying the LGOIMA withholding provisions. Currently there is no guidance in this area, which needs to be remedied. There also needs to be some clarification around what is recorded as a LGOIMA request and this should be incorporated into the guidance and processes that currently exist.

Action points: internal policies, procedures and resources

1	Develop guidance for staff on identifying LGOIMA requests, how to record these and when they should be logged in the LGOIMA Authority Register
2	Amend charging policy to include the word 'reasonable' in relation to the charge that may be imposed
3	Develop guidance on common reasons for withholding information and reasons for excluding the public from Council and committee meetings

Current practices

My investigation found that the Council is complying with LGOIMA requirements in terms of meeting administration and the timeframes for LIM reports.

The majority of LGOIMA requests are processed within the statutory timeframe, however the percentage missing the timeframes has been increasing recently. It was difficult to reach any conclusions about the quality of decision making on LGOIMA requests due to insufficient records about the reasons for a decision, although there was an emphasis on trying to release some information wherever possible.

The majority of the Council's LGOIMA requests are processed within the statutory timeframe

A key issue is that there are significant numbers of requests for information held by the Council that the Council either does not recognise to be LGOIMA requests or does not record. This includes requests for information received from the general public, media enquiries, requests for information from elected members, and property file requests.

Action points: current practices

1	Ensure that all public and media information requests are handled in accordance with LGOIMA
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2	Ensure that requests from elected members are handled in accordance with LGOIMA
3	Develop guidance for staff and elected members, with input from my office, on how to deal with elected members' requests for information
4	Ensure that property file requests are handled in accordance with LGOIMA
5	Seek advice from my Office before making any decisions on implementing a charging regime for property file requests
6	Record the reasoning behind LGOIMA decisions, including any consideration of the public interest and the results of any consultations with third parties
7	Record the administrative steps taken in respect of LGOIMA responses where relevant

Performance monitoring and learning

The Council tracks the numbers and timeliness of LGOIMA requests and LIM reports and reports on this to senior management. The timeliness of meeting notices and agendas is also monitored along with the number of public excluded sessions. There are opportunities to improve the amount of information captured about requests, include this in reporting to senior management, and monitor the quality of work through peer review processes.

There are opportunities to improve the amount of information captured about requests, and include this in reporting to senior management

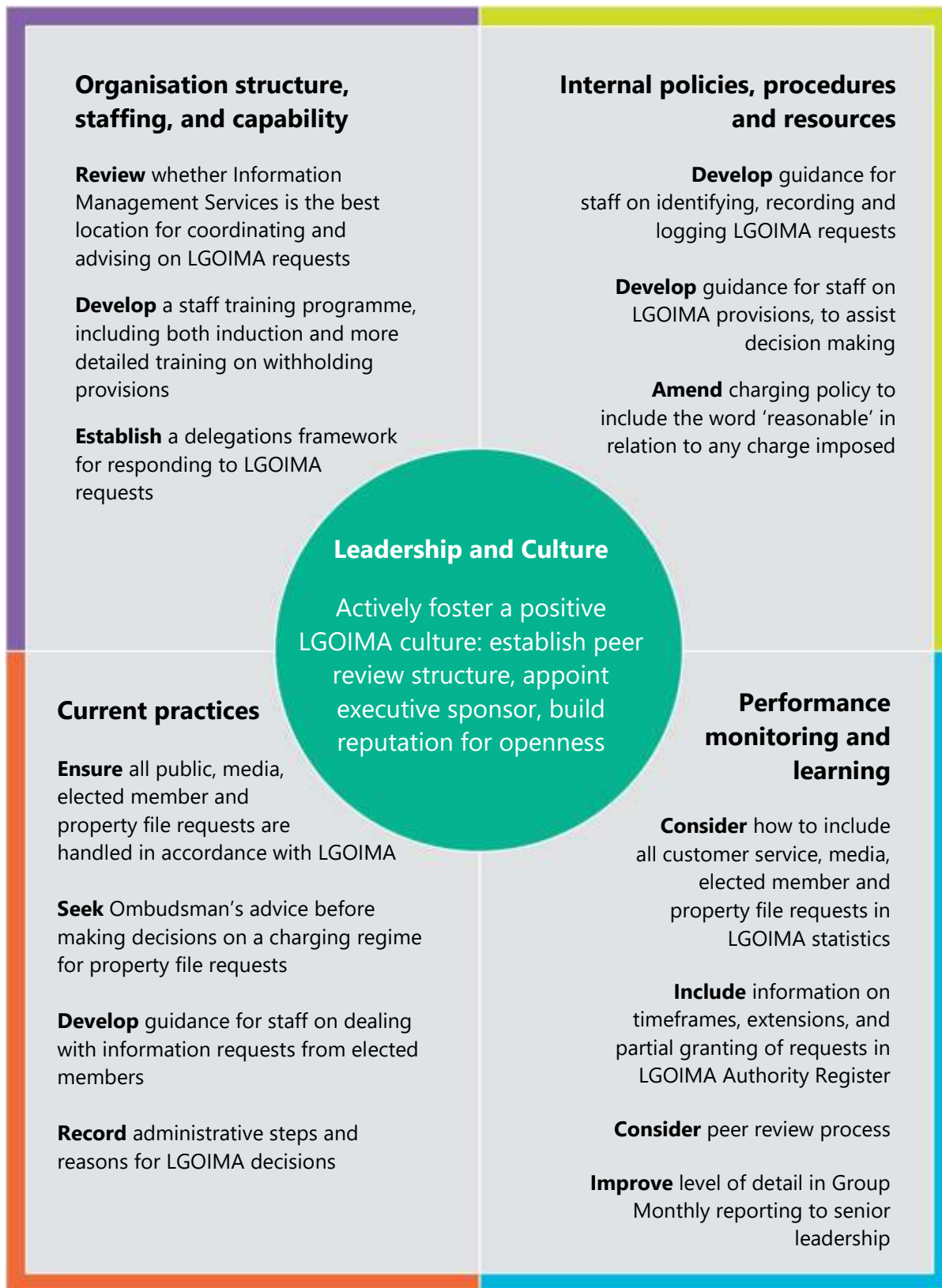
Many requests for information are not recorded as LGOIMA requests. While it may be impractical to start recording these requests in the LGOIMA database, I would like the Council to consider whether it could nonetheless record these requests in a way that would enable it to report more accurately on how it is managing its official information obligations.

In respect of those requests that are recorded in the database, there is some additional basic information that the Council ought to capture to be able to monitor its official information performance.

Action points: performance monitoring and learning

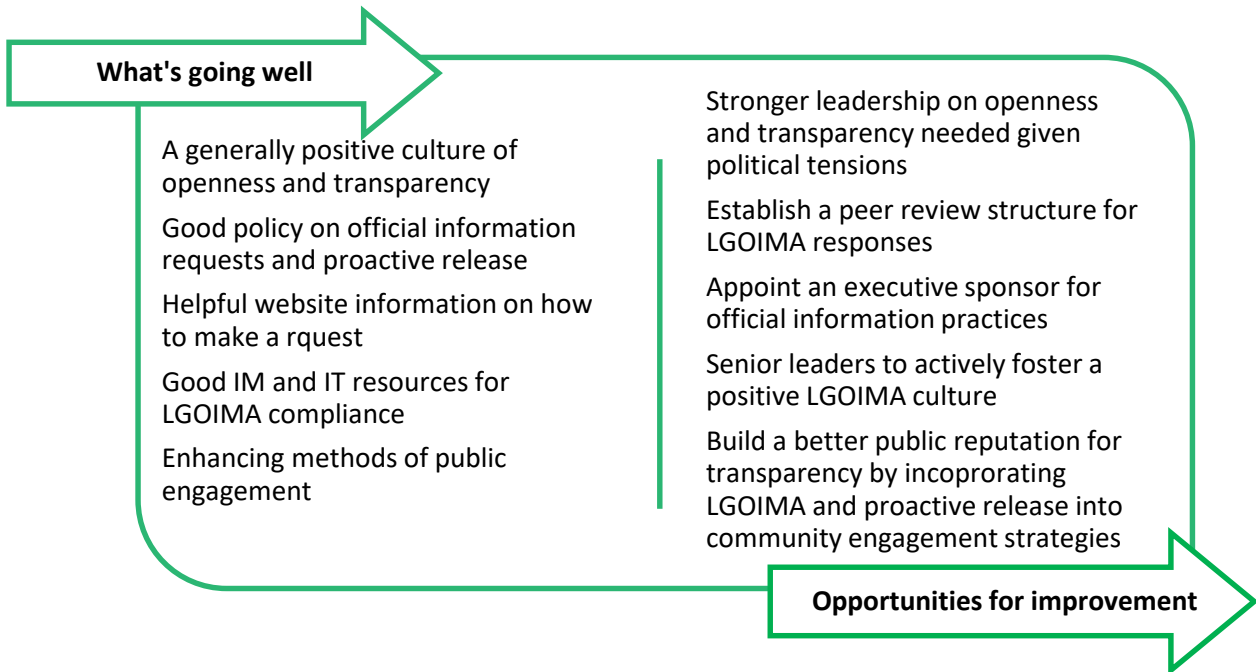
1	Consider ways to include customer service, media, elected member and property file requests in LGOIMA statistics
2	Include the following types of information in the LGOIMA Authority Register: <ul style="list-style-type: none"> • whether the request was granted in part • whether an extension to the timeframe has been notified to the requester • the timeframe of that extension
3	Consider implementing peer review processes to ensure quality and consistency of LIM reports
4	Improved detail in Group Monthly report to senior leadership

Further lifting LGOIMA performance at Horowhenua District Council



Leadership and culture

At a glance



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

To assess the Horowhenua District Council's leadership and culture, I considered whether:

- elected members, chief executive, senior leaders and managers demonstrate a commitment to the Council meeting its LGOIMA obligations and actively foster a culture of openness;
- senior leadership have established an effective strategic framework which promotes a culture open to the release of information;
- senior leadership demonstrate a commitment to proactive disclosure, and public participation with clear linkages to the Council's strategic plans creating a public perception, and a genuine culture, of openness.

When it is clear to staff that their leaders view compliance with LGOIMA as an opportunity to operate in a more transparent, engaging and accountable manner, they will follow.

Aspects that are going well

A generally open culture

With some exceptions, the overall impression gained through meetings with Council staff, and responses to the staff survey, was that the Council is generally committed to being open and releasing information. There is an understanding across the organisation that staff should release information whenever they can and as soon as they can with the minimum of fuss.

In the staff survey, staff were asked to rate their perception of immediate managers, senior managers, the Chief Executive, elected members and the Mayor, in terms of the strength of their commitment to LGOIMA, and the extent to which they fostered a culture of openness and public participation. The results were as follows.

Leadership commitment to LGOIMA obligations

Leadership	Strongly or moderately supportive	Moderately or strongly negative	'They are silent on the issue' or 'don't know'
Mayor	25%	35%	40%
Elected members	55%	5%	40%
Chief Executive	85%	5%	10%
Senior Leadership team	85%	5%	10%
Immediate Manager	85%	2.5%	12.5%

Leadership support for openness and public participation

Leadership	Strongly or moderately supportive	Moderately or strongly negative	'They are silent on the issue' or 'don't know'
Mayor	60%	7.5%	32.5%
Elected members	62.5%	7.5%	30%
Chief Executive	90%	5%	5%
Senior Leadership team	90%	7.5%	2.5%
Immediate Manager	90%	5%	5%

The majority of staff who responded to these questions perceived Council managers to have a high degree of commitment both to LGOIMA obligations and to fostering a culture of openness and public participation.

Some positive comments were received from staff in the survey about the commitment demonstrated by the Council to LGOIMA, for example:

I have been with the organisation for [several] years and during that time I have seen ongoing continuous improvement programmes to support LGOIMA, including education and training for staff, investment into record keeping practices, investment in digitisation to ensure record availability and dedicated resources to LGOIMA. I genuinely believe our staff value public participation and want to ensure our public have access to information in a way that works for them based on their needs.

The elected members and Mayor's supportiveness for LGOIMA and a culture of openness and transparency was perceived by staff as lower than that of Council leadership.

This may reflect some particular challenges presented by the current political environment, particularly in the most recent electoral cycle, and is discussed further below.

Policy on requests for official information

The Council's current policy on LGOIMA requests and proactive release came into effect in October 2017 and is annually reviewed.

The policy contains broad statements of principle about the Council's approach to official information which include a commitment to '*observe the spirit and comply with the requirements of the LGOIMA*' and this statement about progressively increasing the availability of official information:

In line with the LGOIMA's purpose of progressively increasing the availability of official information, the HDC will establish internal policies and practices that support increased proactive release, including the publication of appropriate LGOIMA responses.

The policy describes the importance of proactive release in the following terms:

Proactive release of information promotes good governance, openness and transparency and fosters public trust and confidence in HDC.

This policy is a good example of messaging from senior leadership that responding to LGOIMA requests is an integral element of what it means to be an open and transparent organisation.

Website information about making requests

The Council's website provides for making official information requests online.⁴ The option for making a request is easy to find as one of the options on the drop down menu under the '*Contact Us*' tab. Once you click on the Official Information requests tab, a series of headings set out the steps for making a request and information on timeframes, potential reasons for withholding information, charging and how to challenge the decision if you disagree with it. Each heading takes you to a succinct summary written in language that is easily

⁴ <https://www.horowhenua.govt.nz/Contact-Us/Official-Information-Requests>

understandable, and that has links to useful information. The Council's policy on charging for information is also available on the charging page.

I think this is an excellent example of a good webpage for making requests and I commend the Council on its work here. I have some suggestions to improve it further, which I discuss in the opportunities for improvement section.

Investment in information management and technology

Staff comments received through meetings and surveys indicated that there has been strong leadership in the area of information management and technology. The Council has invested significantly in this, and now has good systems and processes in place to record, store, and retrieve information. One survey respondent noted:

This area has been a huge focus and investment from the Council and I can honestly say that this space has been transformed. We were nominated as a finalist for project of the year with ALGIM [Association of Local Government Information Management] in recognition of this too.

Good information technology systems and information management processes has facilitated compliance with LGOIMA obligations in all areas such as significantly improving the turnaround time for LIM reports, having a dedicated database for logging and tracking LGOIMA requests, and making the production of Council agendas and reports more efficient.

Finding new ways to engage with the public

The Council has recently put considerable effort into improving its methods of engaging with the community rather than relying on the traditional mechanisms of written communications, surveys and inviting submissions on particular projects. In the past year the Council has had several significant community consultation projects including the Long Term Plan, the Transforming Taitoko/Levin Town Centre Strategy and the Horowhenua Growth Strategy 2040.

The phrase '*on their turf, on their time, on their terms*' was used by several staff to explain the shift in the engagement approach towards a model involving outreach activities and face to face conversations. A recent example of this is the community consultation on the Taitoko/Levin town centre project. The Council hired a container to place in the town centre, so that people could talk to them in town rather than having to come to the Council buildings or attend a meeting. Horowhenua 2040, the Council's Growth Strategy, involved a significant amount of early face to face '*community conversations*' prior to the formal consultation period to find out what residents wanted for the future of their District. The Council has also worked to improve its engagement and working relationships with local iwi.

As part of its communications strategy, the Council has reviewed its use of language and provided guidance to staff on using plain language that is easy to understand, as well as increasing the use of Te Reo in all Council communications with the public. A number of staff referred to the focus on publishing shorter documents which include key information presented in an interesting way rather than the usual full length reports that are hard to read.

The most recent Residents Survey is an example; the results have been summarised into a two page document with graphics.

I support the Council's efforts to make its information more readable and accessible to ratepayers. My only caution would be that agencies need to take care that any summary information published is balanced and accurate. One way to ensure the fullest possible transparency is, where possible, to ensure easy public access to the full version of any summarised information so that those who do want more detail can easily obtain it.

The Council's website, which was refreshed in the last two years, is easy to use, with good search capability and clear headings. It also has useful, easily understood summaries of information about various community engagement activities.

Opportunities for improvement

Political environment at Horowhenua District Council

During the current Council term there has been significant nationwide media coverage highlighting divisions between the Mayor and some councillors, and between the Mayor and the Chief Executive.

In late 2016, the majority of the Council voted to remove the Deputy Mayor who had been appointed by the Mayor after only one month in office.⁵ In 2017, media reported on difficulties in the relationship between the Mayor and the Chief Executive and the establishment of a Chief Executive Relationship Committee to help manage these difficulties.⁶ In late November 2017, a majority of councillors voted 'no confidence' in the Mayor.⁷

From 2017 through to 2018 there was also significant media coverage about the email quarantine procedures the Council was using which diverted emails from some correspondents, including some elected members, directly to the Chief Executive without them knowing.

Tensions within the Council have also been the subject of prolific social media activity locally. In November 2016, the Chief Executive took the step of issuing a media release calling for the community to use social media in a positive and constructive way due to concerns about the way in which his staff and some councillors and their families had been targeted with negative

⁵ *Horowhenua Deputy Mayoralty up in the air*, Manawatu Standard, 8 December 2016 available at: <https://www.stuff.co.nz/manawatu-standard/news/87295045/horowhenua-residents-protest-as-council-moves-to-oust-deputy-mayor?rm=m>

⁶ *Horowhenua sets up new committee over internal tensions*, Radio NZ, 9 May 2017 available at: <https://www.radionz.co.nz/news/national/330436/horowhenua-sets-up-new-committee-over-internal-tensions>

⁷ *No confidence vote passed in Horowhenua Mayor*, Horowhenua Chronicle, 27 Nov 2017 available at: https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=11948338

comments.⁸ In September 2018, the Mayor called for an investigation into ‘hate speech Facebook pages’.⁹

It is beyond my jurisdiction to form opinions on the actions of elected members and I have been careful not to do so. Nonetheless, it is important for me to discuss the relationship between elected members and the Council organisation in order to provide the context for my comments on the leadership and culture at the Council.

Leadership through political tensions

Ideally, I would expect elected members of the Council to work with the Chief Executive and senior leadership team to foster a culture of openness and transparency.

However, staff who responded to our survey rated the commitment of elected members to openness and transparency considerably lower than that of their Council managers. Many comments received from staff in the survey, and from our meetings with them, suggested that the Council organisation tries its best to be open, but that the current political situation makes this difficult. One of the survey respondents gave the following perspective:

Inaccurate and unhelpful public comments from certain elected members undermine the good work done by many to be open and encourage public participation. Sometimes this has contributed to people not wanting to publicly participate in the process.

Due to the fraught relationship between the Mayor and the Chief Executive it is unlikely that the elected members and senior council staff can present a united front on issues of transparency.

At the same time, the political tensions within the current elected Council and in the wider Horowhenua community have triggered an influx of requests. Some of these requests can be highly critical or argumentative in tone. Often the information released in response to such a request will be selectively quoted in public forums to support one particular position or other.

While such requests will always be part of the political landscape at both local and central government level, the increased intensity recently experienced by the Council has had an impact on staff.

In this environment there is an even greater need for strong leadership from the Chief Executive and senior leaders on openness and transparency.

There were mixed views from staff about how the Chief Executive and senior leaders are operating in this respect. The staff survey results were predominantly positive about the commitment of the Chief Executive and Council managers to LGOIMA. However some staff

⁸ *Chief Executive discourages negative use of social media*, Horowhenua District Council website, 23 November 2016: <https://www.horowhenua.govt.nz/News/Chief-Executive-discourages-negative-use-of-social-media>

⁹ *Horowhenua District Mayor wants investigation into ‘hate speech’ on social media*, Horowhenua Chronicle, 28 August 2018 available at: https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12114941

shared examples of occasions where they perceived the Council to have been less than transparent.

In terms of LGOIMA requests, staff referred to requests being interpreted in an overly technical or narrow fashion, and of multiple requests being considered together to justify imposing a charge. Staff also reported being asked to find a reason to withhold information rather than having the opportunity to properly discuss the merits of withholding or the potential public interest in release. My review of a random selection of LGOIMA request files did not reveal any evidence of these types of practice, although, as I discuss later in this report, the records on LGOIMA decision-making are minimal.

The common thread running through these examples, was that staff perceived the political environment to be the key driver behind the approach. Several staff referred to the Chief Executive being protective of the organisation, particularly in relation to the privacy of his staff and the Council's financial dealings with businesses and local iwi. This may be a consequence of negative social media commentary in relation to named staff, and the leaking of financially sensitive documents shared confidentially with elected members.

I understand the Chief Executive's concerns. Such circumstances would naturally drive a careful approach to the release of information. Nonetheless the Council must be vigilant to ensure that its efforts to manage political risk don't take precedence over its obligations under LGOIMA for responding to requests.

In my view the Council needs robust checks and balances to ensure that an appropriate balance is struck between circumstances in which it is necessary to withhold information, and those in which the public interest requires disclosure. The Council does not currently have a formal peer review process for decisions on LGOIMA requests. I think the Council should establish one. The peer review process should be as objective as possible and at a level of seniority sufficient to be able to influence decision-makers, particularly when dealing with a sensitive or controversial request.

Action point

Establish an appropriate formal peer review structure at a senior level for decision-making on LGOIMA requests

Leading by example

The Chief Executive engages directly in email correspondence with elected members and with some members of the public who have questions about matters discussed at Council meetings. I have seen some recent examples of these communications. The language used was not always temperate and, if responding to a request for information, was at risk of not complying with the LGOIMA obligations for responding to a request.¹⁰

At times this correspondence will end up being referred to the formal LGOIMA process. We received some comments from staff that the tone of the Chief Executive's replies to some

¹⁰ For example, the obligation in section 17 of LGOIMA to provide reasons for refusal.

individuals can have a tendency to inflame, and that can make the task of engaging with the requester and responding to the LGOIMA request more difficult.

It is incumbent on the Chief Executive to role model a practice that will help to promote a culture of openness and LGOIMA compliance within the Council. I do not consider the Chief Executive is always setting the right example in some situations.

I met with the Chief Executive and asked him for his views on how the political environment affects the Council's work, and in particular how the Council manages LGOIMA requests and day to day dealings with elected members. His view was that while the first year of the current Council term was particularly challenging, overall the Council and the majority of elected members have worked very effectively to achieve their strategic goals.

In terms of LGOIMA requests, the Chief Executive was clear that the approach was always to follow the process regardless of who the requester is or what might end up on social media. He recognised that there was a level of frustration at times in terms of how the information released is being used. The Chief Executive also commented that while he may have responded directly to requests, it may better for him to step back as he can find some exchanges difficult.

I consider the Chief Executive's acknowledgement that he should step back from some of these exchanges is sensible, and as I discuss in the next chapter, establishing a delegations framework for responding to LGOIMA requests may assist with this.

Managing LGOIMA requests involving elected members

A particular issue for the Council during the recent term, has been the increase in LGOIMA requests being made by elected members, particularly the Mayor, and in LGOIMA requests from members of the public seeking information that the Council would need to obtain from elected members, again usually the Mayor.

This is a difficult situation to manage. There may well be legitimate reasons for some of these requests, however it does seem that they are being used as a political tool. The Council needs to approach the situation with the utmost care to ensure that it handles these requests in a robust and even-handed manner to avoid any perception of inequitable treatment.

I discuss the issue of information sharing with elected members in the chapter on *Current Practices* and make some suggestions on improving the framework around this. Training would also improve senior managers' and elected members' understanding of their respective roles and responsibilities under the Act. I make some suggestions around this in the next chapter.

LGOIMA sponsorship at leadership level

The Council's Information Management team coordinates the LGOIMA request process. The Information Manager, a third tier role, is responsible for managing the process, and for providing advice on complex legal and regulatory issues related to official information requests. The Information Manager reports to the Group Manager, Corporate Services.

The Council’s policy on official information requests sets out the roles and responsibilities for the Chief Executive and Leadership team, the Group Manager, Corporate Services, the Information Manager and other staff. Responsibilities at the top two tiers of management refer to ensuring compliance, resourcing and reporting for LGOIMA requests. The Information Manager has additional responsibilities to:

Support and foster a culture that promotes good official information practices

Provide leadership and guidance for official information procedures at HDC

I query why the organisational responsibility for fostering a culture of good official information practice lies solely with a third tier management role. This sends a signal that good official information practice is not a priority across the whole organisation. In my opinion, embedding good official information practices needs to come from the top.

Some staff my investigators spoke to agreed that more could be done to champion LGOIMA at the senior leadership level, such as having an executive sponsor for official information practice. I think this is an excellent suggestion.

Action point

Appoint an executive sponsor for official information practice

Incorporate responsibility for supporting and fostering a culture that promotes good official information practice into Chief Executive and second tier roles

Fostering a positive LGOIMA culture

From staff survey responses and our meetings with staff, some views were expressed about LGOIMAs being perceived as work over and above ‘business as usual’, for example:

Not much buffer in the current work programme, LGOIMA processes often are not quick and can be time intensive taking staff way from core delivery.

A number of staff noted that formal LGOIMA requests will end up at the end of the to do list for some areas of the Council:

Like in any organisation or company we do have people that leave things right to the last minute or are too bogged down with daily business to process LGOIMAs.

It was emphasised that this wasn’t the case across the whole organisation, however there was a general perception that the complexity of requests had increased recently, making them harder to respond to. More than one staff member suggested that there could be a level of ‘fatigue’ for the organisation given the ‘convoluted’ style of some of the requests and the way in which the responses were used on social media sites particularly during the Council’s current term.

As part of my investigation I asked the Council for examples of positive messages from senior leaders to staff about topics like commitment to LGOIMA compliance, openness, and promotion of public participation in decision-making. The Council was unable to provide recent examples of communications from the senior leadership team across the organisation.

However the Council did provide me with its Internal Communications Strategic Action Plan of July 2018, which contains a number of proposals for strengthening internal communications. I think the proposals around improving staff understanding of the Council's strategic direction, and ensuring a good understanding about the concepts of governance and management are part of promoting an open culture. The Plan also makes recommendations in relation to communications from the Leadership Team and the Chief Executive Friday all of staff email which include highlighting the Council's values and reporting on key Council decisions.

Overall, it seems to me that the Council has been working on promoting a workplace culture that values openness and transparency, but that the Council's official information practices have not necessarily been perceived to be part of this.

I suggest that the Council give some consideration to ways in which it can demonstrate its commitment to the principles of openness and transparency. I encourage senior leaders, and the Chief Executive to actively promote the value of responding to LGOIMA requests as an integral part of being a democratic and accountable organisation.

Action point

Positive messaging from senior leadership on openness and transparency as part of regular office-wide communications

Building a reputation for transparency

The Council is to be commended for incorporating proactive release into its primary policy on official information. This is a clear signal from the leadership that it is serious about proactive release. However the Council was unable to supply any examples where the policy has been specifically implemented.

This isn't to say that the Council has failed to release any information proactively. Like many councils, it publishes a wide range of information about its activities on its website. Some of that information, like agendas, minutes, consultation documents, annual reports and the Long Term Plan have to be published. Rather than considering what other information it could release proactively under its Official Information policy, the Council has been focusing on *how* and *when* it communicates information in order to effectively engage with the community at an earlier stage. This can often involve the proactive release of information.

I would like to see more of a connection between the official information practices in the organisation, and the Council's efforts to increase levels of public engagement. The Council's official information and proactive release policy could be incorporated as an element in its Strategic Communications and Marketing Plan 2018-2021 for example. Such an approach would demonstrate clear senior leadership commitment to proactive release as a means to improve engagement.

I invited residents in the Horowhenua District to answer a survey about the Council's LGOIMA practices. I did not get a large number of responses. Those that did reply represented a range of views across the local political spectrum. Despite this there were some common threads.

The survey asked respondents to rate the Council against other Councils they had dealt with in terms of openness. Fifty-three percent of respondents rated this Council as the least open and no respondents rated it as the most open Council they had dealt with. The majority of respondents wanted to see the Council publish more information on its website than it does at present, in particular financial information.

This is an opportunity for the Council to consider ways it can implement its proactive release policy and build a reputation for transparency and accountability. If it has not already, I suggest the Council considers including questions in its Residents Survey that would provide some insight into how transparent and accountable residents consider the Council to be. This would enable the Council to develop a baseline against which it can measure how it is doing.

Action point

Consider ways to implement the Council's policy on proactive release

Consider how the Council's policy on proactive release can be incorporated into strategic frameworks on community engagement.

Consider incorporating transparency questions in the Residents Survey

Website improvements

As I have said above, I think the Council webpages about making a request for official information are very good. I have some specific suggestions that would make them even better. The initial wording in the 'Overview' section is as follows:

Horowhenua District Council processes requests for information in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. These aim to balance issues of transparency and public interest with limits on the disclosure of personal information.

I suggest the Council consider revising this initial wording, or adding to it, to provide a stronger emphasis on the purpose of LGOIMA in promoting effective participation and Council accountability.

The Council could also consider making its Official Information and Proactive Release policy publicly available and accessible via a link on the webpage in the same way as it has done for its charging policy.

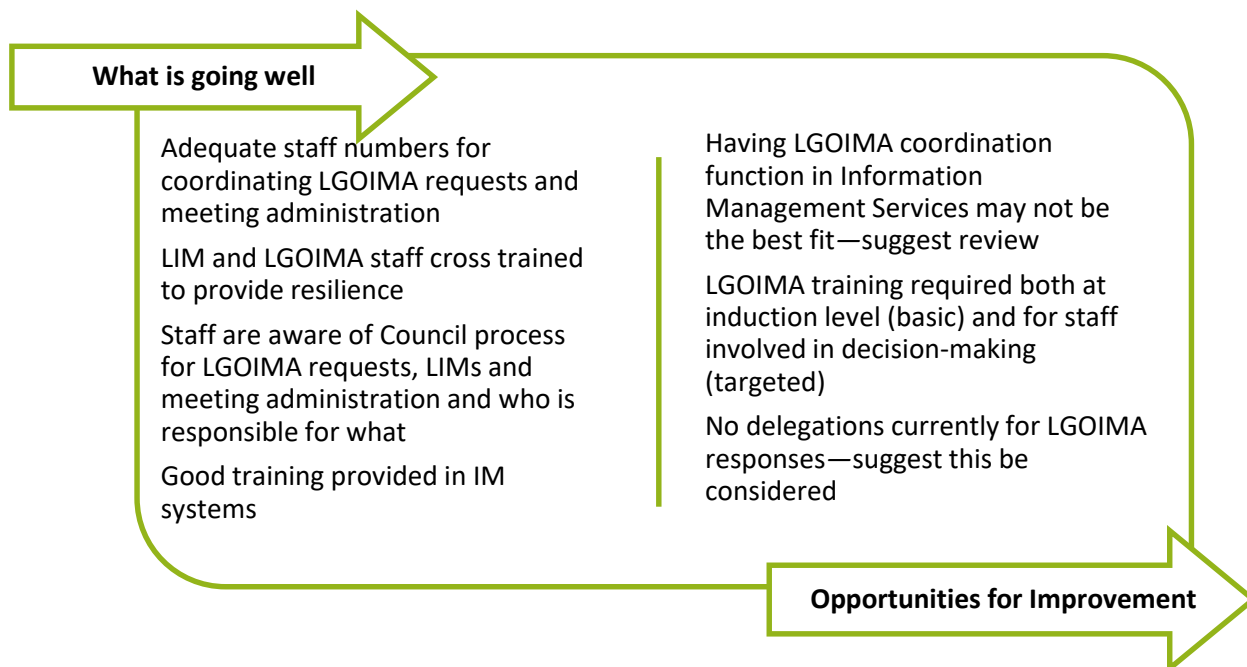
In line with the principle of Council accountability and effective public participation, the Council could also add to the text in its webpages about Council meetings. In particular, the opening statement under 'Minutes and Agendas' refers to public excluded minutes not being available to the public. However, a member of the public is entitled to request these minutes, and have this request considered under LGOIMA. This consideration must be afresh and will not necessarily result in a refusal for the same reasons the public was excluded. I suggest the Council add a statement to this effect and then provide a link back to the official information

request webpages. The Council may also want to consider whether having a link to the official information webpages would be useful under the *'Meeting Schedules and Requests'* tab.

Action point
Consider revising initial statement on official information request webpage
Consider making the Official Information and Proactive Release policy publicly available and accessible from the official information request webpage
Consider adding wording about LGOIMA requests to the information about Council meetings and minutes, along with a link to the official information request webpage where relevant

Organisation structure, staffing, and capability

At a glance



It is expected Councils will organise their structure and resources to ensure they are able to meet their legal obligations under LGOIMA in a way that is relevant to their particular size, responsibilities and the amount of interest in the information they hold.

To assess Horowhenua District Council’s organisational structure, staffing, and capability, I considered whether:

- The Council had the capacity to discharge its LGOIMA obligations, with clear and fully functioning roles, accountabilities, reporting lines, delegations and resilience arrangements.
- The Council has the capability to discharge its LGOIMA obligations.

Aspects that are going well

Organisational structure for LGOIMA requests and LIMs

The Council’s Information Management Services department coordinates the LGOIMA process and produces LIM reports. The department has approximately 20 staff split across two teams each run by a Team Leader who reports to the Information Services Manager.

One of these teams is responsible for LGOIMA requests and LIM reports. Within that team there are four staff who deal with LIM reports (the LIM officer roles), a Team Leader and three information specialists. Two of those information specialists also deal with LGOIMA requests (the LGOIMA officer role) along with the Team Leader. The Information Services Manager is

involved in providing advice and guidance to those staff, and reports to the Group Manager, Corporate Services.

In its survey response the Council indicated that it has sufficient staff to address current demands for coordinating LGOIMA requests and producing LIM reports. The Council estimated that approximately 8 hours a week of staff time would be spent administering LGOIMA requests and closer to 30 hours a week producing LIM reports. The staff are cross-trained on other information management work, so there is flexibility to cover for fluctuations in demand.

The staff who met with my investigators agreed that there were sufficient staff for the LGOIMA co-ordination role. The only area of concern is the time required of other staff to carry out the work required to respond to a request.

Responding to LGOIMA requests

The Council's process for LGOIMA requests requires channelling all requests to the LGOIMA staff in Information Management Services. The LGOIMA officers will log details about the request in the Council's document management system (RM8), within a register called the LGOIMA Authority Register. This is a repository for storing the details and documents about the request, and can also track timeframes and has some automated functions such as sending reminders. LGOIMA officers send acknowledgments and manage any clarification conversations with the requestor.

The work involved in providing a response is assigned by the LGOIMA officer to the Group Manager for the appropriate area within the Council, who will then assign the work on the request. The LGOIMA officers track timeframes and send email reminders if need be. They are also available to assist staff with any queries. If there are delays then the Group Manager will be alerted, and the matter can also be escalated to the Group Manager Corporate Services.

Once the response is ready it will go directly to the Chief Executive's office to be signed. The Chief Executive signs out all LGOIMA decision letters so there are currently no delegations for these decisions. I discuss this further below.

The Information Management Services department reports to the senior leadership team every two months on the number of requests and timeliness of responses.

The roles and responsibilities for processing LGOIMA requests, once a request has been identified, are well understood by staff. Staff feedback about having a centralised co-ordination role was positive.

Producing LIM reports

LIM officers are responsible for compiling the report from Council records, obtaining input from other parts of the Council, and issuing the LIM report once complete.

LIM applications can be submitted online or in person. The online forms go direct to a records processing inbox managed by the Information Management team. Hard copy applications will be received by customer services and passed on to the Information Management team. The applications are registered into the Council's EDRMS and a workflow assigned to a LIM officer.

There is an automated emailing system which lets the LIM officer know when a LIM is due or needs to be actioned if it is near the due date.

LIM officers also maintain an excel spreadsheet which captures information about the requester, the property details and the due date, which enables them to track overall where each application is at.

In the staff survey about LIM reports, staff working on LIM reports all agreed that the Council allocates sufficient resources to comply with LGOIMA obligations in respect of LIM reports. The survey results indicated that overall the system works very well.

Administration of Council meetings

Meetings are administered by the Council's Governance and Executive Support Team which consists of a Team Leader (who also fulfils the function of the Chief Executive's EA), the Mayor's EA, and a Governance and Executive Team support officer. The team reports to the Group Manager, Corporate Services.

Previously the EA to the Chief Executive was also EA to the Mayor, however given the relationship issues between the CE and the current Mayor, and the fact that the roles have grown, responsibilities were redistributed to provide for a separate EA to the Mayor. This model has been adopted by a number of councils.

The support officer has the primary responsibility of compiling and distributing the agendas for Council and Community Board meetings, and producing the minutes of the meetings. The support officer receives reports from report writers, and follows up with them if they are due or need further work. The support officer also acts as a liaison for members of the Community Board.

The Team Leader works closely with the Chief Executive, GM Corporate Services, and the team as regards the organisation and scheduling of meetings and workshops. The Team Leader is involved in reviewing the agenda prior to publication and has a liaison role with elected members of the Council. The feedback received from staff indicated that the Council's publication processes for meeting notices and agendas generally run smoothly.

Staff who worked in the governance area were asked about the content of workshops for councillors and whether they had ever had concerns that councillors were straying into decision-making in that forum. All staff spoken to were unanimous that this is not an issue; Council staff are clear on the boundaries and so are the elected members. Senior staff usually attend workshops and would have no hesitation in guiding elected members on this issue if the discussions risked going in that direction.

Capability

The key staff member responsible for collating LIM reports has significant experience and is available to assist his colleagues who are developing their knowledge in the area. Recent staff turnover had led to some knowledge gaps however this was being addressed.

At the time of our visit, staff working on a LGOIMA response could discuss issues with LGOIMA staff and the Information Manager. The Information Manager had considerable depth of experience in public sector roles and with LGOIMA and so was a useful source of assistance, as was the in-house legal counsel. However, the in-house legal counsel role is currently vacant, and the individual who was the Information Manager is no longer in that role. The Group Manager, Corporate Services has significant local government experience but may not be as available to staff given his other responsibilities.

In relation to meeting procedures, there is a considerable depth and breadth of experience amongst the governance staff and the senior leadership team, who have close oversight of these processes.

I also acknowledge the training and support provided to staff on their record keeping responsibilities and on how to use the information management systems. This was positively referred to by a number of staff.

Opportunities for improvement

Position of LGOIMA team within the organisation

There are varying models across different Councils for the co-ordination of LGOIMA requests. In this Council, the function is located within Information Services Management, part of the Corporate Services group. This strikes me as less than ideal, but I am conscious this may not be the only Council with that arrangement.

My investigators asked some of the staff they met about this arrangement, and how well they think it works. Senior staff expressed the view that the function should definitely sit within Corporate Services given that the role requires co-ordination across the whole of Council. For many staff, the location of the team makes sense in this respect. However the view was also expressed that the role of co-ordinating LGOIMA requests might sit better within the governance team, or be more closely aligned with that function as part of a wider democratic services focus.

I have some concern that the information management focus has meant that the technical aspects of how to process a request have assumed greater emphasis for staff than dealing with the substantive decision-making. Staff responses to our staff surveys and in our meetings focussed heavily on how requests are logged and tracked in the LGOIMA Authority Register. There was surprisingly little mentioned about how they go about deciding what the response should be. I am of course supportive of having good information management processes, but this should not lead to an emphasis on form over substance.

The job description for the information specialist roles that have the LGOIMA officer function, describe a key function of the role as managing the 'day to day function of Council's official information request processes in accordance with legislation' and that this will involve, among other things providing 'advice on official information processes across all levels of staff'. The Information Manager role also has a responsibility to 'provide advice on complex legal and regulatory issues related to official information requests'.

The views of LGOIMA officers on how to respond to requests substantively may or may not be sought and considered, but as I understand it, there is no expectation that they will be. Again I wonder if placing the organisational experts in the information management area has meant that staff don't realise that LGOIMA officers are the experts on the subject matter as well as on the systems used to record requests.

I asked LGOIMA staff whether they were ever consulted on decisions about whether to recommend that a report be heard in a public excluded session of a Council meeting, and the response was that they were not. Given that the reasons to exclude the public come from the LGOIMA provisions for withholding information this could be a missed opportunity.

Likewise I note there does not seem to be a close relationship between the Council's LGOIMA staff and the communications team. While they can refer media requests or enquiries to each other where relevant, there seems to be a missed opportunity to work more strategically together on proactive release.

As discussed more extensively in the previous chapter, I consider that senior leadership needs to take a greater lead on the Council's practices in respect of official information requests. LGOIMA requests are a key accountability tool for local government. Having an effective official information regime is not a regulatory or compliance activity, but one that sits at the very heart of local government practice and be closely connected with governance, community engagement and communications functions. The placement of this function within an organisation should reflect this.

Action point

Consider whether Information Management Services is the most appropriate location for:

- Coordination of LGOIMA requests
- Providing in house expert advice on substantive LGOIMA issues

Capability and training

There is no induction training on LGOIMA. In my view there should be training for all new staff on both the meetings provisions and the official information provisions of LGOIMA. I understand that the Council has been looking to include more information about governance in its induction training and I would suggest this is extended to include an overview of the official information legislation as well.

With the vacant in-house legal counsel role, and the departure of the Information Manager, I query whether there is sufficient in-house expertise currently available to assist in the substantive decision-making on a request, or providing advice on whether the public should be excluded from a meeting item.

A number of staff expressed the view that determining whether there are reasons for withholding information under LGOIMA was a straightforward assessment. This sentiment was not echoed by staff who had more experience in this area. Staff who did have more experience referred to, at times, giving advice on decisions and that advice being ignored.

From the information I received, I understand that there is no training provided to any staff on the substantive LGOIMA withholding grounds. This needs to be remedied. I would like to see some focus on building the role of those staff responsible for advising on requests and for those people to be recognised for their expertise and referred to in the decision-making process. The advice should be recorded, and if senior leaders choose to take a different approach, then this should be documented along with the reasons why.

Senior managers who are likely to have input to the decision-making should also receive LGOIMA training.

I acknowledge that the Chief Executive signs out all responses on all LGOIMA decisions, and in that sense will provide a final review point for the response. Nonetheless, as I discussed under Leadership and Culture the Chief Executive would be better served if there was a robust peer review process built in earlier on.

Similarly, while it is the elected members who resolve whether to exclude the public on a particular agenda item, those elected members need to have the confidence that the recommendation they receive from Council staff in this respect has been appropriately tested prior to coming before them.

As the Council is aware, members of my Office are available to deliver tailored LGOIMA training. My Office can also provide advice and guidance on in-house training materials should the Council consider that useful.

Action point

Develop a training programme tailored to the needs of all staff, including induction training and more detailed training for staff advising on the application of LGOIMA withholding provisions

Council's response

The Council has already taken steps to implement this action point by arranging for my Office to provide LGOIMA training to staff in May 2019.

Delegations

Section 13(5) of LGOIMA requires a decision on a LGOIMA request to be made by the Chief Executive or by an officer or employee that the chief executive has authorised. The positive of having the Chief Executive sign out all decision letters on LGOIMA requests is that this indicates that LGOIMA requests are a significant matter. However, as I have indicated in other parts of this report, the reality is that a range of staff are in fact responding to LGOIMA requests every day whether they are aware of it or not.

In my discussion with the Chief Executive, he indicated that in reality he has to rely on his managers and their staff for the most part to ensure that requests have been appropriately

dealt with. As I have already mentioned, a formal peer review process is desirable, and this would give the Chief Executive some assurance about the quality of the response.

I think that there is room for some delegation on decisions responding to LGOIMA requests. In my view, only the more contentious decisions need to be signed out at Chief Executive level. The advantage of this is that when one of these comes to the Chief Executive he will take the time to examine it in greater depth, and his time won't be taken up with relatively straight forward matters. Having lower level delegations could also be helpful to improve the timeframe for responding to a request.

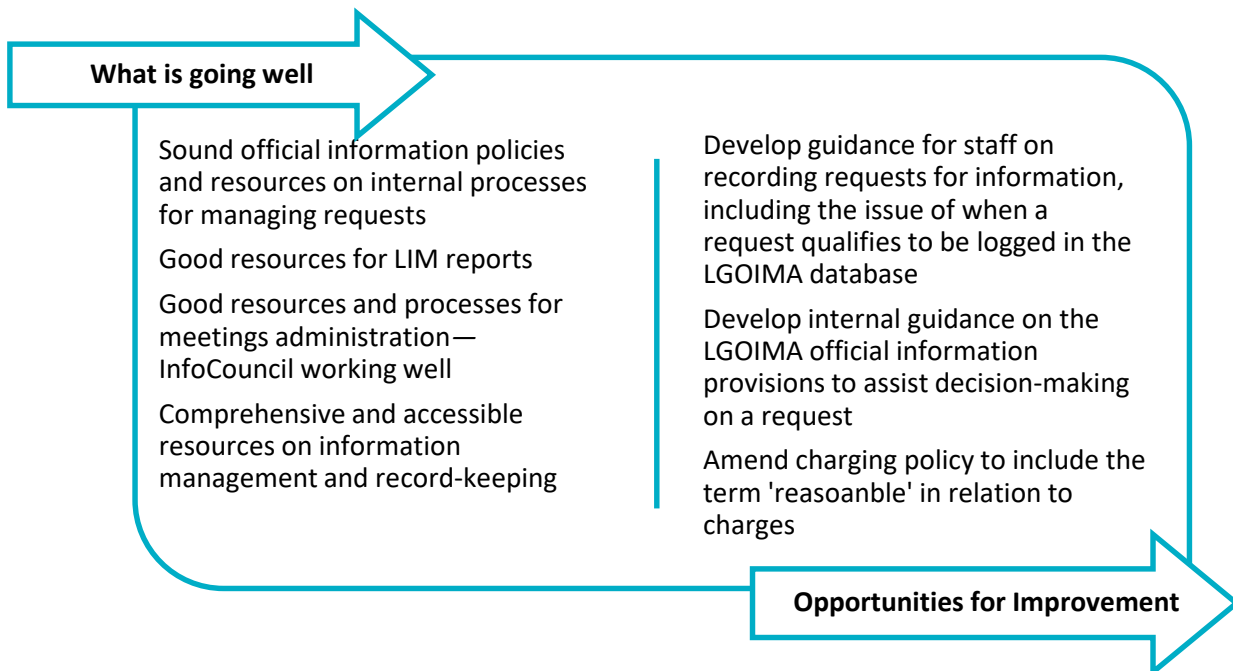
I suggest that the Council establish a delegation framework for responding to LGOIMA requests.

Action point

Establish a delegations framework for responding to LGOIMA requests

Internal policies, procedures and resources

At a glance



While it is not a legislative requirement, nor an assurance that compliance with LGOIMA will occur, I do expect as a matter of good practice that councils develop or adopt policies and procedures that will assist staff to apply the requirements of the Act consistently. In addition, staff should be supported by good systems, tools and resources in their work that will enable agencies to effectively process requests and make good decisions consistent with the provisions in the Act.

To assess Horowhenua District Council’s internal policies, procedures and resources, I considered whether it had accurate, comprehensive, user-friendly and accessible policies, procedures, and resources that enabled staff to give effect to the Act’s principles, purposes and statutory requirements. This includes policies, procedures and resources in relation to:

- dealing with official information, the administration of Council meetings, and producing LIM reports;
- records and information management; and
- proactive release of information.

Aspects that are going well

Official information policies and resources

The Council has a good high-level policy on official information requests and proactive release. The policy provides an accurate and clear definition on what constitutes official information, sound policy statements on its approach to official information requests and proactive release, and a clear list of roles and responsibilities.

The Council also has a charging policy for official information requests and this is available on its website. The policy is well structured, references sound principles about why information should be made available, and provides helpful information about how charges are determined. I only have one suggestion for improvement which I refer to later in this chapter, and that is about including the notion of a charge being 'reasonable'.

There is a helpful intranet page for staff to access, which provides information about how to log a request and how it should be processed, including who is responsible for what. The page contains links to the policies described above, a flow chart, guidance on how to log the request into the LGOIMA Authority Register and a set of Promapp instructions. Promapp is a business process mapping software tool. The LGOIMA Register contains basic templates for acknowledgement and decision letters. Links are also provided to the legislation, and to the LGOIMA guides produced by my Office. Staff are invited to contact LGOIMA officers or the Information Manager if they need assistance. The customer services staff noted that the intranet page is the first place they would consult if they are unclear on whether they are dealing with a LGOIMA request.

The Promapp instructions provide helpful step-by-step prompts to staff about: logging a request; assigning responsibility for it within the Council; consideration of whether clarification is required; whether the request should be transferred; and whether there may need to be a charge imposed. Guidance is also given in the Promapp instructions on where to search for the information requested, and matters to be considered when making a decision on the request.

Ninety-three percent of staff who responded to the staff survey reported that they had resources available to support their handling or processing of a request, and 84% of staff reported that the resources were very easy or easy to find. This was supplemented by comments from staff, both in the survey and in meetings, that the resources were useful and that they felt confident in asking information management staff if they had any problems with logging and processing a request.

I was provided with some slides that I understand had been used in internal staff training sessions in the past. One was specifically about the process for dealing with LGOIMA requests, and another was about LGOIMAs and information security. In both sets of slides, I was pleased to see an emphasis on the importance of releasing information where possible, and on the breadth of LGOIMA coverage, in the sense that LGOIMA applies to a request for *any* information held.

Resources for producing LIM reports

There are also some very good resources for producing LIMs. A comprehensive training manual has recently been updated to assist new LIM officers, and again there is a set of Promapp instructions providing step by step guidance. All LIM staff who responded to our survey found these resources very useful or useful.

Resources on meeting administration

In addition to the fairly prescriptive provisions contained in LGOIMA itself, the Standing Orders provide comprehensive guidance for governance staff and elected members on the administration of Council meetings. The requirements for public notices, distribution of agendas and the content of minutes are all set out in these documents.

Elected members are also provided with a comprehensive manual called the 'Elected Members Handbook' which provides detailed information about their responsibilities as elected members including a chapter on governance and decision-making and official information obligations.

Meeting agendas are compiled in the software programme InfoCouncil, a specialist programme designed specifically for this purpose and used by a number of councils. The programme contains comprehensive report templates and includes the provisions to be considered for a recommendation that the public be excluded for an agenda item. Report writers generate their reports in this programme, and Group Managers are able to peer review and sign off those reports electronically. Minutes are compiled in the same programme.

Governance staff advised that the InfoCouncil software has made the task of compiling agenda significantly easier. The process for distribution of the agenda is also explained in Promapp.

Information management and record-keeping policies and resources

The Council supplied us with its policies on information management and security which comprehensively set out the expectations on staff to create and maintain records and keep them secure. Of staff that responded to the staff survey, 90% of staff indicated that it was very easy or easy to find the Council's policies and resources on record-keeping, and 92% found those policies and procedures useful. In addition, induction training is provided to staff on how to use the systems, and their record keeping obligations. Expectations on staff are clear and overall staff consistently reported feeling well catered for in terms of information management guidance and support.

Opportunities for improvement

Guidance on when to log a request in the LGOIMA database

The official information policy and resource materials available to staff are clear in explaining that a request for any information held is a LGOIMA request. However not all requests will be logged in the LGOIMA Authority Register. One of the training slides about LGOIMA dealt with this issue as follows:

Does the request need to be done as a LGOIMA?

- *Generally if it is asked to be registered as a request for official information it should be.*
- *If it is something that is already publicly available, or able to be provided to the requester straight away, it may not have to be registered as a LGOIMA. The requester needs to be satisfied that the information provided answers their request without the need for it to be registered as a LGOIMA.*

There was a lack of certainty amongst staff we spoke to as to when a request should be entered into the LGOIMA Register. Generally, if the term LGOIMA or ‘official information request’ was used then it would be. Some staff reported that it can be time consuming to log requests in the LGOIMA Register, and that there didn’t seem to be much point to doing this if they could just satisfy the requester by providing the information on the spot.

I discuss the issue of how to deal with these requests in the next chapter on current practices. However, once the Council has had a chance to review its processes in this respect, it would be helpful for staff to have a clear guidance document about what staff are expected to do in terms of recording a request that they deal with, and at what point a request should be logged in the formal LGOIMA system.

Action point

Develop guidance for staff on identifying LGOIMA requests, how to record these and when they should be logged in the LGOIMA Authority Register

Guidance on how to apply the LGOIMA provisions

As discussed above, there is good guidance on how LGOIMA applies to all requests for information, and the timeframe for a response. The charging policy is also good. However, I would like to see the word ‘reasonable’ included when explaining that LGOIMA allows for a charge to be imposed. The statutory requirement is that the charge must be reasonable.¹¹

Aside from the charging policy, there is very little guidance available to staff about how to apply the provisions of the Act in relation to a request, particularly in terms of extensions, transfers and reasons for refusal. The reasons for refusal are also pertinent to a recommendation that the public to be excluded from a council meeting.

There should be greater internal guidance available for staff to refer to when they are tasked with making a decision on a request, and where appropriate, links to the guidance available on my Office website on particular withholding provisions. When creating internal guidance, it would be useful to provide some examples of common requests the Council receives, in order to illustrate how the Council applied the withholding provision that it did.

¹¹ See s 13(3) LGOIMA. Note also s 13(2) LGOIMA, which provides that any charge ‘shall not exceed the prescribed amount’. However, no prescribed amount has ever been set.

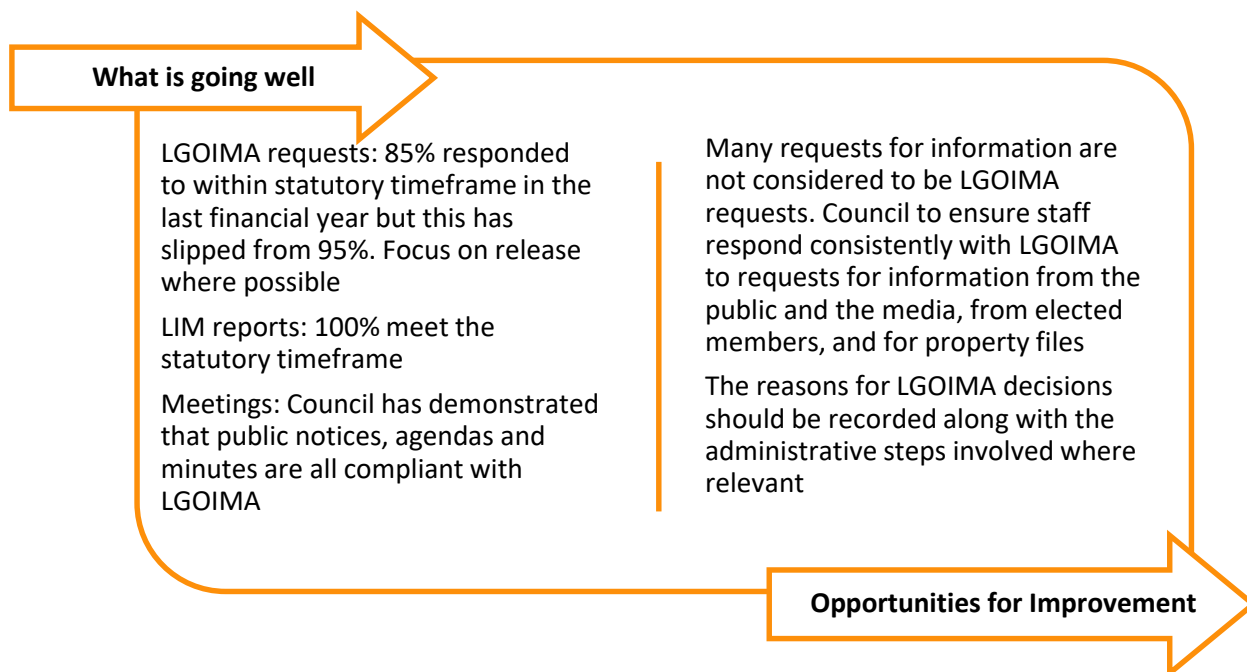
Action points

Amend charging policy to include the word 'reasonable' in relation to the charge that may be imposed

Develop guidance on common reasons for withholding information and reasons for excluding the public from Council and committee meetings

Current practices

At a glance



The effectiveness of LGOIMA 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 Horowhenua District Council I consider whether:

- the Council's practices demonstrate understanding and commitment to the principles and requirements of LGOIMA;
- Council staff have a good technical knowledge of LGOIMA; and
- the Council is coping with the volume and complexity of its LGOIMA work and is compliant with the Act.

Aspects that are going well

Official information practices

For the period 1 July 2017 to 30 June 2018, the average timeframe for a response to a request was 14.8 working days. While it is difficult to extrapolate from an average, it can be a useful comparative measure over time and is one indicator of how the Council is faring in terms of timeliness.

The Council provided some statistics for the last few financial years on the number of LGOIMA requests it had recorded and the rate of timeliness of those responses. I have reproduced this information below:

Horowhenua District Council LGOIMA statistics 1 July 2014 -31 August 2018

Financial year	Number received	Per cent on time
2014/15	55	96.4
2015/16	63	95.2
2016/17	77	94.8
2017/18	141	87.9
2018/19 (to 31 Aug)	28	84.4

At the time this information was provided, the statistics illustrated a clear trend of increasing numbers of requests, and timeliness rates reducing to around 85%. While this is not exceedingly low, it is lower than I would like to see. In earlier years the timeliness percentages were, on average, 95% which is a good result. It looks like some work may be needed in this area to cope with increasing demand and reverse the slippage in timeliness.

To get an understanding on the Council's processing of requests, my investigators reviewed a random selection of LGOIMA request files from the last three months. Requests were generally acknowledged on the same day they came in and assigned to someone on that day. In one case where a request that came in had been missed, the requester was immediately contacted and the request was processed with urgency. In terms of the substantive decision-making, I am pleased to note that there was a definite focus on looking to release as much as possible, however the record-keeping associated with these files meant it was difficult to understand how some decisions had been made. I have discussed how the Council could improve its recording of decisions later in this section.

LIMs

The Council is meeting the statutory 10 working day timeframe set for LIMs in LGOIMA 100% of the time. A standard LIM could be processed in half a day if need be, although more complex reports will take longer. The average turn-around time for LIMs is two to three days. Staff spoken to by my investigators explained that the key to the fast processing times for the Council's LIM reports is the fact that their information Management systems are of such a high standard.

Meetings

The Council has demonstrated that it is compliant with the statutory requirements for public notification of meetings, publication of agendas, and issuing minutes.

Agendas are usually published well within the statutory timeframe of 2 working days prior to the relevant meeting. The standard practice followed by the Council is to have the agendas out by the Thursday prior to a Council meeting the following Wednesday. Agendas can often run to hundreds of pages, depending on the number of reports contained, so the Council tries to provide extra time so that Councillors and the public have a chance to read and absorb the information prior to the meeting. The records of the last five meetings that were provided to my investigators indicated that the agendas were all published on the Thursday prior, except for one agenda which was sent out on a Friday.

The Council puts the agenda on its website, ensures hard copies are available in libraries and service centres, and sends agendas directly to other interested members of the public and media and interest groups on a list it maintains.

Council meetings are livestreamed, so an accurate record of the public portion of the meeting is immediately available. Draft minutes are usually made available within 2 weeks of the meeting, however they are not confirmed until the next Council meeting, which may result in some amendments.

Opportunities for improvement

Application of LGOIMA to all information requests

As touched on in the previous chapter, not all requests for information received by the Council are logged in the Authority Register of LGOIMA requests.

Public and media enquiries

The Council's contact centre receives 150 to 200 calls and 40 to 60 emails a day from the public. A significant proportion of those contacts are likely to involve requests for official information. Wherever possible, staff in the contact centre will provide the information requested as soon as possible or direct a caller to where they can source the information. It is only if LGOIMA is specifically mentioned, or the staff member considers the request to be of a more complex nature, that a request will be logged into the LGOIMA Register for action.

The Council's communications team takes a similar approach to dealing with media enquiries. The Council receives between three and five media enquiries a week. Staff endeavour to provide journalists with information they are seeking as quickly as possible, to assist with the journalist's reporting deadlines. Media enquiries will only be logged as a LGOIMA request and referred to a LGOIMA officer if a journalist specifically mentions the Act, or the request requires significant work.

The guiding principle generally applied by staff for both public and media enquiries is that if a request is straightforward, and the requester is entitled to receive the information, then the information should be released straight away without needing to 'process' this as a LGOIMA request. It was only where there may be some controversy about releasing information, or the request is detailed, that the LGOIMA staff would become involved.

I am concerned that there was a marked perception amongst staff that treating an enquiry as a LGOIMA request would be unnecessarily onerous. This seems to be because calling it a LGOIMA request is taken as being synonymous with logging it into the LGOIMA Register which some staff perceived to be cumbersome. The organisational track that then commences in terms of acknowledgment, referral of the request, and the sign out process will invariably take extra time.

There is nothing wrong with an administrative process of triage where requests that are easy to reply to are dealt with immediately by the staff who receive them. I consider that striving for the early release of information demonstrates the Council's commitment to openness and transparency.

Nonetheless it needs to be understood across the organisation that requests for official information held by the Council are governed by LGOIMA. There is no opting out. In reality this may make little practical difference where staff can provide information that satisfies the requester within their preferred timeframe. The staff are still applying LGOIMA. However staff need to be aware that where information is refused this decision must be communicated in accordance with section 18 of LGOIMA, which requires that the Council:

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

The refusal of information might be in full, or it may be a partial refusal. If a summary of information is offered in response to a request, this typically involves a refusal of the full information captured by a request. The desire to communicate more effectively with a requester by providing plain language summaries, in the absence of express agreement from a requester, will not absolve an agency from consideration under LGOIMA of whether to release the full information that was sought.

The Council should ensure that all information requests are handled in accordance with LGOIMA. This should include providing specific guidelines and training for contact centre and communications and any other staff who respond to information requests, even if these are handled outside the Council's prescribed LGOIMA process.

I also note that tracking LGOIMA requests handled by the contact centre staff or the communications team provides an opportunity to collect data that could inform the Council's proactive release practices. I discuss the tracking of media and other information requests in the next chapter.

Action point

Ensure that all public and media information requests are handled in accordance with LGOIMA

Elected member requests

The meetings conducted with Council staff indicated there was some confusion about the application of LGOIMA when elected members are seeking information. I understand that the practice generally is that a request for information would be logged as a LGOIMA request if the elected member specified that they were making a request under the Act. It appears that the Chief Executive handles many of these requests personally and they would only be considered LGOIMA requests where LGOIMA is mentioned. The Council has recently been dealing with a number of requests for information from elected members in this category.

I recently had cause to consider the application of LGOIMA to elected member information requests in relation to complaints received from several councillors from Auckland Council. During the course of my investigation into their complaints, I considered the relationship between a councillor's common law right to receive information necessary to their role as a councillor, referred to as the 'need-to-know' principle, and the application of LGOIMA. My findings from that particular investigation are summarised on the Office website.¹²

Councils will generally supply decision-making information to councillors under the common law need-to-know principle. Where a councillor requests further information, a Council may consider such a request under the need-to-know principle and determine whether to supply it or not. The important point from my perspective is that where an elected member requests information, that request is also subject to LGOIMA the same as it is for anyone else requesting information.

Where the information sought is released to an elected member then there is unlikely to be any issue. However, where information is fully or partially refused, alternative information is provided, or some form of restriction of access is imposed, a Council must be mindful that LGOIMA applies and must be complied with in all respects regardless of whether LGOIMA is specifically mentioned in the request. That is, reasons for the refusal and a reference to seeking review by the Ombudsman must be provided. The Council ought to disclose the most information possible, according to whichever approach facilitates this.

Action points

Ensure that requests from elected members are handled in accordance with LGOIMA

Develop guidance for staff and elected members, with input from my office, on how to deal with elected members' requests for information

Property files

The Council has recently experienced an increase in the number of requests for information from property files. These are requests for specific information from the files as opposed to a LIM application. The perception is that these requests are usually made in lieu of paying the full cost

¹²*Decision to impose conditions on the release of National Stadium reports to Councillors*, November 2018, http://www.ombudsman.parliament.nz/system/paperclip/document_files/document_files/2943/original/case_note_auckland_council_national_stadium_19_nov_2018_pdf.pdf?1542595260

of a LIM report. A common example might be a real estate agent asking for documents from the property file in relation to a number of properties at once. The increase in volume has meant that the Council is considering implementing a charge for this work.

Council staff working in this area did not perceive these to be requests under LGOIMA, and they are not captured in the LGOIMA system. Horowhenua District Council is not alone in this, and a similar situation exists with many of the councils we reviewed this year. The lack of clarity about how LGOIMA applies is likely due to the operation of the Building Act 2004. That Act contains provisions that list what types of information a territorial authority must keep about a building, and the right of the public to access this information, which is described as being subject to LGOIMA withholding provisions.¹³

The Building Act gives a right of inspection and photocopying of certain documents at Council premises during ordinary working hours. However LGOIMA applies to any information held (including non-documentary information) and envisages the supply of that information to a requester within a statutory timeframe. I understand that councils will often keep a range of information on a property file that will in many cases extend beyond the documents specified under the Building Act. That information falls outside the Building Act provisions but not outside LGOIMA.

In my opinion, a request for information from a property file is also subject to LGOIMA. As with the other situations discussed above, where the Council releases the information requested and the requester is satisfied, then the fact that LGOIMA also applies makes little difference to the outcome. However, when a request for a property file is received, I understand the usual practice is to release the standard documents to which the Building Act provides a right of access. Other information held on the file would not always be released. More often than not, there will be no reference to this in the reply to the requester.

Where information is not released in response to a request that could reasonably be expected to capture that information, this amounts to a refusal. Compliance with LGOIMA would require the requester to be notified of the decision to refuse that information, the grounds for that refusal, and their right to complain to the Ombudsman.

There are some simple steps that can be taken to ensure that property file requests are compliant with LGOIMA. The first step is to be clear both in information available on the website, and in the Council's initial interactions with the requester, what information a request for a 'property file' will be assumed to cover. The requester then has an opportunity to specify differently if he or she wants other information. Written communications with the requester, ideally when acknowledging receipt of the request for a property file, should also state clearly what the request has been interpreted to cover, and that if the requester is seeking other information in relation to a property this would need to be considered separately. This can be repeated whether in a covering email or letter, or by way of a disclaimer, when the file information is released.

¹³ Sections 216-2017 of the Building Act 2004.

The fact that a request for a property file is a LGOIMA request also has implications for any charges a council might want to impose for property file requests. I understand that the Council has not yet made a decision on whether it will impose set fees for property file requests. I suggest that prior to finalising a decision on this, the Council seeks advice from my Office on how to ensure any charges imposed would be consistent with its LGOIMA obligations.

Action points

Ensure that property file requests are handled in accordance with LGOIMA

Seek advice from my Office before making any decisions on implementing a charging regime for property file requests.

Council's response

The Council has taken steps to implement these action points and has been in contact with my Office to discuss options for charging in relation to requests for information from property files.

Timeliness on official information requests

In a survey sent to the Council, I asked what the key reasons were, in order of priority, for missing the statutory timeframes. The response listed the following:

- Waiting to receive advice or documents from different sections of the council.
- Sign out processes.
- Complexity and broad scope of the request.
- Consultation with other parties (including the requester).

An additional reason was provided in the 'other' category which was 'Actioning officers failing to apply due diligence to completing their part of the process'. According to the policy documents, the actioning officer will usually be the Group Manager, or the person to whom the request has been assigned by the Group Manager.

When asked what the senior leadership team was doing about the drop in timeliness, the perception from staff who are not in the senior leadership team was that very little is being done. The Chief Executive and the Group Manager Corporate Services acknowledged that timeliness had slipped. Staff capacity was raised as a possible reason given the increase in numbers of requests, and the amount of time some of those requests required.

There are a number of steps the Council can take to improve performance in this area. As noted in the chapter on leadership and culture, first and foremost senior leadership need to take some ownership of the issue. If responding to LGOIMA requests is seen as part of business as usual, then it will have a different priority for staff.

If, as I suggest, some commitment is given to training some particular ‘go to’ staff and empowering them to have a legitimate influence in the decision-making process, then I expect this would also have significant benefit in terms of timeliness as well as quality, especially when combined with a formal delegation structure that enables staff other than the Chief Executive to make some of the decisions.

On a pragmatic level, the Council could also make better use of the following tools available:

- Assisting requesters to clarify and refine their requests – sometimes this may involve a discussion around what sort of information is held and in what form.
- Being clear on when a request can be refused on the basis that information is not held or does not exist.
- Applying the extension provisions where necessary.
- Publishing information proactively.

Documenting decisions on LGOIMA requests

The LGOIMA Authority Register does not have specific provision for recording the decision-making process on a request. The record of the decision is the decision letter on the request which is imported into the LGOIMA Register. The decision letters simply use a plain English version of the LGOIMA withholding ground without further explanation. If there has been some internal written communication or legal advice sought on a request, then staff are expected to import this information into the database, although I understand there is no quality assurance process to check the regularity with which this occurs. If there have been verbal discussions about the approach to a request these will not be captured in the system.

When my investigators discussed this with relevant staff, the suggestion that the system could benefit from some form of record to indicate how the decision was arrived at was well received. Staff noted that trying to find substantive information about LGOIMA requests to respond to my Council survey proved quite difficult and required searching through the records of individual cases.

In my view, the key elements that ought to be recorded for decisions on LGOIMA requests are:

- The reasons for withholding information in this particular instance – how and why the relevant withholding ground applies;
- If a withholding is being considered under section 7(2), how the public interest test in section 7(2) was considered;
- If a possibly controversial decision to release information is being made – the reasons for that decision (for example how privacy or commercial sensitivity grounds were considered, or whether the decision to release was due to the public interest);
- If the requested information involves a third party, the consultation that took place with that third party and how the third party’s views were considered;

- Any administrative difficulties that arose in processing the request, such as where a request involves a large amount of information, or is for information that might exist but cannot be found, a record of the administrative steps taken to ascertain the volume of information, the steps taken to look for information or the work involved in responding to a request. This is important information to justify an administrative refusal of a request, or the imposition of a charge and is also a record of what repositories of information were searched in case a complaint, or a similar request comes in.

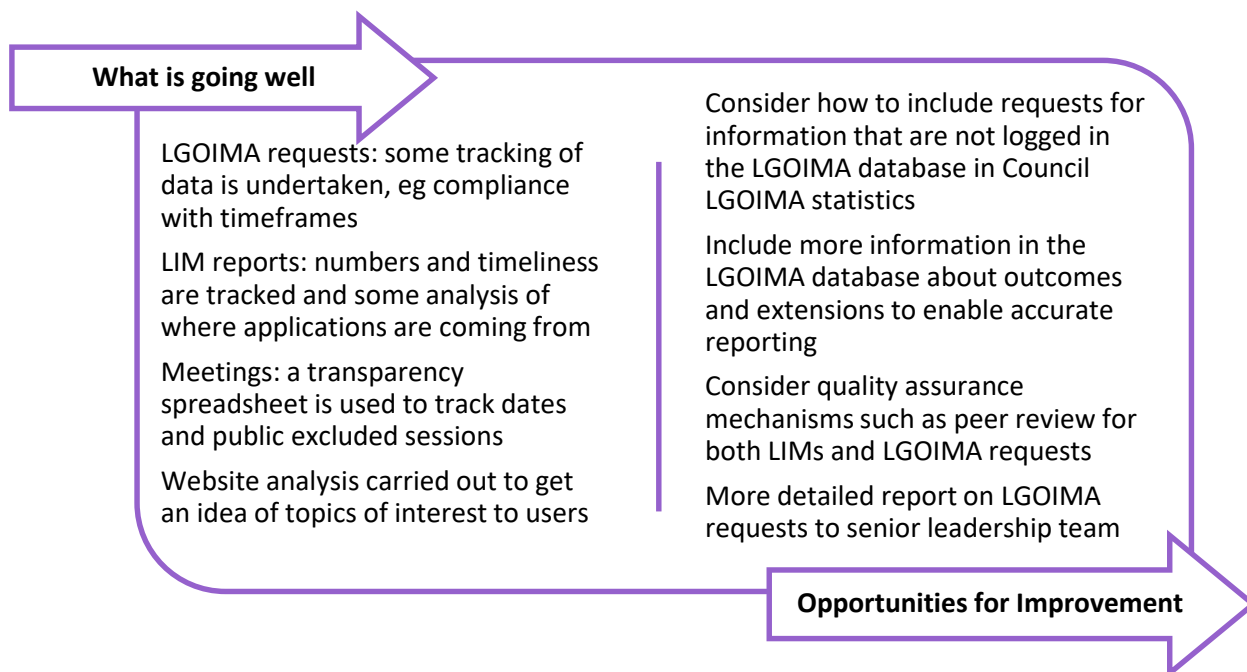
Action points

Record the reasoning behind LGOIMA decisions, including any consideration of the public interest and the results of any consultations with third parties

Record the administrative steps taken in respect of LGOIMA responses where relevant

Performance monitoring and learning

At a glance



Ombudsmen have consistently advocated maintaining a full audit trail in respect of any decision made by an agency. Making decisions under LGOIMA 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 Council in respect of its LGOIMA obligations, I considered whether:

- the Council had an established system for capturing meaningful information about its LGOIMA activities and established appropriate and relevant performance measures
- there was regular reporting and monitoring about the Council’s management performance in respect of LGOIMA compliance
- the Council learned from data analysis and practice.

Aspects that are going well

The Council’s information management systems enable it to accurately monitor LGOIMA requests and LIM reports in terms of numbers and timeliness. These figures are included in a monthly report that goes to the senior leadership team.

More detailed reports can be run on the information contained in the database, and this has been utilised in respect of LIM reports, in particular analysing whether LIM reports are requested from people outside of the District (as an indicator of population growth for the District).

Records are also kept of property file requests and media enquiries, however these would require some collation if they were to be incorporated into any LGOIMA statistics.

The Council keeps a 'transparency record' of meetings which consists of a table setting out the meeting dates for the full Council, committees and the Foxton Community Board, when the public notices were sent out, the dates the agenda was distributed, the number of open substantive items and the number of public excluded items. While the records of the meetings are of course kept, the table enables quick reference to see trends.

The Council also uses Google analytics to track the top 10 downloads, the top 10 pages looked at, mobile vs desktop views, what people are searching for by keyword, and the number of site users in the last month. They are about to introduce a live analytics tool which will give visual real time information on what is trending.

The website data is one of the tools for those working in communications and public engagement to assess the level of public interest in various issues. This will assist in decisions around other forms of engagement and whether releasing more information on an issue could be helpful.

Opportunities for improvement

Capturing meaningful information

As discussed in the previous chapter, only a portion of the LGOIMA requests the Council deals with are recorded in the LGOIMA Authority Register. The reality is that the majority of times a person asks the Council for information, that information will be released. It is only the formal requests, or the ones that are more complex, or involve a potential refusal that are currently counted.

I would encourage the Council to consider how it might be able to capture data that better reflects this reality. I am not suggesting that every one of these requests should be logged in the LGOIMA Authority Register, however it may be possible to collate information the Council already gathers to report more accurately on the number of requests the Council deals with. This could have an immediate positive impact on perceptions of transparency both internally and externally.

I also consider that the Council would benefit from expanding the type of reportable data it collects about those LGOIMA requests that are logged into its database. The Council has advised that at present there is a provision to record whether the request was granted in full or refused in full but not whether it was granted in part (for example release with redactions).

Nor is the Council able to record whether the timeframe has been extended, in a way that can be reported on. While the correspondence around this may be imported, it means that in

order to keep an accurate track of overall compliance with statutory timeframes, there has to be a manual check of requests that have been responded to outside the 20 working day timeframe to see if the timeframe was missed, or whether it had in fact been extended.

Action points

Consider ways to include customer service, media, elected member and property file requests in LGOIMA statistics.

Include the following types of information in the LGOIMA Authority Register:

- whether the request was granted in part
- whether an extension to the timeframe has been notified to the requester
- the timeframe of that extension

Monitoring quality

An important part of performance monitoring is that it enables an agency to learn from previous practice to inform future practice. As noted in the previous chapter, I have suggested that the Council should record the reasoning behind the decision it makes on a LGOIMA request. This will serve as a check that consideration has been given to all the necessary elements before a decision is made, and build up a resource for staff to refer to when considering the appropriate approach in future decisions. It is also useful information for quality assurance purposes.

In earlier chapters I have suggested that it would be helpful to have a robust peer review process for decisions on LGOIMA requests prior to the decision letter going to the Chief Executive for approval and signing. There appears to be no formal peer review of LIM reports either (except where a LIM officer is still in training). The lack of a formal peer review process could create vulnerabilities for the Council. Peer review is one way the Council could improve its quality assurance in this area. I would encourage the Council to consider implementing a peer review step for LIMs as well as for LGOIMA responses.

Action point

Consider implementing peer review processes to ensure quality and consistency of LIM reports

Reporting

At present the Monthly Group report to the senior leadership team on LGOIMA statistics is limited to numbers and timeliness. No information is included about the subject matter of the request, or the reasons for refusal. This is a missed opportunity for the senior leadership to become aware of trends in subject matter that could prompt a decision to release information proactively. Nor does there appear to be any expectation that requests raising issues of wider public interest or on controversial topics are reported to the senior leadership team.

I appreciate that as a small organisation, these matters are likely to come to the attention of a Group Manager and probably the Chief Executive. Nonetheless, having more informative reporting at this level would demonstrate that senior leadership is interested. As the Group

Monthly report is circulated to all staff, it would also keep the wider organisation informed. Reporting of this type could also serve as a useful tool to inform planning around capacity, or highlight any training needs.

Action point

Improved detail in Group Monthly report to senior leadership

Appendix 1. Official information practice 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 Horowhenua District Council relating to the Local Government Official Information and Meetings Act 1987 (LGOIMA).¹⁴

Purpose of the investigation

The investigation will consider how the Council works to achieve the purposes of the LGOIMA through its processing and decision-making under that Act, (in relation to both the Act's official information and meetings parts).

The investigation will include consideration of the Council'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 LGOIMA.

The investigation will identify areas of good practice, and make suggestions for improvement opportunities if any areas of vulnerability are identified.¹⁵

Scope of the investigation

The investigation will evaluate the Council's leadership and culture, organisational systems, policies, practices and procedures needed to achieve the purposes of the LGOIMA, 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 Council liaises with its elected members on LGOIMA requests, and may meet with elected members if, as the investigation progresses, it would be prudent to. The investigation will also consider how the agency administers Part 7

¹⁴ See sections 13(1) and 13(3) of the Ombudsmen Act 1975 (OA).

¹⁵ 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.

Local Authority meetings. The investigation will not consider decisions taken by full council (committee of the whole).¹⁶ However, in relation to decisions by full council, the reasonableness of any advice provided by officials or employees, on which the decision was based may be considered as part of the investigation.

The investigation will not consider the processes and decision making of Council Controlled Organisations (CCOs) or Community Boards (CBs), as they are separate statutory entities and are subject to obligations under the LGOIMA in their own right.¹⁷ However, the investigation will consider the extent to which the agency subject to the investigation has appropriate processes, policies or resources in place to manage the relationship between the CCO or CB and the council in relation to:

- Transferring requests to ensure compliance with the requirements of s 12 of LGOIMA.
- Decision making and accountability on a request, in that the lines of accountability and decision making are clear between the Council and CCO or CB particularly in circumstances where the Council provides administrative support for LGOIMA responses.¹⁸
- Consultation on requests, to ensure the process is managed appropriately.

A sample of decisions reached by the Council on individual LGOIMA requests may be considered as part of this investigation, to assist the Chief Ombudsman's understanding of the Council's official information practices. Other samples that may be reviewed include records of the processing of Land Information Memorandum requests (LIM), and records of recent Council meetings.

If evidence emerges concerning specific examples of LGOIMA 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.

¹⁶ See s13(1) Ombudsmen Act 1975

¹⁷ Council Controlled Organisations are subject to Parts 1-6 of LGOIMA see section 74 of Local Government Act 2002.

¹⁸ The decision must be made by the chief executive or any officer or employee authorised by the chief executive see section 13(5). Elected members (mayors or councillors or members of boards) are not officers or employees and are therefore not permitted to make decisions on LGOIMA requests.

Information gathering

The information for the investigation will be gathered through desk research, a detailed survey of the Council's official information practices, a staff survey, a survey of elected members, 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 Ombudsmen Act 1975 and subject to the secrecy provisions in section 21 of that Act.

Desk research

A review of publicly available information including the Council'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 LGOIMA requests
- Strategic plans, work programmes, operational plans
- Policies, procedures and guidance on responding to LGOIMA requests
- Training materials and quality assurance processes
- Reports on LGOIMA performance and compliance to the agency's senior management
- The logging and tracking of LGOIMA 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 LGOIMA
- Policies, procedures and guidance on proactive publication.

A survey of council staff about their experience of the LGOIMA culture and practice within the council.

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.

A survey of elected members, asking them about training received on LGOIMA, information management, and their roles and responsibilities under LGOIMA.

Meetings

In addition to the meeting between the Chief Ombudsman and the Council'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 LGOIMA requests, processing and dispatch of LGOIMA requests	1 hour
Providing information in response to LGOIMA requests	½ to 1 hour
Decision makers on LGOIMA 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 LGOIMA, including the application of refusal grounds, when a response is being prepared, and 'public excluded' resolutions	1 hour
Receiving public enquiries (receptionist, call centre manager if relevant)	½ hour
Those involved in the administration and arrangement of meetings under part 7, for example the Council Secretary or meeting secretary, and including council staff who provide advice and make recommendations to elected members as to whether items should be discussed as public excluded meetings	1 hour

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

The investigation team may meet with additional staff, as the investigation progresses.

Other

A review of the Council's intranet.

A review of a sample of files held by the Council on previous requests for information, previous requests for LIMs and records held on recent Council meetings.

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 Council 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 Council's official information practices. The draft will be provided to the Chief Executive for comment.

The Chief Ombudsman is required to consult with the mayor or chairperson before he forms his final opinion, if the mayor or chairperson so requests.¹⁹

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 [Council], so that they can respond to the findings and suggestions and/or recommendations.

The final report will be made available to the Council's mayor, published on the Ombudsman's website, and tabled in Parliament.

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 Council'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.

¹⁹ See section 18(5) Ombudsmen Act 1975.

Appendix 2. Key dimensions and indicators

Introduction

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

[Leadership and culture](#)

[Organisation structure, staffing and capability](#)

[Internal policies, procedures and resources](#)

[Current practice](#)

[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.

Note: Where this document refers to 'official information requests', this includes requests made under Part 2, Part 3, Part 4 and applications for Land Information Memoranda under section 44A.

Leadership and culture

Achieving the purposes of the Local Government Official Information and Meetings Act 1987 (the Act) largely depends on the attitudes and actions of leaders, including elected members²⁰, chief executives, senior leaders and managers within the agency.

Elected members, chief executives and senior managers should take the lead in promoting openness and transparency, championing positive engagement with official information legislation.

Elements	Things to look for (indicators)
Elected members, chief executives, senior leaders and managers demonstrate a commitment to the agency meeting its obligations under the Act and actively foster a culture of openness within the agency	<ul style="list-style-type: none"> ✓ Chief executives, leaders and the relevant elected members work together to promote a culture of positive LGOIMA compliance and good administrative practice ✓ Senior 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 ✓ Senior leaders demonstrate clear knowledge and support of the Act's requirements ✓ Senior leaders encourage staff to identify areas for improvement and provide the means for suggesting and implementing them when appropriate ✓ Senior 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

²⁰ Elected members are not subject to LGOIMA, but they do hold information that is subject to the Act, and they are requesters under the Act. The expectation is that they model openness and transparency in the work that they do, and demonstrate a commitment to compliance with the legislation in order to secure the public's trust and confidence in the local authority.

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

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

Organisation structure, staffing and capability

Responding to official information requests is a core function of the local government 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.

Elements	Things to look for (indicators)
<p>Agency has the capacity to discharge its official information obligations, and obligations around local authority meetings, with clear and fully functioning:</p> <ul style="list-style-type: none"> • roles; • accountabilities; • reporting lines; • delegations; and • resilience arrangements 	<ul style="list-style-type: none"> ✓ An appropriate, flexible structure exists to manage official information requests and obligations around local authority meetings which is well resourced reflecting the: <ul style="list-style-type: none"> – Size of the agency – Number of requests received (and from whom, public, media, other) – Number or percentage of staff performing official information and meeting functions in the agency – Percentage of time these staff are also required to undertake other functions – Need to respond within statutory time limits – Use of staff time, specialisations, structural resilience ✓ Roles and responsibilities are clearly defined: <ul style="list-style-type: none"> – Specific responsibility exists for coordinating, tracking and monitoring official information requests and agency decisions (and ombudsman decisions) and there is the authority and support to ensure compliance²¹ – 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 that facilitates effective working relationships with relevant business units (for example, media and legal teams)

²¹ This indicator is also relevant to performance monitoring and learning

Elements	Things to look for (indicators)
<p>Agency has the capability to discharge its official information obligations, and obligations around local authority meetings</p>	<ul style="list-style-type: none"> ✓ Training at all levels on the requirements of the Act is provided regularly and staff are expected to attend, and to apply the knowledge acquired ✓ Training is role specific with additional training for senior managers, decision makers and staff with official information and meeting 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 that is role-specific and includes guidance on information retrieval as well as information storage ✓ The process for staff to assess and make decisions on official information requests and meetings is clear, understood, up to date and staff apply and document the process ✓ 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 ✓ Staff official information capability is regularly assessed and monitored through, for example, performance reviews and regular training needs analyses ✓ Official information obligations, and obligations related to local authority meetings are included in induction material for all staff ✓ The agency's internal guidance resources are accessible to all 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.

Elements	Things to look for (indicators)
<p>The agency has official information and meeting policies, procedures and resources that are accurate and fit for purpose</p>	<ul style="list-style-type: none"> ✓ Good policies, procedures and resources exist for receipt and assessment of requests, which cover: <ul style="list-style-type: none"> – What is official information – Identifying the type of official information request received (Part 2, 3, 4 or 6 of LGOIMA) and distinguishing from Privacy Act requests – What to do if information is held by an elected member – Identifying the scope of the request – Consulting with and assisting the requester – Logging requests for official information – Acknowledging receipt of the request – Correctly determining statutory time limits and tracking the handling of the requests – Identifying who in the agency should respond to the request – Establishing criteria for deciding whether, and if so, how a response to a request should be provided urgently – Managing potential delays (including the reasons for them, the escalation process and invoking the extension provision) ✓ Good policies, procedures and resources exist for information gathering on requests, which cover: <ul style="list-style-type: none"> – Identifying the information within the scope of the request – 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 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(6) of LGOIMA – Engaging with elected members on official information requests

Elements	Things to look for (indicators)
	<ul style="list-style-type: none"> ✓ Good policies, procedures and resources exist for decision making on requests, which cover: <ul style="list-style-type: none"> – Making a decision whether to release the information – Making a decision on the format in which information is released – Making a decision whether to charge for the release of information – Guidance on application of withholding or refusal grounds relevant to requests made under Parts 2, 3 and 4 – Guidance on any statutory bars on disclosure relevant to the legislation the agency administers – Imposing conditions on release where appropriate – Advising the requester of the decision – Recording reasons for each item of information withheld, and the agency’s consideration of the public interest in release where required ✓ Good policies, procedures and resources exist for releasing requests, which cover: <ul style="list-style-type: none"> – Providing the information in the form requested – Preparing information for release (including redactions) ✓ Good policies, procedures and resources exist for the administration of local authority meetings, which cover: <ul style="list-style-type: none"> – How and when meetings (ordinary and extraordinary) are publicly notified – How items not on the agenda for a meeting may be dealt with – How and when agendas and associated reports are made available to the public – When it is appropriate to hold a workshop rather than a meeting – Preparing, and allowing the public to inspect or receive copies of minutes of meetings and workshops – Decision making on whether meetings should be ‘public excluded’ – Ensuring a resolution to exclude the public is compliant with Schedule 2A LGOIMA ✓ 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.

Elements	Things to look for (indicators)
	<ul style="list-style-type: none"> ✓ The agency's official information and meeting policies, procedures and resources are regularly reviewed and up-to-date ✓ Staff find the policies useful and easy to access
<p>The agency has appropriate record keeping and information management policies, procedures and resources</p>	<ul style="list-style-type: none"> ✓ Staff are able to identify, access and collate information that has been requested under the Act ✓ The agency has accurate and comprehensive records and information management policies, procedures and resources which enable information relevant to a request to be identified and collated ✓ The policies and procedures cover aspects such as: <ul style="list-style-type: none"> – Creating, organising, maintaining and storing records – How to access information held by elected members – 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 email 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

Elements	Things to look for (indicators)
<p>The agency has accurate and comprehensive proactive release policies, procedures and resources</p>	<ul style="list-style-type: none"> ✓ The policies and procedures cover the release of such things as: <ul style="list-style-type: none"> – Information that has been released in response to official information requests – Information described in section 21 of the LGOIMA 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 fixed ✓ They are regularly reviewed and up-to-date ✓ Staff know about the agency’s proactive release policies and procedures ✓ Staff find the policies 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.

Elements		Things to look for (indicators)
Official information and meeting practices demonstrate understanding, compliance, and commitment to the principles and requirements of the Act.	✓	<ul style="list-style-type: none"> ✓ The agency complies with maximum statutory timeframes to transfer, extend, decide on requests, and release official information ✓ The agency complies with statutory timeframes for notifying meetings, and making available agendas ✓ The agency makes standing orders, meeting agendas and associated reports, and meeting minutes available to the public ✓ The agency produces comprehensive meeting minutes which contain, for example: <ul style="list-style-type: none"> - the time the meeting opened and closed, the date, place and nature of the meeting - the names of the councillors attending the meeting, those who have leave of absence or who have given an apology, and the arrival and departure times of councillors who arrive or leave during the course of the meeting - a record of every resolution, motion, amendment, order, or other proceeding of the meeting and whether they were passed or not

Elements		Things to look for (indicators)
		<ul style="list-style-type: none"> - any ‘public excluded’ resolutions are in the form set out in Schedule 2A and comply with section 48 LGOIMA - the outcome of any vote taken - the names of members voting for or against a motion when requested or after a division is called ✓ Requests are handled in accordance with the applicable law (Privacy Act; Part 2, 3, 4, or 6 of LGOIMA) ✓ The agency makes appropriate use of the withholding grounds and administrative reasons for refusal, and the provisions for excluding the public from the whole or any part of local authority meetings ✓ The agency makes appropriate use of the legislative 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 ✓ Elected members involvement in agency official information decision making is appropriate

Elements		Things to look for (indicators)
		<ul style="list-style-type: none"> ✓ The process for escalation of issues is used where necessary and is effective ✓ 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 ✓ There is evidence that agency practice aligns with its policies and procedures ✓ Staff regularly use the agency's policies and procedures

Elements		Things to look for (indicators)
The agency has good record keeping and information management practices	✓	<ul style="list-style-type: none"> ✓ The agency documents its handling of official information requests, including the steps taken to search for the requested information, the information identified as relevant to the request, and the reasons for its decisions ✓ The agency's records and information management practices facilitate official information compliance (it is generally easy to find information that has been requested under the Act) ✓ Staff regularly use the agency's records and information management policies and procedures as described in <i>Good records and information management policies, procedures and resources</i> ✓ The agency demonstrates good record keeping processes and practices for all meetings, both formal and informal

Elements		Things to look for (indicators)
The agency has good proactive release practices	✓	<ul style="list-style-type: none"> ✓ The agency publishes useful information online including the types of information described in the ‘Good proactive release policies, procedures and resources’ indicator, under Internal policies, procedures, and resources ✓ The agency publishes information in multiple formats, and applies open use standards ✓ The agency’s position on copyright and re-use is clear ✓ Staff use the agency’s proactive release policies and procedures where applicable

Performance monitoring and learning

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

Element	Things to look for (indicators)
<p>The agency has an established system for capturing and analysing data to inform meaningful and appropriate performance measures</p>	<ul style="list-style-type: none"> ✓ Performance measures include: <ul style="list-style-type: none"> – Quantity –for example the number of requests, from where and the number processed – Efficiency –for example duration of request handling, number of responses that exceed legislative maximum time limits, the reasons for any delays – Quality- for example outcome of any internal quality assurance reviews and/or external reviews of official information and meeting decisions and processes and whether or not the results of those reviews provide evidence of system wide issues – Monitoring of opportunities for proactive release –for example 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: <ul style="list-style-type: none"> – The number of requests – The type of request (Part 2, 3, 4 or 6 of LGOIMA) – The type of requester (for example; media, political researcher, corporation, individual citizen, elected member, interest group etc) – The information sought – The number and reason for transfers, and whether the transfer was made in time – The number and reason for any ‘public excluded’ resolutions – 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 17(f), which provides that <i>‘A request made in accordance with section 10 may be refused (if)... the information requested cannot be made available without substantial collation or research.’</i>

Element	Things to look for (indicators)
	<ul style="list-style-type: none"> - Whether any elected member was consulted on the decision - Whether the decision was notified to any elected member - Whether, and which, third parties were consulted - The time from receipt of the request to communication of the decision - 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, including the time spent assisting in processing requests by staff who are not in core LGOIMA roles ✓ 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
<p>There is regular reporting about the agency’s management and performance in respect of official information requests</p>	<ul style="list-style-type: none"> ✓ Data about the agency’s official information performance, and information demand is regularly reported to senior leaders, and at least quarterly to the Chief Executive ✓ Reports include emerging themes or trends, opportunities for improvement and proactive release, resourcing, capacity or capability (training) issues ✓ Reporting informs planning, resourcing and capability building decisions

Element	Things to look for (indicators)
The agency learns from data analysis and practice	<ul style="list-style-type: none">✓ The agency has a system for sharing official information learning and experience, such as meetings, newsletters, email or intranet updates, or official information '<i>champions</i>'✓ The agency monitors relevant data, guidance and publications, including those produced by the Ombudsman, Local Government New Zealand and the Department of Internal Affairs✓ The agency monitors the outcome of Ombudsman investigations and reports these to relevant staff, including official information decision makers✓ The agency analyses 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