

FAQs: Official information complaint data publications

Background

The publication of official information complaints data is driven by the Chief Ombudsman's desire to increase transparency around the operation of the official information legislation. He believes that greater transparency will lead to improvements in agency performance and compliance with the law.

Since January 2017, the Chief Ombudsman has been publishing data on Official Information Act 1982 (OIA) complaints received on a six-monthly basis. In July 2019, the data was expanded to include data on Local Government Official Information and Meetings Act 1987 (LGOIMA) complaints. The publications cover all Ministers and agencies against which an official information complaint has been received or completed by the Ombudsman during the reporting period.

For a complaint to be included in this data set, the Ombudsman must have jurisdiction under the official information legislation to investigate and review the decision.¹ Complaints not set out in these sections, such as about transfers or administrative processing, are considered under the Ombudsmen Act and, therefore, not included in the complaints data.

At the same time as the Chief Ombudsman releases data on **official information complaints**, Te Kawa Mataaho Public Service Commission (PSC) releases data on **OIA requests** completed by departments and statutory Crown entities.

¹ As set out in sections 28 and 35 of the OIA and sections 27 and 38 of the LGOIMA.

Complaints received

The dataset for complaints received includes all official information complaints received by the Ombudsman within the relevant six month time frame. The data includes the nature of the complaint made and the type of complainant.

Completed complaints

The data set for complaints completed includes all official information complaints closed by the Ombudsman within the relevant six month time frame. The data includes the outcome of the complaint, the reason for that outcome, and, if relevant, any deficiency in decision making found or remedies achieved as a result of the Ombudsman's intervention.

Frequently asked questions

Q1. What is the difference between the case and the ground ID? Why are there multiple ground IDs listed under a case ID?

A1. The Ombudsman considers each ground of complaint, about an act or decision of an agency, raised by a complainant. However, these matters may be dealt with in a single email/letter, or 'case'. Also, different actions can be taken in response to the individual matters, allowing for some grounds to be addressed and closed more quickly.

For example, a complainant may complain to the Ombudsman about an agency's initial delay in responding to a request and also about the subsequent decision to withhold some information. After preliminary inquiries, the Ombudsman may decide that it is unnecessary to investigate the delay complaint, but decides to formally investigate the agency's decision to withhold the information. Both of these 'grounds' of complaint (ie, the delay, and the refusal) are grouped under one 'case'.

It is the 'grounds' of complaint that are counted in all our statistical reporting.

By way of explanation, Ombudsman reference numbers are written in our correspondence as 'case id (ground id, ground id, etc).'

Q2. Why is the agency not aware of a ground of complaint that has been received?

A2. The published data includes all complaints received by the Ombudsman. There may be a number of reasons for the agency not being made aware of a complaint. These could include:

The complaint has been received by the Ombudsman, but is under assessment or awaiting allocation to an Investigator.

The complaint has been received by the Ombudsman, but has not been formally 'notified' (ie, when the Ombudsman formally notifies the head of the agency that they will be investigating a complaint).

The complaint has been received by the Ombudsman, but was closed for one of a range of reasons including that it was withdrawn, the matter was outside the Ombudsman's jurisdiction, or early assistance resolved the matter.

Q3. The agency was advised of the complaint during the relevant period, but is does not appear in the data set. Or the agency was advised of the complaint after the relevant period.

A3. The grounds of complaints are published according to when the Ombudsman receives the complaint, not when the agency is made aware of the complaint. There may be a gap that means a ground of complaint is included in a previous or future data set due to the amount of time taken to allow for allocation and assessment.

Q4. Can I get more information about the complaints listed against my agency?

A4. If the complaint was closed without requiring agency contact or is open and awaiting allocation to an investigator or under assessment, the Ombudsman is unable to provide further information than is included in the data set. There is a statutory obligation to keep confidential all information received about complaints that does not need to be disclosed to progress an enquiry or investigation.

For all other complaints where there has been agency contact, the Ombudsman can quickly and easily provide the complainant name and the description of ground of complaint for reference. If additional information is required, Ombudsmen staff can provide assistance.

Q5. What can I do if I have concerns about the data?

A5. If you have any questions or concerns about the data proposed for publication, contact the named staff member or email info@ombudsman.parliament.nz. The Ombudsman will consider and respond to any queries about the data on a case by case basis.

Q6. How do the Ombudsman and PSC datasets compare or relate?

A6. The Ombudsman's data relates to official information **complaints**. PSC data relates to **OIA responses and publications, and formal Ombudsman investigations**.

The only overlap and comparable information between the data sets is the 'deficiencies' in the OIA complaints completed and PSC question five: 'How many OIA final opinions were formed by the Ombudsman against your agency.'

Q7. Can an agency compare its information to Ombudsman records for the purposes of supplying information to PSC?

A7. Yes. the Ombudsman is able to provide details relating to PSC questions four and five (4. How many OIA complaints were notified by the Ombudsman to your agency between [date range]? 5. How many OIA final opinions were formed by the Ombudsman against your agency between [date range] (including those received during the period that relate to requests from previous periods)?)