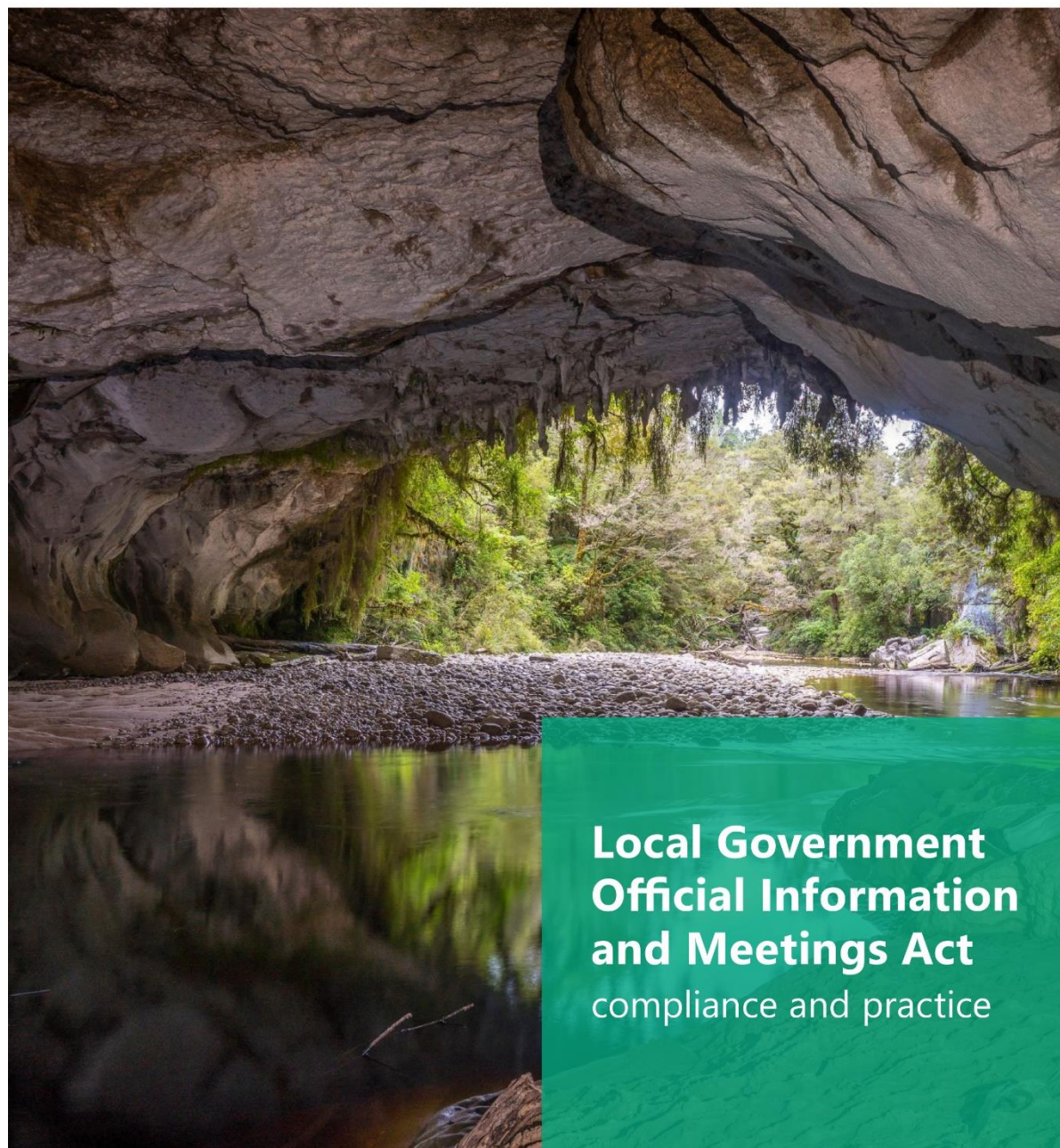




## Buller District Council



*LGOIMA compliance and practice in Buller District Council*

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Cover image: Oparara Arches, Karamea (credit Nimmo Gallery)

# LGOIMA compliance and practice at Buller District Council

Opinion of the Chief Ombudsman

September 2020

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## Foreword

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 on my findings.

New Zealand has 78 local authorities. In selecting which of these to include in my investigations into local government official information practices, I ensure a mix of different council structures, levels of resource, and regions of the country. I also consider the nature of complaints received by my Office, and whether a council has been dealing with any high profile issues that increased the number of information requests received.

Local Government Official Information and Meetings Act (LGOIMA) is an important tool for fostering transparency and accountability in local government. It allows people to request information held by local authorities, it provides a right to complain to the Ombudsman in certain circumstances, and it has provisions governing the administration of local authority meetings. Without access to information held by local authorities, and to public meetings, the ability of New Zealanders to participate in the democratic process is curtailed. An effective official information regime sits at the very heart of local government practice, and should be closely connected with governance, community engagement and communications functions.

I was impressed by the approach of Buller District Council's (the Council)<sup>1</sup> leadership to cultivating a culture of openness, and to championing the importance of LGOIMA. The Council's increasingly open approach was noted both by staff and by members of the public in surveys I produced as part of my investigation. I encourage the Chief Executive and senior leaders to continue to actively promote the value of LGOIMA as a mechanism for the public to access information in order to meaningfully participate in the process of local government decision making.

The Council employs some good practices in relation to local authority meetings and workshops, including opening many workshops to the public. It has also recently invested in a new software platform to facilitate good meeting administration, and it has created a permanent role dedicated to meeting and workshop administration.

I should also note that my investigation coincided with an unprecedented event: the emergence of Covid-19 and the resulting nationwide state of emergency and 'lockdown'. The Council was swift and agile in its response to temporary amendments made to the local authority meetings provisions in LGOIMA. These amendments were made to ensure that local government decision making processes could continue during lockdown, while still being accessible to the public.

There is room for the Council to improve its record keeping practices and information management systems. Opportunities also exist to develop policies and guidance materials to

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

support staff in their ability to understand and execute their record keeping and LGOIMA obligations.

The Council was given the opportunity to comment on my provisional opinion. It has accepted all my action points, and advised me that implementation is already underway for some of them. I intend to follow up with the Council at appropriate intervals over the next year, and I look forward to seeing the Council's progress.

I wish to acknowledge the Council for the positive and open way it engaged with this investigation even while it overlapped the lockdown period with its unique challenges. In particular, my thanks go to those staff who took the time to meet with my investigators to discuss their experiences and views on the Council's LGOIMA practices; staff who participated in the investigation through completing employee surveys; and staff who liaised with my office throughout the investigation and who responded to my detailed agency questionnaire.

I also acknowledge the participation of stakeholders of the Council who shared their views in my survey of the public.

I look forward to continuing productive engagement with the Council in the months to come as it works through my suggested action points.



Peter Boshier  
Chief Ombudsman  
September 2020

## Introduction

This report sets out my opinion on how well Buller District Council (the Council)<sup>2</sup> 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 purposes of LGOIMA are 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.

LGOIMA 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 power 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.<sup>3</sup>

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.

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.

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<sup>2</sup> When I use the term 'Council', this primarily relates to the operational arm of the organisation unless the context suggests otherwise.

<sup>3</sup> See s 13(1) and 13(3) Ombudsmen Act 1975

## My opinion

I have not identified any conduct by the Council that was wrong, unreasonable or contrary to law and, as such, I do not propose any formal recommendations.<sup>4</sup>

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 29 actions that I consider will improve the Council's practices.

In my report, I address each of the five assessment areas 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.<sup>5</sup> I notified the Chief Executive of the commencement of my investigation on 18 October 2019 and I presented my final opinion on 23 September 2020.

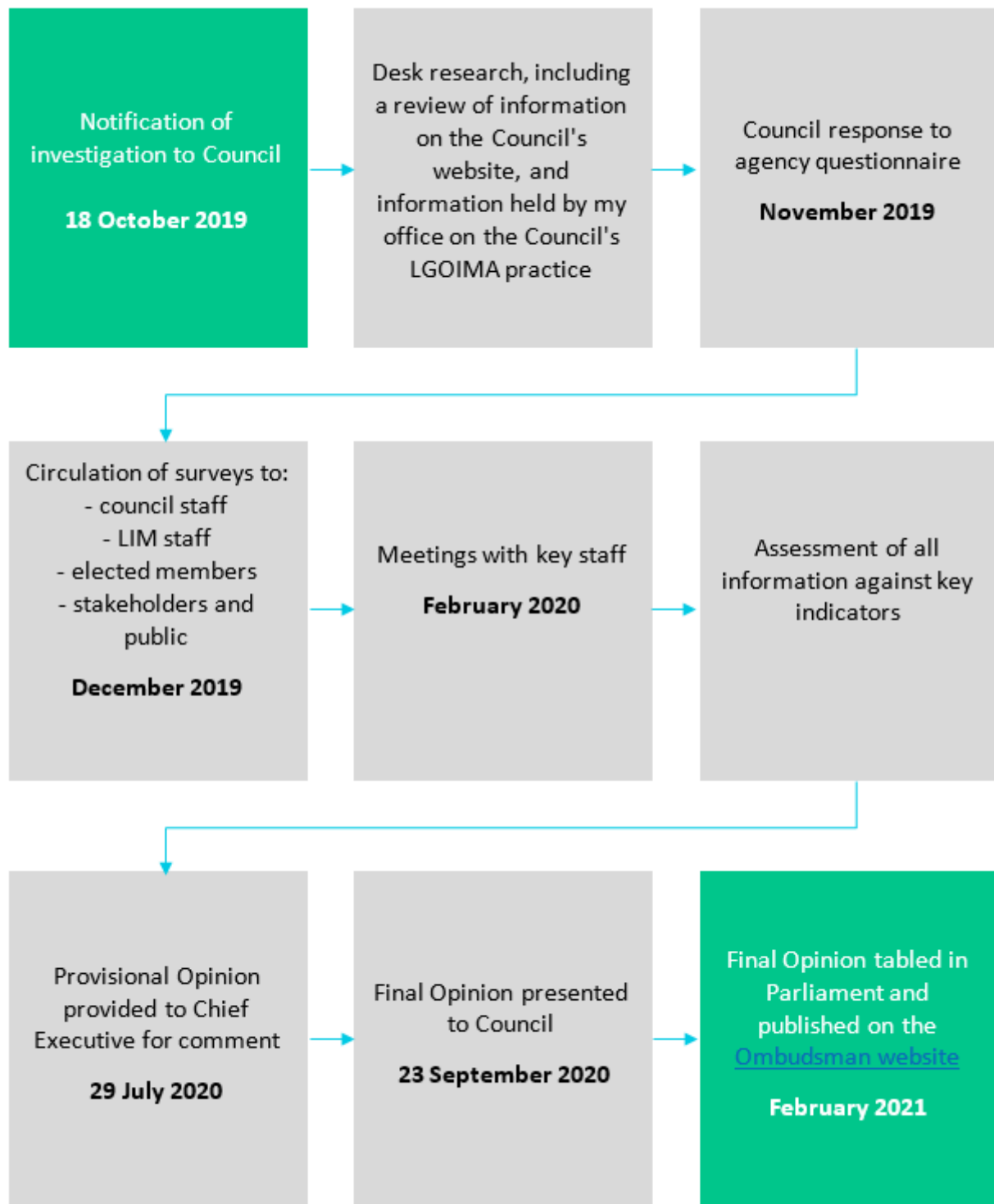
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<sup>4</sup> Formal recommendations under the OA are only made if I form an opinion that a decision, recommendation, act, or omission by the agency was wrong, unreasonable or contrary to law, etc. under s 22 OA 1975.

<sup>5</sup> On occasions, I may look at material from outside the investigation period where particular issues warrant further investigation.



## Timeline and methodology



[Link to verbalisation of 'Timeline and methodology' diagram in Appendix 3.](#)



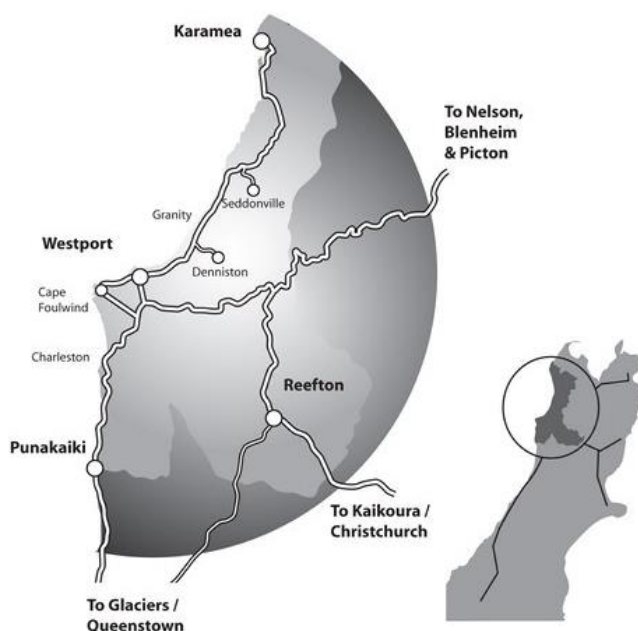
## Buller District Council: a snapshot

Buller is located next to the Tasman Sea, within the West Coast Region of New Zealand's South Island. The Buller District covers Westport, Karamea, Reefton and Punakaiki. It has a land area of 8,574 kilometres.

The local territorial authority, Buller District Council (the Council), has 10 elected Councillors and one elected Mayor. Elections are held every three years.

The Council's responsibilities include infrastructure, community services, regulatory, and commercial and corporate services. 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.

The Council was established in 1989 through the amalgamation of three councils, and its headquarters are in Westport.



### In 2018/19, Buller District Council:

- Served 10 473 residents
- Received \$13.784 million in rates
- Employed approximately 53 staff
- Received 55 requests under LGOIMA
- Handled 69% of these requests within the legislative timeframe
- Processed 226 LIM reports
- Handled 100% of LIM applications within the legislative timeframe



*Image courtesy of Buller District Council*

**Mayor** Jamie Cleine

**Deputy Mayor** Sharon Roche

**Elected Councillors** 10

**Wards** Inangahua, Seddon, Westport

**Community Boards** Inangahua Community Board (three elected members)

**Chief Executive** Sharon Mason

## Executive summary

This summary draws together the key findings and suggested actions from my investigation. The diagram on [page 16](#) further summarises the action points into a ‘snapshot view’ of those aspects I consider will further lift OIA performance at the Council.

### Leadership and culture

Leadership is key to developing and maintaining a strong culture of openness, and the Council’s leadership is an area of great strength. All Council staff my investigators spoke with praised the Chief Executive’s (CE’s) leadership with respect to openness and transparency. There were also comments in my survey of the public noting the positive approach to the Council’s openness since the appointment of the current CE.

The CE appears well-supported by her Executive Leadership team, a group of four, all of whom my investigators spoke to. They all spoke of working well together and of their support for the CE’s approach to openness. A number of staff spoke of a supportive, ‘*no blame*’ culture in which staff are not reticent to release information. This speaks to a healthy internal culture that lends itself to openness.

The Council recently developed a dedicated LGOIMA page on its website, and it has made a good start with some helpful information available to requesters. Nonetheless, there are opportunities for improvement, including using the site as a platform for publishing responses to LGOIMA requests and, once developed, publishing internal policies on LGOIMA handling, including a charging policy.

My investigation coincided with an increased focus by the Council on its LGOIMA practices, including an all-staff LGOIMA training session. As a consequence, at the time I surveyed staff, they had high awareness of the LGOIMA and a positive perspective on leaderships’ attitude toward it. The challenge for Council leadership is to maintain this momentum and ensure a focus on continuing improvement in public access to information. Clear, visible, regular statements to staff about the importance of LGOIMA, and openness and transparency more generally, will help with this.

Releasing information in response to LGOIMA requests, and proactively releasing information, facilitates informed public participation in local government decision making. The Council needs to ensure these links are recognised and drawn together into an overarching strategic framework promoting an open official information culture.

#### Action points: Leadership and culture

1. Review LGOIMA webpage content and location and update where appropriate, taking into account my suggestion to include information about requesters right to complain to me
2. Update information on LGOIMA webpage related to charging, once a charging policy is developed
3. Implement plans to publish responses to LGOIMA requests on the Council website

### Action points: Leadership and culture

4. Develop a strategic framework which links the Council's approach to public engagement with access to information through LGOIMA compliance and the proactive release of information

## Organisation structure, staffing and capability

The decentralised LGOIMA handling model employed by the Council seemed to work satisfactorily, for the size of the agency, though it would be better supported through ongoing LGOIMA training. As with any small agency, there is a risk that losing a single staff member results in the loss of the majority of institutional knowledge on a given topic. As such, resilience measures are important. The Council should ensure it has staff who are able to perform LGOIMA handling roles if the dedicated staff member is away, and policies and procedures written down so others can pick up the tasks seamlessly, if needed.

The Council engaged a LGOIMA specialist from Tasman District Council to conduct training with all staff in late 2019. It is encouraging to see the Council take advantage of the resources within local government networks in this way. Staff spoke highly of this training, and several tier two staff noted that additional, targeted training, particularly for decision makers on LGOIMA responses, would be welcome. I am supportive of this, and of continued LGOIMA refresher training being available for all staff.

Training for staff on Information Management (IM) is ad hoc, and the Council should prioritise the development of training and guidance materials to ensure staff are aware of, and can utilise IM systems and fulfil their record keeping obligations. It is encouraging that since my investigation began the Council has begun implementing training in this area, with training on the Public Records Act 2005 (PRA) delivered in early 2020.

Sufficient training material should also be available for Governance Assistant and LIM roles. As there is only one staff member in each of these roles, the Council is vulnerable to the loss of institutional knowledge in the event that key staff leave. Ensuring written policies and training material exist would safeguard against this risk, as would ensuring there are sufficient staff who can perform these roles in the event the primary staff member is absent.

The Council should ensure that all responses are signed out with the name of the decision maker on the request, and that the CE's delegated authority to make decisions on LGOIMA requests is formalised in the Council's delegations manual.

The agency has been trialling a dedicated Governance Assistant role over the past year, and has recently decided that this will be a permanent role. I support this decision which ensures there will be a resource dedicated to the administration of meetings and workshops.

### Action point: Organisation structure, staffing and capability

1. Establish a training framework for IM practice and record keeping

**Action point: Organisation structure, staffing and capability**

2. Consider how refresher training and targeted LGOIMA training for special roles can be made available to staff
3. Ensure sufficient training materials exist to support LIM and local government meeting administration
4. Confirm and clarify in writing the Chief Executive's delegated authority for LGOIMA decision makers
5. Ensure signatory on LGOIMA responses is that of the authorised decision maker
6. Establish and formalise mechanisms to improve and ensure structural resilience for the administration of LGOIMA requests

**Internal policies, procedures and resources**

Record keeping and IM procedures and resources are areas for development by the Council. It lacks training and guidance material for staff which may help mitigate the risks of its shared drive system. The procurement of an Electronic Documents and Records Storage and Management System (EDRMS) will likely be beneficial for the Council, but this has been delayed due to external factors. I suggest that the Council develop procedures, training material, and guidance that will boost its ability to comply with record keeping obligations, and to retrieve information when it is required. This is important not only for LGOIMA compliance, but for good administration generally.

I note that the Council has begun developing a file structure for the storage of digital information, and I encourage the Council to prioritise the completion of this project.

There are some resources available to guide the LGOIMA handling process, such as template response letters, a LGOIMA tracking spreadsheet, and a process map. The Council should also develop LGOIMA policy and guidance materials to anchor its processes. This will help to safeguard against the risk of losing institutional knowledge in the event key staff depart - a particular risk in smaller agencies. Once developed, policies and guidance should be regularly reviewed, and updated as necessary.

It is pleasing that the Council has developed a proactive release policy. This can benefit the Council in a number of ways. It helps ensure consistency in proactive release practice across business units, it may increase public perceptions of openness (especially where the policy is published). A resulting increase in published information can also reduce the need for LGOIMA requests and help requesters to make their request with greater particularity. This policy should be linked with the Council's Significance and Engagement Policy, and LGOIMA policy (once developed) to form an overarching strategic framework promoting an open information culture.

Some responses to my public survey suggest there is an appetite for the release of a greater range of information about the Council's work. The Council may wish to ensure that the needs of residents is factored into the proactive release policy. This could include identifying trends in LGOIMA requests and through website analytics, as well as tapping into existing community and stakeholder groups.

I encourage the Council to further develop its proactive release policy, incorporating my suggestions, and to ensure a single, senior leader holds executive accountability for the policy.

#### Action points: Internal policies, procedures and resources

1. Prioritise the completion of project to develop an IM file structure for all business units
2. Prioritise the development of written guidance for staff which details their obligations in relation to recordkeeping, and what they must do to adhere to these
3. Prioritise the development of LGOIMA policy, including a charging policy
4. Prioritise the development of LGOIMA guidance
5. Update proactive release policy, with accountability for development and implementation assigned to a single, senior leader
6. Consider how the information needs of residents can be ascertained and incorporated within proactive release policy

## Current practices

I saw evidence of some good practice in relation to LGOIMA decision making. The Council consults with a legal advisor where necessary to ensure robust decisions are made, and that decisions are expressed to requesters in accordance with the requirements of LGOIMA. The Council is implementing a practice of recording reasons for decision making. I encourage the Council to ensure this practice is consistent and to also record administrative steps behind LGOIMA responses where necessary. Establishing a peer review process will help facilitate this practice.

I am concerned that there is a lack of LGOIMA request tracking, and monitoring of compliance at a leadership level. This has resulted in low compliance with timeliness obligations – only 69 percent of LGOIMA requests received by the Council in 2018/19 were responded to in accordance with LGOIMA timeliness obligations. I am aware that the Council has recently improved its practice in this area, and I look forward to seeing its progress on timeliness compliance. Publishing LGOIMA timeliness statistics in its Annual Report will send a strong signal to the public about the Council's commitment to openness and will allow the public to hold it accountable for its performance.

The Council consistently complies with the LGOIMA obligations surrounding LIM requests, notifying local authority meetings, and making meeting agendas available. The Council may

further improve its meetings processes, and the level of information it makes available to the public, by embedding a practice of revisiting minutes from public excluded meetings.

The Council employs some good practices in relation to workshops. Some workshops are open to the public, which is a strong signal of the Council's commitment to openness. It also takes minutes of some - though not all - workshops. It could do more to ensure that taking minutes or records of workshops is a consistent practice. Developing and publishing a policy on recording workshops would help drive accountability for this.

My investigation coincided with the lockdown imposed by the Government in response to the Covid-19 pandemic. This resulted in temporary amendments to LGOIMA by Parliament, requiring meetings to be livestreamed, or recorded and published. The Council responded to this change with agility. Within a short time meetings and workshops were conducted via a video-conference platform, recorded, and the recordings uploaded to the Council's website. Given the increased access to meetings and workshops this allows Buller's constituency, which is spread over a wide geographical area, the Council should give thought to the possibility of continuing efforts in this area, such as live-streaming and/or recording and publishing meetings and workshops.

#### Action points: Current practices

1. Establish a robust method to track timeliness of LGOIMA responses and report regularly to senior leadership
2. Consider including LGOIMA timeliness statistics and performance measures in Annual Report
3. Formalise a peer review process for LGOIMA responses
4. Create a centralised record of reasons for LGOIMA decisions including, where applicable, consideration of the public interest, the rationale for the decision, and details of any consultation undertaken
5. Record administrative steps behind LGOIMA responses where this may be necessary, such as search terms used and the time taken to collate information
6. Develop and publish a policy on record keeping at workshops, aligned with the requirements of the PRA
7. Consider adding a step to the meeting administration process wherein minutes from public excluded meetings are reviewed, and released where the reasons for exclusion no longer apply
8. Consider recording and publishing meetings and workshops, or livestreaming these, if practicable to enhance opportunities for public participation in meetings

## Performance monitoring and learning

I was pleased to see key performance indicators (KPIs) relating to openness included in the Council's Annual Report, though I consider it would be more meaningful if the method of measuring these were consistent from year to year.

The Council may find significant performance gains through implementing performance measures, such as LGOIMA response timeliness targets, with oversight of these from senior leaders, and quality assurance processes. Monitoring the progress of requests to ensure compliance with LGOIMA timeliness obligations is a developing practice for the Council, and establishing a baseline for performance will help to drive improvement.

In addition to collecting information on its timeliness performance, I encourage the Council to give thought to collecting additional information about LGOIMA requests and responses and reporting this to senior leaders in order to identify emerging request themes and trends, as well as opportunities for training, capacity and performance improvements.

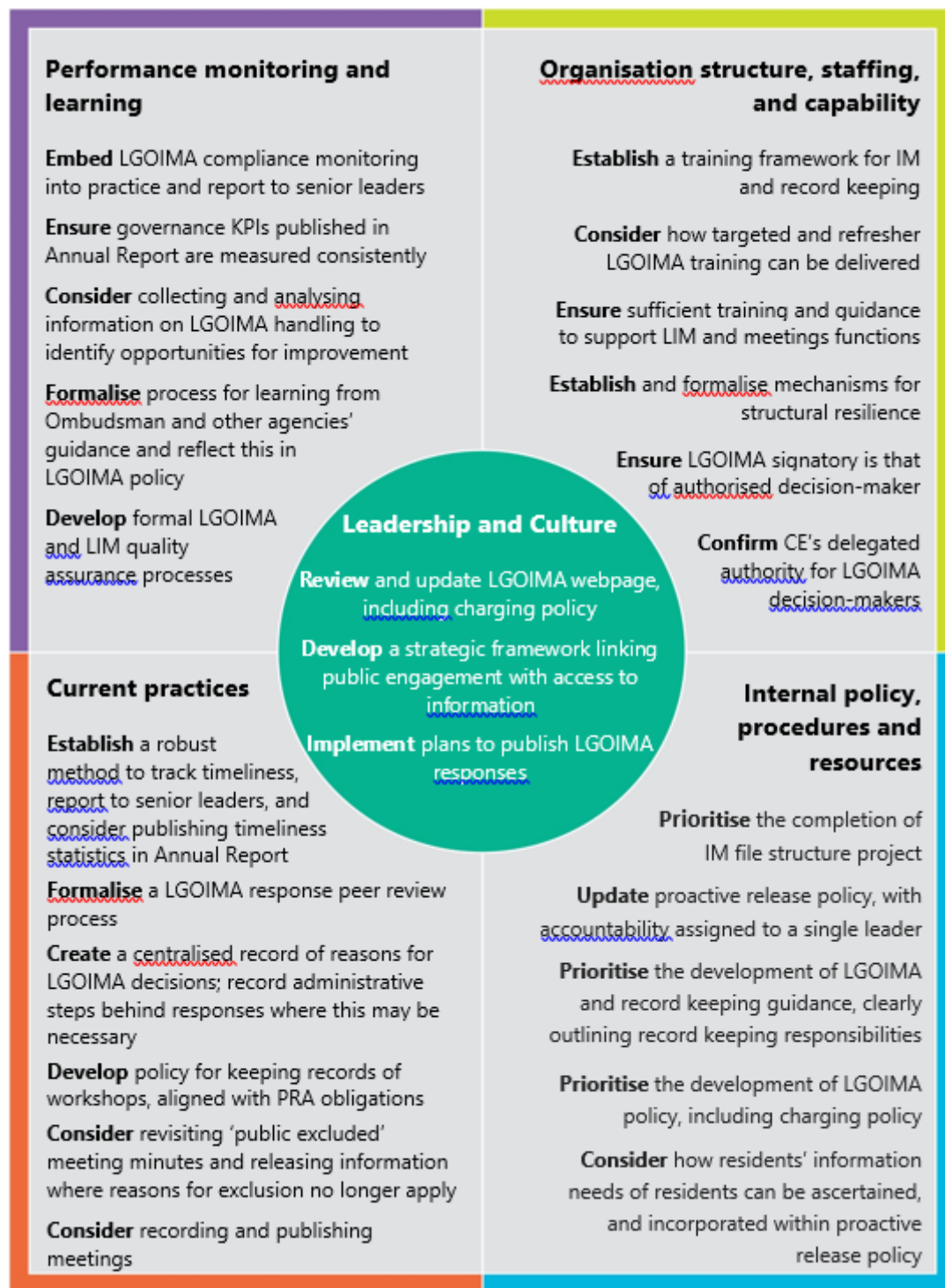
The Council should also consider formalising the process for learning from Ombudsman decisions, guidance, and case notes; and learning from guidance produced by other relevant agencies.

### Action points: Performance monitoring and learning

1. Embed the monitoring of compliance with LGOIMA obligations into practice and report regularly to senior leadership
2. Ensure KPIs published in Annual Report relating to governance are measured against consistent criteria
3. Consider collecting more comprehensive data on the handling of LGOIMA requests in order to identify opportunities for improvement, and opportunities for the proactive release of information; report regularly to senior leadership
4. Develop a formal quality assurance process for LGOIMA responses and LIM reports
5. Formalise the process for learning from Ombudsman and other agencies' guidance and reflect this in LGOIMA policies and procedures



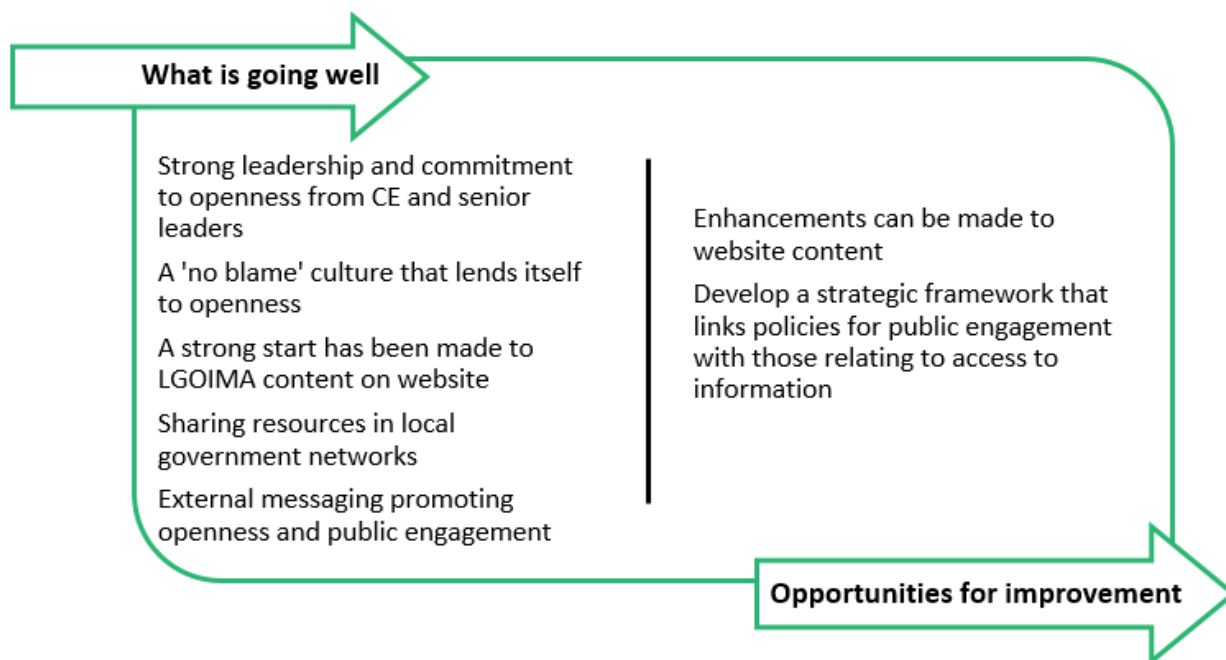
## Lifting LGOIMA performance at Buller District Council: summary of actions



[Link to verbalisation of 'Lifting LGOIMA performance at Buller District Council: summary of actions' diagram in Appendix 4.](#)

## Leadership and culture

### At a glance



[Link to verbalisation of \*Leadership and culture\* 'At a glance' diagram in Appendix 5.](#)

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 Council's leadership and culture, I considered whether:

- elected members, the Chief Executive, senior leaders and managers demonstrated a commitment to the Council meeting its LGOIMA obligations and actively fostered a culture of openness;
- senior leadership had established an effective strategic framework which promotes a culture open to the release of information; and
- senior leadership demonstrated 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

### Building a culture of openness within the Council

In the Councils I have investigated to date, it has been clear that an open culture does not happen by accident. It is created and maintained through consistent messaging from leadership, and in particular from the CE. Leaders must not only talk about the values they wish staff to enact; they must also role-model those values. I consider that the CE and her team of four senior leaders did both, well.

In each stage of my investigation, from talking to staff and senior leaders, to reviewing the survey responses of staff and the public, it was clear that strong and stable leadership is one of the Council's greatest strengths.

Staff my investigators spoke to were consistently positive about the influence of the CE, describing her leadership style and her interactions with staff members as *'genuine and upfront'*, and identified that she had brought in *'fresh ideas'* about the level of transparency with which the Council should operate.

A message that came through strongly from staff was that the CE and senior leaders fostered a *'no blame'* culture which lends itself to openness. Staff members are not reticent to release information for fear of reprimand if the information is not flattering to the Council. While it is important to protect information where this is warranted - for example where it is necessary to protect privacy - an internal culture which is excessively risk averse can lead to information being guarded too closely, and withheld without sufficient cause. As one staff member said, there is *'not a blame culture...[but] a culture of learning and support'*.

The result of leaders' commitment to promoting openness is illustrated in the table below, which shows staff's responses to the question *'How would you rate the messages sent about fostering a culture of openness and public participation in decision making in the work of the Council?'*

Leadership level	Strongly or moderately pro-openness and public participation	Strongly or moderately anti-openness and public participation	'They are silent on the issue' or 'don't know'
Chief Executive <sup>6</sup>	86%	0%	13%
Senior Leadership team	70%	3%	27%
Immediate Manager	68%	0%	32%

### External messaging

As I discussed under [Building a culture of openness](#), the Council appears to have made great progress in building both an internal culture and an external perception of openness and

<sup>6</sup> Note that figures may not total 100% due to rounding

transparency. I opened an online survey to the public to gather their perceptions of the Council's LGOIMA practices, and its commitment to openness in a more general sense. Some of the responses in respect of the Council's evolving approach to openness were encouraging:

*The culture among council staff has changed over about the last 18 months from defensive and obstructive to open and service-orientated. This includes a commitment to making information available to the public.*

*The change to a more open council culture has been significant and is very welcome.*

Throughout my investigation, I have seen a number of examples of the Council communicating with the public in a way that shows increasing commitment to openness. The Council's 'Vision, Mission and Values' statement, which can be found on its website,<sup>7</sup> includes explicit mention of openness, with one of the five principles guiding the Council being:

*Integrity – open and honest in decisions and action.*

On the same website page, the Council tells residents:

*We encourage you to get to know us and to find out more about how you can participate in local decision making.*

Several members of Council staff told my investigators that the CE has developed a practice of speaking with local media on a regular, weekly basis. I have the impression that it gives staff pride and reassurance that the CE will represent the Council and take accountability for its actions, even when there may not necessarily be a 'good news' story to tell.

In its Annual Report, the Council publishes Key Performance Indicators (KPIs) relating to transparency. This allows the public to see where the Council is making improvements, and to hold the Council accountable if KPIs are not met. I will discuss the Council's published performance targets more fully under [Current practices](#). I note, however, a gap in its reporting as it relates to LGOIMA timeliness obligations, which I will discuss in the same section.

The Council conducts annual customer<sup>8</sup> and stakeholder<sup>9</sup> satisfaction surveys. Conducting these surveys is, in itself, a signal of the Council's commitment to public engagement. It is pleasing that the Council has openly presented the findings and has not shied from presenting data that may not show the Council in a flattering light.

It was also very heartening to see a post on the Council's website dated August 2019, written by an elected member. This was a report on an official journey to Wellington, accompanied by another Councillor, the CE and a Group Manager (GM), to attend a Local Government New Zealand conference. The report was written in an informal style - making it very accessible - and it outlined the content of the conference and the benefits the elected member gained from attending.

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<sup>7</sup> Link to the Council's ['Vision, Mission and Values' statement](#)

<sup>8</sup> Link to the Council's [customer satisfaction survey results](#)

<sup>9</sup> Link to the Council's [stakeholder satisfaction survey results](#)

I am aware that travel outside one's constituency is the type of expense that can draw criticism from the public who, in full or in part, fund the journey. This report is an excellent example of proactive communication about the work the Council and elected members are doing, and how public monies are being spent. This has the dual benefit of keeping the public informed and pre-empting potential criticism. It speaks to a commitment to openness among elected members, which should be seen as aspirational to Councils and councillors nationwide.

The Council also uses social media and radio advertising to communicate with residents. It produces a quarterly printed newsletter, and the public can sign up to receive an email newsletter.

All of these elements combine to form a picture of a Council that is endeavouring not just to give the perception of openness, but to incorporate openness at the heart of its actions and decisions.

Without wishing to detract from the Council's achievements, I would note that another strong indicator of an agency's commitment to openness, is its compliance with all LGOIMA obligations, including the timeliness of responses to official information requests. The Council has an opportunity to ensure its LGOIMA performance tacitly supports its overt messaging to the public about openness. I discuss the timeliness of the Council's LGOIMA responses further under [Current practices](#).

## Internal messaging to staff

The onset of my investigation into Buller's official information practices coincided with an increased focus by the Council on its LGOIMA practice. From August 2019, the Council embarked on a project to improve LGOIMA awareness among staff, and improve LGOIMA handling processes. This included the development of a LGOIMA webpage, and delivery of LGOIMA training to all staff. These events were highlighted to staff through a newsletter from the CE.

Consequently, when I surveyed staff in 2019, they had high awareness of LGOIMA and a positive perception of senior leaders' commitment to it. Eighty-four percent of respondents to the staff survey said they considered the CE was '*strongly or moderately supportive*' of LGOIMA principles, and 76 percent said the same of senior leaders.

I commend the CE and senior leaders for their efforts in promoting the importance of LGOIMA. They now have the opportunity to maintain this momentum and build on the emerging awareness of the importance of LGOIMA, and its relevance to all staff.

I encourage the CE and senior leaders to continue to promote their commitment to the LGOIMA and to openness and transparency more generally. This can be done tacitly, by demonstrating clear knowledge of LGOIMA's requirements; making examples of good practice visible; and role-modelling openness. It should also be done overtly by making clear, regular statements to staff in support of the principles and purpose of official information legislation.

## LGOIMA information on website

The information published on an agency's website is a signal of leaders' commitment to openness, and to the principles and purpose of official information legislation. It was therefore pleasing to note that the Council's website contains helpful guidance for requesters of official information, including:<sup>10</sup>

- the fact that requests can be written or verbal;
- requesters' right to seek urgency on their request;
- reference to the 'principle of availability';<sup>11</sup>
- how long it will take for information to be provided, highlighting not only the 20 working day statutory time-limit, but the requirement for the Council to communicate a decision 'as soon as reasonably practicable';
- options for submitting written requests – by email or via a form on the website; and
- reasons information may be withheld.

I understand that the LGOIMA page on the Council's website is fairly new - created in late-2019 - and it is a good start. I consider there is an opportunity for some enhancements to the information for requesters on this webpage, which I discuss further below under [Enhancement of website content](#).

## Taking advantage of local government networks and resources

Councils have an opportunity to develop networks with other local government agencies, and to share resources between them. Development of policies, processes and training programmes can be resource intensive and, particularly in smaller agencies, there may not exist sufficient internal subject matter expertise to develop and maintain policies, guidance, and other material across all areas of the business.

When speaking to the CE as part of my investigation, I was encouraged to hear that she is taking a leadership role in local government networks. She has led a group of West Coast Councils to discuss and share knowledge around IT/IM issues that are common in the region.

The Council has also demonstrated initiative in tapping into the resources available at Tasman District Council to deliver LGOIMA training to its staff, as I will discuss later, under [Organisation structure, staffing and capability](#). LIM staff are also working with Grey District Council to find improvements in LIM practices through the sharing of resources.

The Council has some work to do in terms of cementing its practices into written policy and guidance material for staff – particularly in relation to the LGOIMA, IM, and record keeping as I will discuss further under [Internal policies, procedures and resources](#). I would encourage the Council to continue to take advantage of the expertise and existing resources of other Councils within its networks, in order to share and develop best practice in the LGOIMA space.

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<sup>10</sup> Link to the Council's [OIA webpage](#)

<sup>11</sup> See [s 5](#) LGOIMA 1987 '...information shall be made available unless there is good reason for withholding it.'

## Public engagement

Under the Local Government Act 2002 (LGA) councils must prepare long-term plans in consultation with their communities every three years, and annual plans in all other years. The required public consultation on the 2020 Annual Plan was made challenging by the lockdown imposed in response to the Covid-19 pandemic. This meant that the usual face-to-face meetings in which the public could make submissions, were unable to take place.

The Council made particular effort during this time to ensure that the public were aware of the planning cycle of the Annual Plan, using media releases, social media, and community reference groups to publicise the fact that submissions on the Annual Plan were open, and how they could be made.

In accordance with statutory requirements, the Council has developed and published a Significance and Engagement Policy outlining how the significance of issues is determined and, accordingly, the level of engagement required with the public. As I will discuss later, under [Opportunities for improvement](#), I would like to see the Council link this policy with policies for achieving and maintaining LGOIMA compliance, and for the proactive release of information.

Current consultations are placed with prominence on the Council's website, along with information about how residents can address a Council meeting, in support of their written submission.

## Opportunities for improvement

I have identified the following opportunities for improvement:

- Developing the content on the Council's website about LGOIMA; and
- Developing a strategic framework that links public engagement with public access to information.

## Enhancement of website content

As noted above, I commend the Council for creating a dedicated page on its website to assist requesters of information. There are still some opportunities to improve this content.

I understand that, in practice, it would be uncommon for the Council to fix a charge for the supply of information requested under LGOIMA. However, the information about charging on the Council's website, under the heading *'How much will it cost'*, implies a charge *will* apply if the request takes longer than an hour to process, and/or more than 20 pages of material are provided (it's also unclear if this applies only to printed pages, or also to electronic documents). I am concerned that individuals may be discouraged from requesting information if they gain the mistaken impression that a charge always applies.

This section of the Council's LGOIMA page also provides a link to its schedule of fees and charges.<sup>12</sup> The charges related to LGOIMA requests are not clearly signposted, and I presume that the 'Category F - Miscellaneous' charge applies. Confusingly, this states that charges will

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<sup>12</sup> Link to the Council's [Fees and Charges](#)



be applied to information requests that take more than 30 minutes to answer, which is contrary to both LGOIMA and the Council's own advice on its LGOIMA page.

In terms of the actual charge for responding to an information request, this document only states it will be 'at cost'. Although LGOIMA allows an agency to fix a charge for the supply of information, this is not intended to be an exercise in full cost recovery (for example, public interest considerations may favour remission or waiver of a charge). The Council should develop an appropriate LGOIMA charging policy, and update the information on its website accordingly. I will discuss this further under [Internal policies, procedures and resources](#).

The Council may also wish to consider whether it could be helpful to include a link to the LGOIMA page from the 'Contact us' heading on the landing page of its website. The sub-headings of this section are 'Make an enquiry' and 'Service request'. It seems logical that requests for information would be located in this section. The current location of the LGOIMA webpage is under 'Your council', which may not be the most intuitive place for requesters to search for guidance about how to request information.

The Council should consider expanding the section on its website titled 'What information is available?' Currently, this section simply states that the Council operates under the principle of availability. I understand the Council's intention here is to indicate that any information can be requested, and the Council's approach will be to release it unless there is good reason not to. This is the correct approach and it is positive that the principle of availability is stated on the website. However, a more detailed description of the types of information produced by the Council may help requesters to understand what information exists and, consequently, to make their request with greater particularity. The Council could also include links in this section to commonly requested information which is already publicly available, such as Annual Reports and CE expenses.

At present, the Ombudsman is referenced on the Council's website in relation to the guidance that I provide for requesters. The Council should also add reference to the fact that requesters have the right to make a complaint to me if they are unsatisfied with its response to a LGOIMA request.

When 'LGOIMA' is entered as a search term on the Council's website, the first hit is a section stating:

*This is where Buller District Council will upload responses to all requests for information under the Local Government Official Information and Meetings Act 1987.*

Although this indicates that the Council is looking to establish a practice of proactively publishing LGOIMA responses, which I encourage, no responses have been published yet.

As I will discuss further, under [Internal policies, procedures and resources](#), the Council should consider publishing its LGOIMA policies, once developed. Where an agency has reasonable and clearly articulated policies for approaching issues such as charging for the provision of information, and considering whether requests are frivolous or vexatious, it may be less vulnerable to criticism when it applies the policies.

### Action points

Review LGOIMA webpage content and location and update where appropriate, taking into account my suggestion to include information about requesters right to complain to me

Update information on LGOIMA webpage related to charging, once a charging policy is developed

Implement plans to publish responses to LGOIMA requests on the Council website

## A strategic framework that links access to information with public engagement

As required under the LGA, the Council has developed and published a Significance and Engagement Policy which details its approach to determining the significance of an issue, and how it will engage with the public on that issue.<sup>13</sup> The Council's policy covers the necessary criteria. It does not include the Council's approach to providing feedback on public submissions, though I note it is not a statutory requirement to do so.

Even with the most robust strategy for public engagement, citizens' ability to engage meaningfully in local government can be enhanced by the amount of information available to them about the Council's work, proposals and decisions. Releasing information proactively and complying in an effective way with LGOIMA is therefore key to ensuring the public can engage with the work of the Council.

The Council should develop strategies for how it will achieve LGOIMA compliance, and how it will approach the proactive release of information. There should be clear links between these strategies and the Council's strategy for public engagement, creating an overarching strategic framework. This will help to ensure an ongoing culture of openness and transparency and enhance public participation.

My investigators asked various tier two staff how the Council determined whether public engagement strategies worked for residents. They responded that, being a small community, residents would approach Council staff directly with concerns. I applaud the responsiveness of the Council, but caution that this is insufficient to gather the full range of views from residents to inform a proactive engagement strategy. The Council may wish to consider how it can use its existing Community Reference Group and customer satisfaction survey to poll residents as to the type of engagement methods the Council could employ to fit residents' needs. This will help to optimise residents' ability to meaningfully participate in decisions that affect their community.

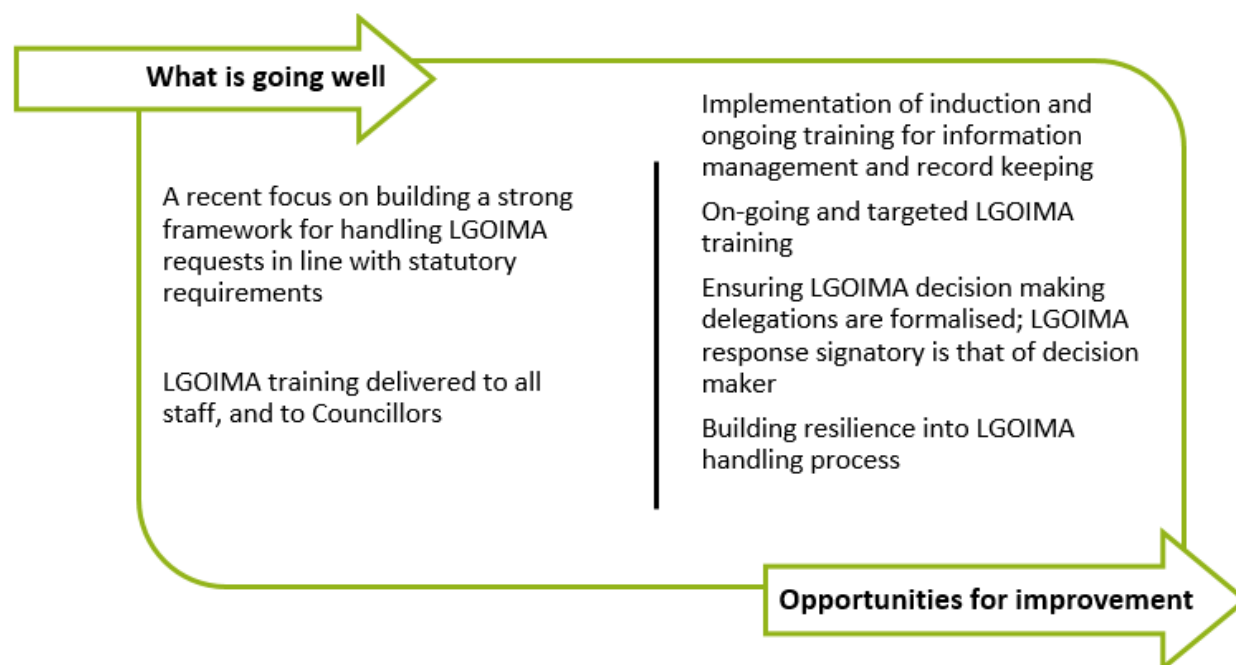
### Action point

Develop a strategic framework which links the Council's approach to public engagement with access to information through LGOIMA compliance and the proactive release of information

<sup>13</sup> Link to the Council's [Significance and Engagement Policy](#)

## Organisation structure, staffing, and capability

### At a glance



[Link to verbalisation of \*Organisation structure, staffing, and capability\* 'At a glance' diagram in Appendix 5.](#)

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 the 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; and
- the Council had the capability to discharge its LGOIMA obligations.

### Aspects that are going well

#### Building a strong framework for LGOIMA handling and meeting processes

The Council employs a decentralised model for handling LGOIMA requests. This appears to be an appropriate fit for the size of the agency and the relatively low number of requests received.<sup>14</sup>

<sup>14</sup> The Council received 55 LGOIMA requests in the 2018/19 reporting year.

Throughout 2019, the Council trialled a dedicated staff resource in the area of governance. The role of Governance Assistant is responsible for meeting and workshop administration, including minute taking, agenda preparation, and notifying meetings and workshops in accordance with LGOIMA obligations. Recently, the year-long trial ended and the Council has advised me that it has decided to retain the Governance Assistant as a permanent role. I am pleased the Council has made this decision as it will help to ensure ongoing compliance with Part 7 LGOIMA obligations.

It is also pleasing to see that the staff member responsible for logging and tracking LGOIMA requests, and the Governance Assistant, both have reporting lines directly to the CE. This sends a clear signal to staff about the significance the Council ascribes to its obligations under LGOIMA, and makes it easier for the CE to maintain awareness of issues arising in these areas.

The Council ensures all matters identified as LGOIMA requests are funnelled through to a single point of contact who is responsible for logging requests, sending them to the appropriate business unit, tracking their progress, and sending responses. Although the Council receives a relatively small number of requests, there are a number of steps to the LGOIMA process and currently only one staff member with responsibility for that, in addition to their role as EA to both the CE and the Mayor. I will discuss the agency's resilience further, under [\*Opportunities for improvement\*](#).

The Council has also developed a process map to guide the request process. The map includes triage points which branches requests received into regulatory, LIM and LGOIMA requests, and details relevant statutory timeframes, such as when a decision must be communicated, and by what day requests should be transferred or notice of extension given. The development of guidance material to facilitate the LGOIMA process is a good step, and I encourage the Council to continue to develop such resources. I will discuss this further under [\*Internal policies, procedures, and resources\*](#).

### Initial LGOIMA training for all staff

In late-2019, the Council provided LGOIMA training for all staff. The training was facilitated by a LGOIMA practitioner who, at the time, worked for Tasman District Council.

The Council provided me the training content as part of my investigation, which I have reviewed. The training highlighted a number of key aspects of LGOIMA including:

- that LGOIMA compliance is part of the core business of the Council;
- how 'official information' is defined and what it includes;
- the fact that all requests for official information are covered by LGOIMA;
- that the Council can contact requesters to clarify and refine their request;
- that requests can only be refused for the reasons set out in LGOIMA;
- statutory timeframes to clarify, extend, transfer and communicate a decision on requests; and
- the role of the Ombudsman under LGOIMA.

The Council has a sound platform for on-going and refresher LGOIMA training, and for more targeted training for staff with special roles in the LGOIMA process, which I will discuss further under [Opportunities for improvement](#).

## Opportunities for improvement

There are opportunities for improvement in relation to:

- Establishing a training framework for IM and record keeping;
- Developing an ongoing programme of targeted training and refresher training on LGOIMA;
- Formalising delegated authority for decision making on LGOIMA responses; and
- Ensuring sufficient resilience in the LGOIMA handling progress.

## Training on recordkeeping and information management

In 2014, the Council commissioned a report on its record keeping systems and practices from an external, independent contractor. One of the recommendations within the report was that the Council should include ‘...records management training...as part of all new staff member’s induction process’.

Despite this recommendation being made in 2014, there is currently no structure for delivering record keeping and information management (IM) training to new staff, nor on-going or refresher training for experienced staff. At present, new staff receive initial, ad hoc guidance on how to use the IM system from team leaders and colleagues. Eighty-one percent of respondents to my survey of staff said they had not received any training on record keeping since they started at the Council; 68 percent said the same of training on the information management system.

I note that, subsequent to my survey, the Council organised training on the Public Records Act (PRA) for all staff in February 2020. Like the LGOIMA training, this is an excellent first step and should signal the beginning of an on-going programme of record keeping training for staff.

I am aware that the development of IM and record keeping training features in the Council’s IM strategy, but this could take time to develop (particularly if it is reliant on the procurement of a new Electronic Document and Record Management System (EDRMS) and/or the appointment of a records manager. I will discuss this under [Internal policies, procedures, and resources](#)). In the interim, I do not consider the existing ad hoc approach to training is sufficient. The Council should prioritise the development of interim measures to ensure there is some structure to the information given to inductees. As a first step, this might be as simple as compiling a training checklist which will allow the new staff member to ‘tick off’ essential aspects of IM and record keeping practice as they learn them, such as:

- How to create and store records;
- What sort of information needs to be kept;

- Staff's record keeping obligations under the PRA;
- Managing and modifying records;
- The security of information;
- Which record systems exists and what information each holds;
- Guidelines for storing information such as written notes, emails on personal devices, text messages, messages on social media, etc.

### Action point

Establish a training framework for IM practice and record keeping

## Implementing on-going and targeted training on LGOIMA

As discussed earlier, under [Aspects that are going well](#), LGOIMA training sessions were delivered to staff and elected members in late 2019. Council staff my investigators spoke to indicated this training was well-received. This is the only LGOIMA training which has taken place in the Council in the past two years, and it is crucial that this is not just a 'one and done' exercise.

I encourage the Council to consider this initial training as a platform on which an ongoing programme of targeted training and refresher training can be based. While not all staff members require in-depth training on technical aspects of LGOIMA, almost all staff are involved in its implementation in some respect, even if only in the role of creating and storing information for its later retrieval for a LGOIMA request. An understanding of how their actions fit into the LGOIMA process and how this, in turn, impacts the democratic process is foundational information, of which all public sector staff should be aware.

Staff in specific roles, such as those logging and acknowledging requests and LGOIMA decision makers, require targeted training. Tier-two staff my investigators spoke to said it would be very welcome to have additional training on how to deal with 'curly' LGOIMA requests.

The Council may wish to consider how it could work with other local government agencies within its networks to develop shared resources for training.

Staff in my office are also available to assist with developing and delivering training, and responding to queries, on request.

The Council should also ensure there is training material in place in relation to LIM requests and meeting administration, which are also governed by LGOIMA. As I have said elsewhere in this report, small agencies can become overly reliant on individuals' institutional knowledge, which can be a risk when staff members depart, particularly if their departure is unexpected. I am also aware that when there is not a deep pool of expertise in a given area, training for new appointees can end up being largely self-guided. At minimum, the Council should develop training checklists for LIM and governance roles which ensures there a list of the key things staff need to do, and to know, to fulfil the requirement of their role and the relevant legislation.

### Action points

Consider how refresher training and targeted LGOIMA training for special roles can be made available to staff

Ensure sufficient training materials exist to support LIM and local government meeting administration

## Authority to make decisions on LGOIMA requests, and signatories for LGOIMA responses

The CE of a local authority is the accountable decision maker on requests for official information.<sup>15</sup> However, for practical reasons this authority is often delegated to other personnel, who should be sufficiently senior to take responsibility for the decisions made. This is provided for in section 13 of the LGOIMA.

The CE of the Council has informally delegated her authority to General Managers (GMs) at tier two, though this is not set out in writing in the Council's delegations manual. I understand the intention to formalise the delegation is stated in the Council's LGOIMA continuous improvement plan.

The fact that LGOIMA responses can only be signed out at a high level shows the commitment of senior leaders to the importance of LGOIMA, and this practice provides them with an overview of issues of concern, importance and interest to the public. In turn, this can help inform decisions about the proactive release of information.

In the sample of LGOIMA files I reviewed, there was some inconsistency in the signatories for LGOIMA responses. Requests addressed directly to the CE, or responses to complex enquiries, were most often sent in a letter signed by the CE or tier two staff member; while reasonably straightforward responses were often sent in an email with the signatory being the EA to the CE and Mayor. In the latter case, it suggest that it was the EA who was the authorised decision maker on the request, when that was not the case. In order to meet the requirements of section 13(5) of the LGOIMA, in the interests of accountability, and to ensure transparency for the requester in relation to whom with the decision maker was, the signatory to LGOIMA responses should be that of the (authorised) decision maker. Alternatively, it should be made clear that the email is sent on behalf of the (authorised) decision maker, with an appropriate record kept of the decision maker's approval.

If the EA to the CE and Mayor is intended to make decisions on, and sign out straightforward responses then this should also be formalised by way of signed authorisation from the CE.

### Action points

Confirm and clarify in writing the Chief Executive's delegated authority for LGOIMA decision makers

Ensure signatory on LGOIMA responses is that of the authorised decision maker

<sup>15</sup> See s 13(5) LGOIMA 1987



## Resilience arrangements

I have some concerns about the Council's resilience in its handling of the administrative aspects of LGOIMA requests. At present, the EA to the CE and the Mayor is the single staff member with responsibility for the majority of administrative tasks on LGOIMA requests, including:

- acknowledging the request;
- entering details into the LGOIMA tracking spreadsheet;
- tracking the progress of the response and sending reminder emails to staff if necessary;
- keeping the shared drive updated with information related to the request; and
- sending the finalised response to the requester.

Staff my investigators spoke to commended the efficiency with which this staff member performed all these tasks, in addition to the other requirements of the role. Nonetheless, I see a risk for the Council due to the greater part of its institutional administrative knowledge in this area resting with a single staff member. If this staff member is absent, particularly if the absence is sudden or unexpected, it may be difficult to seamlessly maintain LGOIMA handling practices. This risk is amplified where there is little or no written guidance supporting the administrative systems and practices that have been established.

The Council should also be aware that, as its processes and its goals for LGOIMA compliance become more mature, the LGOIMA aspect of the role of EA to the CE and Mayor may become more time-consuming.

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

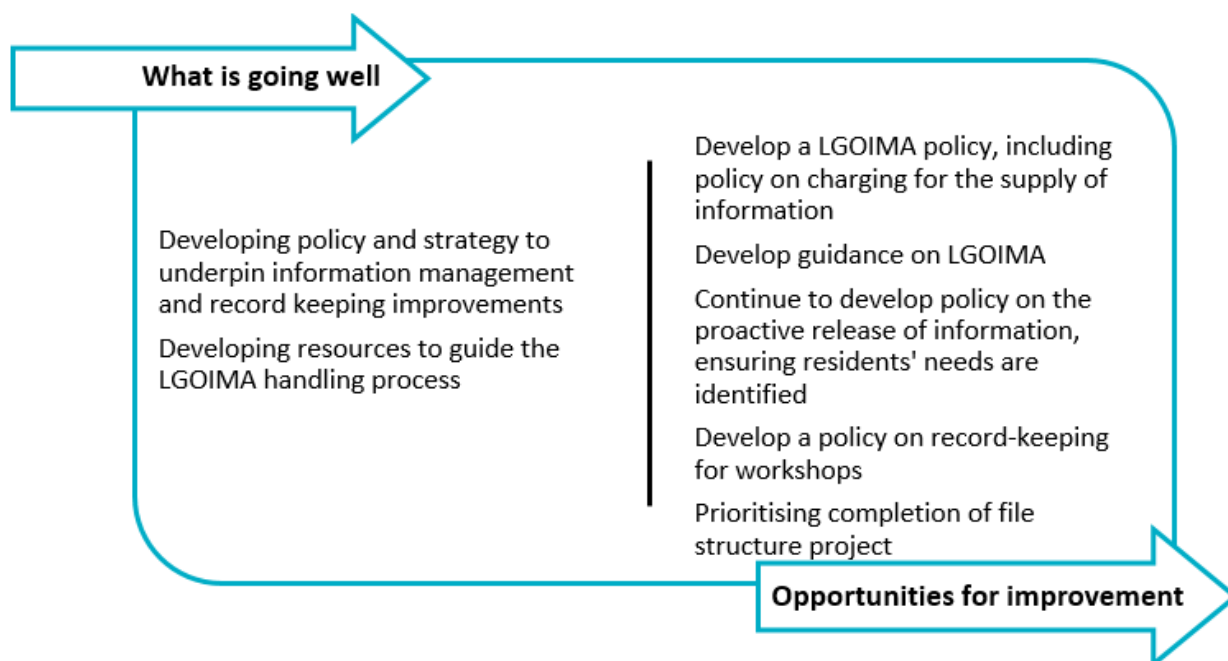
- assigning administrative support staff to assist with performing LGOIMA processing and coordination functions, particularly in the EA's absence;
- ensuring relevant administrative support staff receive adequate training on the agency's LGOIMA handling processes; and
- ensuring written processes relating to the administrative aspects of LGOIMA handling exist, and are stored in a place that is accessible to staff.

### Action point

Establish and formalise mechanisms to improve and ensure structural resilience for the administration of LGOIMA requests

## Internal policies, procedures and resources

### At a glance



[Link to verbalisation of \*Internal policies, procedures, and resources\* 'At a glance' diagram in Appendix 5.](#)

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 the 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

### Development of foundational IM documents

The Council has recently developed an Information Management (IM) Strategy and an IM Policy to support the eventual implementation of a new IM system. I have been provided copies of the draft documents and I consider that they form a strong platform for ongoing improvements to the IM system and practices. Both documents align with the Information and Records Management Standard issued by Archives New Zealand under the PRA.<sup>16</sup>

The IM Strategy sets out the Council's goals to put in place policies, procedures, training programmes, and a retention and disposal schedule, the last of which the Council has completed. Although I would like to see the strategy include greater detail about how the Council will implement these goals, the IM strategy shows the Council is aware of what it needs to do to improve, and is moving in that direction.

The Council may wish to consider the following minor amendments to its IM Policy for the purpose of clarity:

- Aligning the list of roles in section 5.3 'Responsibilities' (which makes no mention of elected members) with the list of roles in the 'Applicable to' field (in which elected members are included, but there is no mention of contractors).
- Confirming, in the 'Responsibilities' section, that all staff are responsible for creating and maintaining full and accurate records of Council's affairs.

### LGOIMA handling resources

Since the Council began a concerted focus on improving its LGOIMA processes in the latter half of 2019, it has developed some processes and guidance materials to facilitate LGOIMA request handling. The Council has a spreadsheet for tracking LGOIMA requests, template letters for LGOIMA responses, a LGOIMA process map, and a 'desktop checklist' to assist with triaging requests.

The LGOIMA tracking spreadsheet was initially used solely to ensure that requests did not 'slip through the cracks' and that the person keeping track of request could see which staff member the request was assigned to, in order to follow up with them if required. Since my investigation began the spreadsheet has now been expanded to include a range of information including:

- the due date of the request;
- whether or not an extension was made;
- the number of days before a response was provided to the requester;
- which agency made the request, and
- the form in which the request was received.

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<sup>16</sup> Link to Archives New Zealand [Information and Records Management Standard](#)

The work that has been done to increase the utility of the spreadsheet demonstrates real commitment to continuous improvement, and the staff members involved in maintaining it should take great credit for this.

The Council has also worked to streamline its LGOIMA process, ensuring requests are funnelled through one primary point of contact in the organisation - the Executive Assistant to the CE and Mayor – who is responsible for monitoring the progress of a request to its completion. This process is now mapped and includes key timeframes under the LGOIMA such as when the response is due; when a request should be transferred to another agency; and by what date a requester should be contacted to clarify or refine their request. This is a good first step in providing written guidance for staff on LGOIMA handling.

The Council advises me that it uses template letters for LGOIMA responses based on the ones available on my website.<sup>17</sup> The use of templates can save valuable time in the processing of LGOIMA requests and help to ensure effective compliance with the relevant legal requirements.

In the sample of LGOIMA responses supplied by the Council at the beginning of my investigation, the use of template letters appeared somewhat inconsistent. However, it was pleasing to see that, in all cases, requests were acknowledged in a timely fashion by an email which included key information such as when a response should be expected according to legislative timeframes. Notification of requesters' right to complain to the Ombudsman was consistently included in the Council's responses to LGOIMA requests.

## Opportunities for improvement

There are opportunities for improvement in relation to:

- Lifting IM practices as far as possible within the current system, until a new IM system can be procured;
- Development of IM and record keeping business practices and guidance;
- Development of policy documents and guidance to facilitate the LGOIMA process; and
- Development of a policy for the proactive release of information.

### Developing a file structure for electronic document storage

The information management system is an area acknowledged by the Council as requiring improvement. The Council is in the process of acquiring a new information management system. In anticipation of this, it has begun developing a file structure which will allow for information to be stored according to an agreed classification which, in turn, should facilitate its later retrieval.

Developing a clear filing structure and providing guidance and training to staff on how to use it, may go some way toward addressing some of the concerns raised by staff about the Council's

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<sup>17</sup> Link to the Office of the Ombudsman's [Resources and publications](#)

record keeping practices. In my survey of staff I received comments about the lack of structure within the electronic filing system and the difficulty that presents when retrieving data:

*Staff have no guidance on where to store the documents that they create. And staff have very little resources to help them find information that they did not create themselves. Most of our staff are new and they all say the same thing, that they have tremendous difficulty finding the information that they require.*

The Governance business unit has been the first team at the council to implement the new file structure and, encouragingly, staff spoke positively of the work that has been done to date in this area, saying that information stored under the new folder structure is ‘*more easily accessible*’. It is self-evident that a clear system for information storage facilitates information retrieval. This is important not only for the purposes of LGOIMA compliance, but for good administration generally.

#### Action point

Prioritise the completion of project to develop an IM file structure for all business units

## IM and record keeping procedures and guidance

As noted above, the Council has provided me with draft versions of its IM Strategy and IM Policy, and its record retention and disposal schedule. The Strategy outlines the intention to provide necessary training, tools and resources for staff. However, at this stage there is no written guidance material for staff which clearly outlines agreed IM and record keeping practices.

Combined with the lack of organised IM training for staff which I discussed earlier under [Organisation structure, staffing, and capability](#), the lack of IM and record keeping guidance is a significant gap that may result in detrimental impacts on the Council’s functions both in terms of its day-to-day administration as well its handling of LGOIMA requests.

Several staff told us that searching for information ‘*relies on institutional knowledge*’. This is a risk to the Council where experienced staff leave and their knowledge is lost to the organisation. The Council needs to ensure that it has consistent, Council-wide procedures for the storage and retrieval of records and that these are cemented in written guidance to mitigate the risk of the loss of institutional knowledge.

When my investigation began, the Council was in the latter stages of procuring an EDRMS and, in anticipation, had begun developing a file structure and the IM Policy and Strategy mentioned above. However, it concerns me that it did not do more, earlier, to mitigate the deficits of its existing IM system through, for example, introducing a file structure, record keeping training, and naming conventions. These deficits were identified in an independent report on its record keeping practices commissioned by the Council in 2014 and, I was advised through my survey of staff, have been brought to the Councils attention by staff over the years.

The lack of IM processes, policy and guidance has left the Council vulnerable due to inconsistent information management practices. The Council should prioritise the development of business practices and guidance material for staff which should detail:

- what information is required to be stored (eg. requirements for written notes, text messages, emails);
- which system or folder should be used to store different kinds of data;
- document naming conventions;
- how and where to search for particular categories of information; and
- staff's responsibilities in relation to recordkeeping, and what they must do to fulfil them.

#### Action point

Prioritise the development of written guidance for staff which details their obligations in relation to recordkeeping, and what they must do to adhere to these.

## Information management systems

The Council uses shared drives to store electronic information. It also holds hard-copies of some information. Paper-based information is held over several different sites. Storing records as paper files can create a number of risks such as version control issues and document destruction in the event of damage at storage sites.<sup>18</sup>

During the Covid-19 lockdown, staff did not have access to paper files. Although this did not emerge as a problem in the LGOIMA context, it is still a risk in the future if staff members have restricted access to the office. I am therefore pleased that the Council has advised me of its intention, over the long term, to digitise information held in paper format. Where paper files remain, they should be stored in accordance with Archives NZ storage standards.<sup>19</sup>

The lack of an EDRMS and associated policies and guidelines for records storage and IM is an admitted weakness of the Council, and one I understand it intends to address through procurement of a new IM system, once it is tenable to do so. Concerns from staff about the IM systems were evident in meetings, and in my online survey of staff. One staff member said:

*Council's information systems are extremely outdated and also poorly configured. Which makes finding information that is accurate and timely very difficult.*

Some staff said a lack of organisation within the filing system compelled people to store information on their own c:/drive or desktop, where they could access it more easily. While I understand that data stored in personal drives could be retrievable if requested under LGOIMA, the staff member conducting the search would have to know to look there or ask the staff member concerned, in addition to searching the shared drives. Having to search in multiple locations and make separate requests to staff adds to the time it takes to locate information, which is an unnecessary administrative burden on staff handling LGOIMA requests. The practice of using personal drives may also lead to data being, to all intents, lost to the organisation when staff members leave.

<sup>18</sup> I note that the Council has already experienced damage to files in the form of a fire at the Council's offices that occurred in 1981.

<sup>19</sup> Link to Archives New Zealand [Storage of physical records](#)

Inefficient IM systems and record keeping practices could lead to difficulties in processing LGOIMA requests, such as:

- not being able to find all information within the scope of a request; and
- an unnecessary amount of staff time spent searching for information which should be more accessible.

In June 2020, the Council advised me that its attempt to secure an EDRMS has been further delayed due to Covid-19 and efforts to keep rate rises low. I therefore consider it even more important for the Council to keep moving forward with the development of resources and practices to lift its IM and record keeping practices while the Council continues to use its existing IM systems.

### LGOIMA policy and guidance materials

The Council has some material to help guide staff through the LGOIMA process. This consists of a process map detailing the Council's LGOIMA process, and a 'desktop checklist' used to triage requests to the correct area of the business for handling. There is not yet a written LGOIMA policy, nor is there written guidance to assist staff in how to handle requests in accordance with internal processes and in line with the purpose and requirements of LGOIMA.

Irrespective of the size of the agency or the number of official information requests received, it is crucial that agencies have clear and comprehensive guidance on request handling. This material should be easily accessible to staff, and easily understood.

Staff we spoke to, and those who responded to our survey, cited 'other staff members' as their most useful and frequently used resource for information about how to process LGOIMA responses I consider it can be very valuable to have LGOIMA 'champions' acting as mentors or centres of knowledge for other staff. However, such a system requires frequent and on-going training for staff in the role of 'champion'. The Council is currently without a programme of ongoing training that would best support this system.

There is also the risk, even with regular training, that when those staff members acting as 'champions' leave - especially if their departure is unexpected - their institutional knowledge is lost to the agency. This effect is amplified in a small agency where the departure of just one staff member can have a tremendous impact. The lack of policy and guidance increases the Council's risk of non-compliance with LGOIMA.

The Council advised me that when guidance is required, staff refer to LGOIMA itself, and to guidance documents on my website. These are useful resources, but they do not take the place of:

- a policy that provides a framework for how the Council will approach LGOIMA requests; and
- guidance for staff on how to enact the Council's policy and agreed internal procedures.

The Council has provided me a copy of its *'Local Government Official Information and Meetings Act 1987 Processes Continuous Improvement Plan'*, which includes the action *'Development of policies to support Council in carrying out its LGOIMA functions'* to be completed by mid-2020. I



am pleased to see that the Council has prioritised the development of materials to help staff, though I would have liked to see greater specificity about what, exactly, the Council intends the policies to cover. All agencies should have official information policy which covers:

- High level statements/principles -
  - a commitment statement from the agency indicating the priority it ascribes to responding to requests for official information;
  - what constitutes official information;
  - the purpose of official information legislation and the principle of availability;
- Key aspects to consider in responding to requests, such as -
  - distinguishing between requests for personal information and for official information;
  - when transfers, extensions, third party consultation, clarification or refining requests is appropriate, and statutory time limits for these;
  - statutory timeframes for communicating a decision on a request and providing information, noting the distinction between these;
  - reasons for withholding information, including how to consider and apply these (in particular, this should contain guidance on common reasons for withholding information such as to protect the privacy of natural persons, and to protect information that could prejudice a party's commercial position);
  - application of the public interest test;
  - the agency's approach to charging, considering requests for urgency, and vexatious or frivolous requests;
- Operational processes, such as -
  - how the system of logging and tracking is used and how this can be accessed if the person primarily responsible is away;
  - record keeping in relation to requests – the records that should be kept about consultation/decision making etc and where this should be kept;
  - how to prepare documents for release, including redactions; and alternative methods of releasing information;
  - peer review process;
  - the decision making process.
- Specific areas relevant to local authorities, such as -
  - that information held by elected members in their official capacity is information 'held' by a Council and therefore covered by the LGOIMA;

- how the Council will interact with Council Controlled Organisations on LGOIMA requests;
- the ability of an elected member to make a LGOIMA request and how the organisation approaches requests for information from elected members;
- that minutes and documents from a public excluded session of a Council meeting can be requested under the LGOIMA, and a fresh decision needs to be made;

I discussed the Council's policy on charging for the supply of information requested under LGOIMA under [Leadership and culture](#) in the context of the information produced on its website. I understand the Council's general practice is to provide information without charge – a laudable principle. Nonetheless, the Council must be prepared for when it is required under LGOIMA to consider fixing a charge rather than declining a request which requires substantial collation or research.<sup>20</sup> In addition to being consistent with the law, internal charging policies should meet the following criteria:

- The charges should be consistent with the Charging Guidelines produced by the Ministry of Justice;<sup>21</sup>
- The policy should be applied on a case-by-case basis; and
- The policy should be publicly available.

My staff are available to assist agencies with the development of fit-for-purpose official information policy and guidance documents and, as it has done with training, the Council may consider using its contacts with other local councils to assist in developing policy and guidance documents that are appropriate to its size, capability and LGOIMA handling model.

#### Action points

Prioritise the development of LGOIMA policy, including a charging policy

Prioritise the development of LGOIMA guidance

### Developing a proactive release policy driven by residents' needs

As I discussed earlier, under 'Leadership and culture', the Council is making strides towards developing an open and transparent culture. This was identified not only by staff, but also by respondents to my survey of the public, as I discussed earlier under ['Leadership and culture'](#).

Releasing information about the work it is doing is crucial to building public trust, and allowing residents to meaningfully participate in decisions about the future of their district. The Council proactively releases information a range of information, such as Annual Reports and Local

<sup>20</sup> See s 17A(1)(a) LGOIMA 1987

<sup>21</sup> Link to the Ministry of Justice [Charging Guidelines](#)

Although the Charging Guidelines do not apply to local government agencies, successive Ombudsmen have considered it is reasonable for such agencies to make their charging decisions in accordance with the guidelines.

Governance Statements, as required under the LGA.<sup>22</sup> It uses methods such as social media, radio advertising and printed and electronic newsletters to communicate with residents.

The Council regularly produces media releases about its work, and the CE also speaks with local media on a weekly basis. However, media releases should not take the place of proactively releasing source documents so that constituents can examine the full context of the information presented. These might include:

- Background papers, research reports, options, and consultation documents related to current or planned work programmes;
- Minutes from workshops;
- Information provided in response to LGOIMA requests; and
- Internal rules and policies, including rules on decision-making and rules on the proactive release of information.

Responses to my survey of the public indicate that there may be an appetite for the Council to release a greater range of information about the work it is doing or, where information is released, more could be done by the Council to ensure the information it releases is easily accessible. Of the respondents to my survey of the public<sup>23</sup> who answered the question ‘How easy or difficult was it to navigate the Council’s website to find information?’ 65 percent said it was ‘somewhat or very difficult’. None of the respondents said it was ‘very easy’ to navigate the website.

None of the respondents ‘strongly agreed’ with the proposition ‘the Council publishes sufficient information on its website about the work it is doing’, though a quarter of respondents said they ‘somewhat agree.’ Below is a sample of responses to the question ‘What ‘additional information, if any, would you like to see the Council publish on its website about the work it is doing?’:

*(H)ow it is spending our ratepayer money, I would like to see more information about environmental protection.*

*It would be good to have key points from the council meetings*

*The actual work it is doing, by whom, the costs for this work, the original requirements to be met.*

*Transparency with all the decisions that have been made. REASONS as to why or how they the council came up with the decisions they have made.*

I encourage the Council to consider what it can do to ensure the information it releases fits the needs of Buller residents, and is easily accessible to them and incorporate this into its proactive release policy.

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<sup>22</sup> See [Local Government Act 2002](#)

<sup>23</sup> There were 22 responses to my public survey.

The Council advised me that an overhaul of its website is being considered. Should this proceed, the Council may benefit from consulting a citizens' panel, or polling residents in some way to ensure website content, layout, and accessibility is consistent with the needs of residents. The Council can also make use of the information collected in its LGOIMA tracking spreadsheet, and website analytics to identify trends in requests received, and the type of information searched for by website-users. In turn, this could inform decisions about the type of information that could be proactively released.

It is important that proactive release practice is underpinned by policy, for a number of reasons. Key amongst them is to ensure an organisation-wide commitment to:

- implementing this practice as a BAU activity;
- developing sound and consistent approach to proactive release procedures and decisions; and
- ensuring there is management accountability for its delivery, particularly when this forms a part of an agency's published, corporate strategy (discussed earlier under [Leadership and culture](#)).

An agency may have the best intentions to proactively release information, but without a policy detailing when and how it will occur, and without senior leaders taking responsibility for ensuring the policy is implemented, the practice can easily fall by the wayside, for example when key staff depart, or during busy periods.

A guiding policy for the proactive release of information can also facilitate a consistent approach to the release of information between business units, and help to manage the risks of proactively releasing information. The Council may wish to note that I have recently published guidance for agencies on developing proactive release policies and practices.<sup>24</sup>

The Council has provided me with a copy of its newly drafted proactive release policy, also published on its website.<sup>25</sup> It is extremely encouraging that the Council has developed and published this policy, though some improvements could still be made. For example, a proactive release policy should include:

- a high level commitment to proactively releasing information;
- a process for identifying opportunities for proactive release, for example, where a high number of LGOIMA requests are received about a subject, or there is otherwise high interest in the topic;
- where summary information may be released instead of, or in addition to, a source document in order to facilitate ease of use and understanding;
- a process for preparing for proactive release, including managing risks around personal or confidential information, commercially sensitive information and information subject to third party copyright;

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<sup>24</sup> Link to the Office of the Ombudsman [proactive release guide](#)

<sup>25</sup> Link to the Council's [Proactive Release of Information webpage](#)

- a process for considering frequency and timing of publication;
- the types of information that will be proactively released. For example:
  - Information that has been released in response to LGOIMA requests;
  - Information described in section 21 of the LGOIMA about the agency's internal decision making rules, including its LGOIMA policies and procedures;
  - Performance information; and
  - Financial information relating to income and expenses, tendering, procurement and contracts.
- a commitment to releasing information in the most useable form (in accordance with the New Zealand Government Open Access and Licensing framework);<sup>26</sup> and
- provision for the policy to be regularly reviewed and updated.

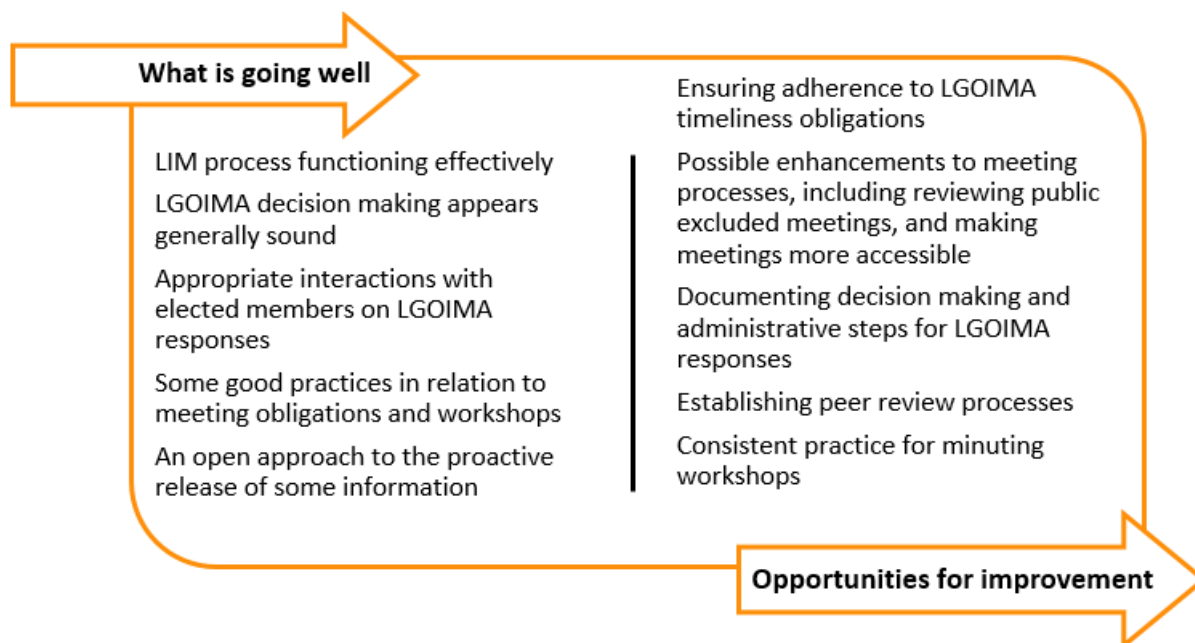
Action points
Update proactive release policy, with accountability for development and implementation assigned to a single, senior leader
Consider how the information needs of residents can be ascertained and incorporated within proactive release policy

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<sup>26</sup> Link to the [New Zealand Government Open Access and Licensing framework](#)

## Current practices

### At a glance



[Link to verbalisation of \*Current practices\* 'At a glance' diagram in Appendix 5.](#)

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 the Council I considered 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

#### LGOIMA decision making

My review of a sample of LGOIMA files has shown evidence of good decision making practices. I have seen evidence of the Council engaging legal advice from an external party, where necessary, to ensure its responses are compliant with LGOIMA. I was also pleased to see evidence of application of the public interest test when making decisions under section 7 of the LGOIMA, and a clear explanation of this within the response letter to the requester.

I note that in one of the Council's LGOIMA responses, the specific ground for refusing information was not given, as required under section 18 of the LGOIMA. However, the reason was able to be inferred from context, and I consider that this type of oversight should be addressed by implementing targeted LGOIMA training, LGOIMA guidance material, consistent use of template response letters, and a peer review process, as I discuss elsewhere in this report.

## Land Information Memoranda (LIM)

The Council has good information for LIM requesters on its website, including:

- A guide to the type of information that may be held by the Council and included within a LIM;
- Why it could be helpful to a vendor to obtain a LIM;
- The timeframe within which the Council is required to provide the information; and
- Reference to LGOIMA, under which LIMs are issued.

The Council received 226 LIM applications in the 2018/19 reporting year, all of which, the Council has provided data to show, were processed in accordance with LGOIMA timeliness obligations. I consider LIM processing is adequately recorded, tracked, and prioritised by the Council.

Resources made available to staff to facilitate the LIM application process include a policy document and a LIM template outlining the type of information that is required to be in a LIM. I understand the Council has shared its LIM template with Grey District Council in order to compare and share best practices. The Council, and in particular, LIM staff should be commended for using its networks to share resources and promote continuous improvement to its practices.

It is pleasing to see that there is some resilience in the LIM processing system – I am advised that there are several current staff members, other than the person in the designated role, who are able to process LIMs.

When it was initially presented to me, the LIM policy did not include a review date. I am pleased to see that an updated version of the policy included a review date of November 2020. The agency should ensure policies, including the LIM policy, are reviewed and updated regularly. The agency may also wish to develop a LIM training checklist, as I discussed earlier, under [Organisation structure, staffing, and capability](#)

## Meetings

The Council was quick to respond to the temporary amendments made to Part 7 of LGOIMA in response to the Covid-19 pandemic and lockdown.<sup>27</sup> This required meetings to be livestreamed, or recorded and made available to the public; and agenda to be available free of charge online (the Council was already doing the latter). I note that the Finance, Risk and Audit

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<sup>27</sup> Link to [s 47A LGOIMA \(Modifications\)](#)



Committee Meeting of 22 April 2020 and the full Council Meeting of 29 April 2020 were conducted via video-conference, recorded, and those recordings were uploaded to the Council's website within a few days of the meetings taking place.<sup>28</sup> The Council also gave contact details on its website for members of the public who wished to address the Council in the public forum portion of the meeting.

It is encouraging to see that the Council, under the current CE, has placed great importance on governance functions. This is evident through the establishment of a full time Governance Assistant role, which I discussed earlier under [Organisation structure, staffing and capability](#), and its procurement of new software - Diligent - to facilitate the meeting administration process. Diligent is a platform which streamlines the process of building meeting agenda, and allows easy access to agenda for elected members.

The Council consistently adheres to statutory obligations relating to public notification of meetings and availability of agendas and reports which are outlined in sections 46 and 46A of LGOIMA.<sup>29</sup>

Given the geographical spread of Buller residents and now that a practice has been established, I would encourage the Council to continue to record meetings, or give thought to how meetings could be livestreamed, recorded and posted. This would benefit the community by making meetings more accessible for those who are not able to attend in-person, and it provides an accurate record of the meeting.

#### Action point

Consider recording and publishing meetings and workshops, or livestreaming these, if practicable to enhance opportunities for public participation in meetings

## Workshops

The use of workshops is a common practice of local councils. Workshops are informal meetings used for conducting certain types of business, such as providing information to elected members on complex issues. They are forums for learning and discussion rather than meetings where free and frank deliberations and decision making occurs, noting that decision making should only take place during meetings of full Council, or in committee meetings where the committee has the appropriate delegation from the Council to make decisions.

I saw no evidence during the course of my investigation to indicate that the Council is using workshops inappropriately. Staff I spoke to, including those closely involved in the area of governance were aware of the appropriate purposes of workshops and they did not express any concern that workshops were being used to make decisions.

Elected members also appear to value openness, with one respondent to my survey of elected members saying:

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<sup>28</sup> Link to the Council's [Recorded Zoom Council Meetings](#)

<sup>29</sup> See [Part 7](#) LGOIMA 1987

*I like that...public and media are encouraged to attend workshops and meetings except when there are valid reasons for public exclusion.*

Although little can be drawn conclusively from my survey of the public due to the low volume of respondents, I note that 56 percent of respondents said they considered ‘*that the Council uses workshops or briefings to make decisions out of the view of the public.*’ This may indicate a perception issue where, despite an evolving commitment to openness, the Council and elected members have ground to cover in terms of earning the full trust of residents, particularly in relation to the transparency of meetings and workshops.

The Council has a practice of opening some of its workshops to the public, particularly if it is a subject of high public interest, such as when providing background and information about the setting of rates. As workshops are not ‘meetings’ and not governed by LGOIMA, there is no statutory requirement to open them to the public. I consider this a clear demonstration of openness and transparency and I commend the Council for this practice.

The Council’s Governance Assistant advised my investigators that the Council has established a practice of taking minutes at workshops, though this may not yet be fully embedded for all workshops, for example those of sub-committees. I will discuss this further under [Opportunities for improvement](#).

## Interactions with elected members on LGOIMA responses

As I detailed earlier, under [Organisation structure, staffing, and capability](#), a council’s CE is the decision maker on LGOIMA requests. Under certain circumstances, it may be necessary to notify an elected member or members of a proposed response (for example, if the information requested pertains to that member), or to consult with an elected member. However, responsibility for making the final decision on a LGOIMA response should never be ceded to, or unduly influenced by an elected member.

Based on conversations with staff and the CE, and on feedback from elected members through an online survey, interactions with elected members on LGOIMA requests appear appropriate. Staff my investigators spoke to, and elected members seem to understand when a proposed response might require notification or consultation with an elected member. Best practice would be to embed these guidelines in the Council’s LGOIMA policy, which is under development by the Council, and which I have discussed earlier under [Internal policies, procedures and resources](#).

I note there are guidelines around official information for elected members’ reference. These appear in the elected members’ Code of Conduct, which states:

*All official information held by (elected members) personally, whether on Council equipment or their own personal equipment is subject to the LGOIMA.*

*Official information, if sought as part of a request, must be made available immediately to the CEO (or nominee) so that it can be assessed in terms of the requirements of the LGOIMA.*

At the beginning of this triennium, the Council organised a training session for elected members which covered elected members’ obligations under relevant legislation including

LGOIMA. All respondents to my survey of elected members indicated that both training and guidance materials had been provided by or through the Council which covered:

- Elected members obligations in relation to providing information requested under LGOIMA;
- How elected members can request information from the Council;
- Under what circumstances the Council may consult with elected members, or notify them about a LGOIMA request it has received;
- When it is appropriate to hold a workshop or briefing and how these differ from meetings; and
- What factors to consider when voting whether an item should be heard in a 'public excluded' meeting or part of a meeting.

I am satisfied that the Council's interactions with elected members on LGOIMA responses occur only when necessary, and that elected members receive adequate guidance on their obligations under the LGOIMA. I would only add that it would be good practice to offer regular refreshers and updates to elected members throughout the triennium.

## Proactive release practice

Local authorities have a statutory requirement under the LGA to release a range of information about their work. The Council adheres to these requirements and releases additional information such as results of residents' surveys and some performance measures, which I will discuss further under [Performance monitoring and learning](#).

I have followed the Council's response to the recent Covid-19 pandemic and lockdown in terms of making information available to the public. At Level 4, and again at Levels 3 and 2, the Council produced on its website a table outlining the services available to the public during that level of lockdown, and any changes to services that could be expected. This included noting that LGOIMA requests were still being handled, but that access to paper records would necessarily be limited while staff did not have access to Council buildings. The Council also used social media to post frequent updates, and to stay connected with constituents during the lockdown.

The Council has begun work on a proactive release policy to underpin its practice in this area. As I discussed earlier, under [Internal policies procedures and resources](#), and [Leadership and culture](#), this should be linked to its Significance and Engagement Policy and LGOIMA policies, in order to develop an overarching strategic framework which promotes public engagement and access to information.

## Opportunities for improvement

There are opportunities for improvement in relation to:

- Monitoring and attaining compliance with LGOIMA timeliness obligations;
- Enhancing practices around meeting minutes;

- Keeping records of LGOIMA decision making and administration processes; and
- Establishing a peer review process for LGOIMA responses.

## Compliance with LGOIMA timeliness obligations

As part of my investigation, I requested the Council provide me with the number of requests received and responded to 'on time'<sup>30</sup> in the 2018/19 reporting year. The Council advised me that it received 55 LGOIMA requests, of which 38 (69 percent) were responded to within the statutory 20-working day limit.<sup>31</sup> This level of compliance with the statutory requirements of LGOIMA is far from satisfactory. To provide context, of the nine councils I have investigated to date as my part of my programme of proactive official information investigations, this Council has the lowest rate of timeliness compliance.

It is also concerning that the Council had to spend considerable time reviewing its records in order to collate and provide the requested timeliness data. This suggests to me that it was not using data collected on LGOIMA requests to track its annual performance against statutory timeframes, nor against any internal targets. I note that the spreadsheet has now been updated to include the due date for LGOIMA responses, and that LGOIMA timeliness will be monitored and reported to senior leaders.

I would expect all agencies subject to LGOIMA to track their compliance with the statutory timeframes in order to report on their performance, if only internally. Best practice would be to publish timeliness statistics as an accountability measure.<sup>32</sup>

Close monitoring of LGOIMA requests and responses is necessary for the Council to determine whether it is compliant with legislation, and whether its performance is improving or declining, year-on-year. If there is no reporting on the Council's compliance with the LGOIMA and its practice, senior leadership is unable to monitor how effective its model is, including its resources, capacity, and capability. I will discuss this further under [Performance monitoring and learning](#).

I am aware that since late-2019 the Council has placed emphasis on the importance of LGOIMA compliance, which it has demonstrated in a number of initiatives I have already mentioned, such as delivering training for all staff and enhancing the LGOIMA tracking spreadsheet. I expect that these will positively impact the Council's LGOIMA timeliness statistics, and I look forward to seeing the results for the 2019/20 reporting year.

### Action points

Establish a robust method to track timeliness of LGOIMA responses and report regularly to senior leadership

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<sup>30</sup> See [s13](#) LGOIMA 1987

<sup>31</sup> This includes nine requests for which an extension was advised within the statutory 20-working day timeframe.

<sup>32</sup> Link to the Public Service Commission [Official Information Statistics](#) which contains statistics for central government OIA compliance.

### Action points

Consider including LGOIMA timeliness statistics and performance measures in Annual Report

## Peer review of LGOIMA responses

The Council does not have a formalised peer review process for LGOIMA responses. In order to ensure quality responses, I would encourage the Council to introduce a formalised peer review process for all LGOIMA responses. This is a good practice I have seen operating in other agencies and has proven to be highly effective to ensure consistency of decision making. It might include a set of uniform measures that all LGOIMA responses are measured against to ensure consistent quality of responses across business units. It also provides a final check that responses are legislatively compliant in all respects. A peer review checklist could include, but is not limited to:

- who is making the decision on the request and whether the signatory reflects this;
- that a record of the decision making process has been kept in the correct place;
- where information is to be withheld, that the reasons are in line with LGOIMA;
- where the request is to be refused, that the response includes the reason and the right to make a complaint to the Ombudsman; and
- that all aspects of the request have been responded to.

Incorporating peer review by a staff member with knowledge in the subject area of the request also creates an opportunity for adding contextual information to assist requesters' understanding of the Council's responses.

### Action point

Formalise a peer review process for LGOIMA responses

## Documenting decision-making and administrative steps for LGOIMA responses

It is important for a number of reasons for agencies to keep comprehensive records around decision making on LGOIMA requests. Doing so:

- will enable the agency to provide grounds in support of its reasons for refusing a LGOIMA request, if they are sought by the requester;<sup>33</sup>
- will enable the agency to more easily and accurately respond to an Ombudsman in the event of an investigation of a complaint; and

<sup>33</sup> See [s 18\(a\)\(ii\)](#) LGOIMA 1987

- provides an opportunity to create a repository of knowledge about how the agency makes decisions on LGOIMA requests, thereby developing a consistent approach. (I discuss this further below, under [Performance monitoring and learning](#)).

I do not consider simply keeping the response letter to the requester to be a sufficient record of the Council's decision. This is unlikely to contain the rationale behind the decision and details of the Council's decision making process, including records of internal or third party consultation.<sup>34</sup>

The Council should develop an efficient method for recording its decision making and administrative process on LGOIMA requests, in a way that facilitates later analysis, access and retrieval. During my investigation I saw evidence that the Council has begun to use its LGOIMA tracking spreadsheet to record some information relating to LGOIMA decisions, which is a step in the right direction. I encourage the Council to consider how decision making information can be recorded in a way that is of best use. For example, it should be able to be accessed by staff as a reference for how the agency approaches certain types of requests. It should also be accessible for reporting and accountability purposes.

Documenting the administrative steps taken to search for information (for example, keywords used, systems and drives searched), and the number and type of any documents located, can assist staff handling similar requests in future, particularly if the request is for a broad range of information. Again, I note that information can only be used for this purpose if it is accessible to staff, which may not be the case if the LGOIMA tracking spreadsheet is the sole place this information is kept.

In addition, recording the time taken to collate a sample of documents within the scope of a request for a large amount of information can assist in responding to an Ombudsman's investigation where a complaint is made about a refusal under section 17(f) of the LGOIMA, or about a decision to charge for the supply of information.

In one of the sample files I reviewed, there was no record of the decision made on a request, nor the information provided to the requester. This was an unusual situation, in which the requester contacted a large number of agencies with the same question and provided a link to an open-source document in which agencies were requested to enter their answers. The agency did not keep a record of the response provided and the document could not be accessed to retrieve or view the information that - it can only be presumed - the Council provided.

The Council, and all agencies, must be mindful of the challenges presented in relation to LGOIMA record keeping when responding to information requests made in non-standard formats such as in the previous example, and through social media, which is an increasingly common method of submitting requests.

A method the Council may consider to record LGOIMA decision making and administrative steps, is a LGOIMA request coversheet. I have seen a number of variations on this concept at agencies I have investigated. This is often a brief, one-page document that is used to capture

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<sup>34</sup> Note that if consultation is undertaken verbally, a file note should be taken of the conversation and this should be kept with the individual LGOIMA file.

key information in one document so it can be easily referenced. This could be linked to the LGOIMA tracking spreadsheet

### Action points

Create a centralised record of reasons for LGOIMA decisions including, where applicable, consideration of the public interest, the rationale for the decision, and details of any consultation undertaken

Record administrative steps behind LGOIMA responses where this may be necessary, such as search terms used and the time taken to collate information

## Developing a policy for minuting workshops

As I discussed earlier, under [Aspects that are going well](#), the Council is beginning to embed a practice of minuting workshops. While there is no requirement under Part 5 of the LGOIMA for minutes to be taken at workshops, councils should, as a matter of good practice and in order to align with any relevant provisions of the PRA, take minutes, notes or recording of all workshops.<sup>35</sup> This is official information and, as such, it can be requested under the LGOIMA. Minuting workshops has the potential benefits of:

- demonstrating and facilitating transparency;
- providing a full, contextual record of the information-sharing and discussion that informs the later decision making process at a meeting; and
- providing a reference for the Council in the event of an Ombudsman investigation or a complaint from another party.

The Council would benefit from developing and publishing a policy on record keeping at workshops (which aligns with the requirements of the PRA), and ensuring adherence with this.

### Action point

Develop and publish a policy on record keeping at workshops, aligned with the requirements of the PRA

## Reviewing minutes of public excluded meetings

Although the Council has sound processes in place for the administration of public meetings in line with the requirements of Part 7 of LGOIMA, there remains an opportunity to enhance its processes in a way that will promote openness and transparency.

Section 17.5 of the Council's standing orders states:<sup>36</sup>

*Each public excluded meeting must consider and agree by resolution, what, if any, information will be released to the public. In addition the chief executive may*

<sup>35</sup> See [s 17](#) PRA 2005

<sup>36</sup> Link to the Council's [Standing Orders](#)



*release information which has been considered at a meeting from which the public has been excluded where it is determined the grounds to withhold the information no longer exist. The chief executive will inform the subsequent meeting of the nature of the information released.*

I encourage the Council to consider, as a matter of good practice, going further than this. The Council could consider adding a step in the meeting administration process whereby minutes and other information from public excluded meetings which cannot be released between one meeting and the next, are reviewed at a later date - for example, quarterly - and released publicly when and if the reasons for exclusion from a public hearing no longer apply.

This practice could help enhance public perception of the Council's approach to openness. As I discussed earlier, some respondents to my survey of the public expressed concerns about the Council's practices around meetings and workshops. Even if unsubstantiated, a perceived lack of openness is harmful if it erodes the public's trust in the Council.

Further, establishing this practice would align with one of the purposes of the LGOIMA: *'to increase progressively the availability to the public of official information held by local authorities, and to promote the open and public transaction of business at meetings of local authorities.'*<sup>37</sup>

#### Action point

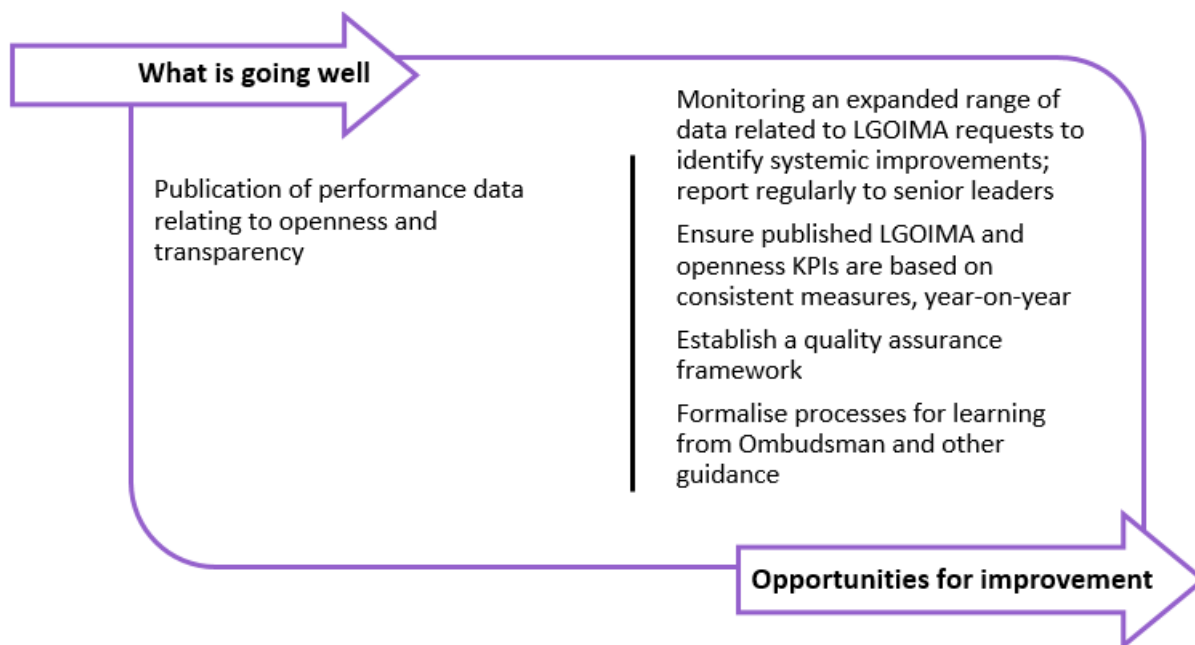
Consider adding a step to the meeting administration process wherein minutes from public excluded meetings are reviewed, and released where the reasons for exclusion no longer apply

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<sup>37</sup> See [s 4](#) LGOIMA 1987

## Performance monitoring and learning

### At a glance



[Link to verbalisation of \*Performance monitoring and learning\* 'At a glance' diagram in Appendix 5.](#)

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; and
- the Council learned from data analysis and practice.

## Aspects that are going well

### Publication of performance data relating to openness and transparency

The Council has established several Key Performance Indicators (KPIs) related to transparency and openness, and it publishes its target and actual performance in its annual report.<sup>38</sup> These KPIs include:

- opportunities given for public participation in Council meetings; and
- the percentage of Council business conducted in an open forum (ie. not held in a public excluded meeting or part of a meeting);
- the percentage of residents who are satisfied the Council consults with them on important issues; and
- the percentage of residents satisfied with the information they receive from the Council.

These are extremely worthwhile metrics to make available to the public. The Council has set a minimum target of 90 percent of its business conducted in an open forum. In the 2018/19 Annual Report, its performance data was presented alongside that of the previous year, so that year-on-year changes are visible. This allows the public to hold the Council accountable. However, the year-on-year comparison is only meaningful when the same metric is used in each reporting period. In this respect, the Council should consider how it measures the latter two KPIs. I will discuss this further below, under [Opportunities for improvement](#).

I think the Council is right to also include the perspective of its constituents in its reporting on openness and transparency. The data relating to the percentage of residents who are satisfied with information received from the Council, and the percentage who are satisfied the Council consults with them on important issues, derives from its a customer satisfaction survey.<sup>39</sup> The Council set targets of, respectively, 85 and 90 percent for these measures. Although the Council fell just short of these targets in 2017/18, I am pleased that it did not shy from reporting openly on its results.

Overall, I commend the Council for developing and reporting on a number of measures that provide meaningful information to the public about its openness and transparency. It can be difficult to quantify an agency's level of 'openness' and it appears the Council has implemented KPIs that will provide meaningful information on this topic to the public, and will serve to drive performance improvements in these areas.

## Opportunities for improvement

There are opportunities for improvement in relation to:

- Monitoring compliance with LGOIMA obligations;

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<sup>38</sup> Link to the Council's [Annual Report](#)

<sup>39</sup> Link to the Council's [customer satisfaction survey results](#)

- Collecting, reporting on, and learning from LGOIMA data;
- Establishing quality assurance processes for LGOIMA responses and LIM reports;
- Ensuring consistency in published KPI measures; and
- Learning from Ombudsman guidance and guidance from other relevant agencies.

## Monitor compliance with LGOIMA timeliness obligations

At the time my investigation commenced, the Council conducted some tracking of LGOIMA requests using a spreadsheet system. This tracking consisted of keeping tabs on the active LGOIMA requests on-hand, so that the EA to the CE and Mayor was aware when they were due and to whom they were assigned. The Council did not use the spreadsheet to monitor overall compliance with LGOIMA timeliness obligations within a given reporting period. When asked, at the start of this investigation, to provide LGOIMA timeliness statistics for the most recent reporting year, the Council took some time to collate and provide me the data.

I should note that improvements to the spreadsheet tracking system have been made even since the beginning of my investigation. More data fields have been added to collect information about LGOIMA requests, and there is a focus on monitoring timeliness compliance. Several staff my investigators spoke to noted that the system for tracking LGOIMA requests is far more efficient now and staff involved should take great credit for that.

However, I would expect that recording and reporting on the number of requests received in each reporting year and the number of those requests responded to on time, to be the bare minimum of data which should be recorded by any agency subject to official information legislation. Without tracking this information an agency would have no awareness of its level of compliance with the LGOIMA. The Council's failure, until recently, to record data on requests received and timeliness has been a significant gap in the execution of its LGOIMA obligations.

The Council's intention to record and publish LGOIMA timeliness performance statistics in its Annual Report is featured in its continuous improvement plan. I am pleased the Council intends to publish key information about its compliance with the LGOIMA, and I look forward to seeing its progress over the course of the next year.

### Action point

Embed the monitoring of compliance with LGOIMA obligations into practice and report regularly to senior leadership

## Ensuring published KPI measures are consistent

As I discussed earlier, under [Aspects that are going well](#), the Council publishes KPIs related to openness and transparency in its Annual Report. Two of these measures are derived from residents' responses to an annual customer satisfaction survey. They are:

- residents' satisfaction with the information they receive from the Council; and
- residents' satisfaction that the Council consults with them on important issues.

I note that the 2017/18 customer satisfaction survey specifically asked residents for their level of satisfaction on each KPI. The Council was able to express its performance against these measures as a percentage of residents who were satisfied in its 2017/18 Annual Report.

In the 2018/19 customer satisfaction survey, however, these KPIs were not directly measured. Instead, the Council relied on residents' satisfaction with the Council's customer service overall to measure its performance in these areas.

I do not agree that the broad measure of satisfaction with overall customer service can be used to infer residents' satisfaction with the information they receive from the Council, nor their satisfaction with the Council's level of consultation on important issues. The Council sets KPIs at its own discretion, and may measure its performance against them how it sees fit. However, if the Council intends to maintain these KPIs I would suggest that it should use the same criteria for measurement from year to year.

#### Action point

Ensure KPIs published in Annual Report relating to governance are measured against consistent criteria

### Analysis and reporting of LGOIMA response data

The Council is in the early stages of an improvement process centred on its LGOIMA practices and has not, to date, collected data on LGOIMA responses. This means that little data analysis or reporting to senior leaders has taken place. As I stated earlier, under [Monitor compliance with LGOIMA timeliness obligations](#), the Council should, at minimum, record and report on LGOIMA timeliness statistics. Not only will this allow the Council to track its level of compliance with LGOIMA timeliness obligations, it will also establish a baseline of performance which can then be used to drive improvements.

While it is important to collect data on LGOIMA response timeliness and throughput, other measures (like the outcome of a request) are equally important. In addition to timeliness data, the Council has the opportunity to collect more meaningful information about its LGOIMA performance.

I encourage the Council to consider whether it may benefit from collecting other information, such as:

- the type of requester;
- the type of information requested;
- the type of request (Part 2, 3 or 4 of the LGOIMA);
- 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 response is delayed, the reason(s) for this;
- the reason for and timeliness of any transfers;

- the reason for and length of any extensions;
- the amount of any charges; and
- the outcome of the request (granted in full, granted in part, refused in full).

I also encourage the Council to carefully consider the type of information it could collect that will allow it to recognise:

- emerging themes or trends;
- opportunities for the proactive release of information;
- resourcing or capacity issues; and
- opportunities for training/upskilling staff.

I note that an intention to report to senior leaders on LGOIMA matters features in the Council's continuous improvement plan. I encourage the Council to focus not only on timeliness compliance but also on other factors, such as those listed above, that may help drive LGOIMA process improvements.

#### Action point

Consider collecting more comprehensive data on the handling of LGOIMA requests in order to identify opportunities for improvement, and opportunities for the proactive release of information; report regularly to senior leadership

## Monitoring quality

An important part of performance monitoring is that it enables an agency to learn from previous practice in order to inform future practice. At present, there are no quality assurance processes in place at the Council for official information requests, LIM reports, record keeping, or measuring whether community engagement has been successful.

There is merit in the Council developing a more formalised quality assurance system to ensure consistency of decision making and the identification of risk. In the case of LGOIMA requests and LIM reports, this might include a random check of a sample of closed files on a periodic basis. Having a robust quality assurance process for LGOIMA requests will further supplement a formal peer review process and ensure consistency of responses, as discussed earlier in [Current practices](#).

#### Action point

Develop a formal quality assurance process for LGOIMA responses and LIM reports

## Learning from Ombudsman investigations and from other agencies

The Council currently has no formal process for learning from and distributing relevant data and publications from Local Government New Zealand and the Department of Internal Affairs, or from Ombudsman's investigations, case notes, and new guidance documents as they are released. There would be a benefit in developing a formalised mechanism to keep track of such

material and share updates. This will help to ensure that the information reaches the relevant people, and creates the ability to discuss and develop best practice throughout the agency, and may form part of the Council's approach to ongoing LGOIMA training.

**Action point**

Formalise the process for learning from Ombudsman and other agencies' guidance and reflect this in LGOIMA policies and procedures



## Appendix 1. Official information practice investigation — terms of reference

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### Buller District Council

18 October 2019

This document sets out the terms of reference for a self-initiated investigation by the Chief Ombudsman into the practices of Buller District Council (the Council) relating to the Local Government Official Information and Meetings Act 1987 (LGOIMA).<sup>40</sup>

### 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.<sup>41</sup>

### 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 and resources
- Current practices

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<sup>40</sup> See sections 13(1) and 13(3) of the Ombudsmen Act 1975 (OA).

<sup>41</sup> 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 council was unreasonable or contrary to law under s 22 of the OA.

- Performance monitoring and learning

The investigation will include consideration of how the 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 Council administers Part 7 Local Authority meetings. The investigation will not consider decisions taken by full council (committee of the whole).<sup>42</sup> 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.<sup>43</sup> However, the investigation will consider the extent to which the Council 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 section 12 of the 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).<sup>44</sup>
- 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 breaches, 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

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<sup>42</sup> See s 13(1) OA

<sup>43</sup> CCOs are subject to Parts 1-6 of the LGOIMA. See section 74 of the Local Government Act 2002 (LGA).

<sup>44</sup> The decision must be made by the chief executive or any officer or employee authorised by the chief executive. See s 13(5) LGA. Elected members (mayors, councillors or members of boards) are not officers or employees, and are therefore not permitted to make decisions on LGOIMA requests.

investigation team will liaise with your nominated contact official during the investigation. Information may be gathered through the processes set out below.

## **Information gathering**

The information for the investigation will be gathered through desk research, a detailed questionnaire of the Council's official information practices, a staff survey, a survey of staff who respond to LIMS, a survey of elected members, meetings with key staff, and a survey of the public. 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).

## **Questionnaire**

A questionnaire for the agency will be provided, 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 Council'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

## **Surveys**

The following surveys will be conducted:

- A survey of Council staff about their experience of the LGOIMA culture and practice within the Council

- A survey of Council staff who respond to LIMs about their experience and the practice within the Council
- A survey of the public (key media and stakeholder organisations) that have sought information from the Council - the Chief Ombudsman may issue a media release that includes a link to the public 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 Council 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 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

If requested, the interview recording or a summary of key points gathered from the meetings will be sent to individual meeting attendees 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.

## **Follow up period**

After information has been gathered through the methods outlined above, the investigation team may request additional information or clarification from the Council on points that have arisen throughout the course of the investigation, to assist our understanding of matters of fact and to provide the opportunity for further relevant information to be supplied.

## **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 may consult the Mayor at any time during or after the investigation, and is required to consult with the Mayor before he forms his final opinion, if the Mayor so requests.<sup>45</sup>

### **Final report**

Comments received on the draft report will be considered for amendment of, or incorporation into, the final report. The final report will be sent to the Chief Executive and 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

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<sup>45</sup> See s 18(5) OA

relevance to improving their work practices, and how future investigations may be improved when applied to other councils.

## 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 members<sup>46</sup>, chief executive, 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"> <li>✓ Chief executives, leaders and the relevant elected members work together to promote a culture of positive LGOIMA compliance and good administrative practice</li> <li>✓ 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</li> <li>✓ Senior leaders demonstrate clear knowledge and support of the Act's requirements</li> <li>✓ Senior leaders encourage staff to identify areas for improvement and provide the means for suggesting and implementing them when appropriate</li> <li>✓ Senior leaders make examples of good practice visible</li> <li>✓ A visible and explicit statement exists about the agency's commitment to openness and transparency about its work.</li> </ul>

<sup>46</sup> 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)
Senior leadership have established an effective official information strategic framework which promotes an official information culture open to the release of information.	<ul style="list-style-type: none"> <li>✓ The agency has a strategic framework describing how it intends to achieve: <ul style="list-style-type: none"> <li>– compliance with the Act</li> <li>– good practice</li> <li>– a culture of openness and continuous improvement</li> <li>– participation and access to information by the public and stakeholder groups.</li> </ul> </li> <li>✓ Senior leaders takes an active role in the management of information</li> <li>✓ A senior manager has been assigned specific strategic responsibility and executive accountability for official information practices including proactive disclosure</li> <li>✓ Senior managers have accountabilities for compliance with the Act</li> <li>✓ Appropriate delegations exist for decision makers and they are trained on agency policies and procedures and the requirements of the Act</li> <li>✓ Senior leaders model an internal culture whereby all staff: <ul style="list-style-type: none"> <li>– are encouraged to identify opportunities for improvement in official information practice (including increasing proactive disclosure) and these are endorsed and implemented</li> <li>– are trained to the appropriate level for their job on official information policies and procedures and understand the legal requirements</li> <li>– have compliance with the Act in their job descriptions, key performance indicators, and professional development plans.</li> </ul> </li> <li>✓ 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.</li> </ul>

Elements	Things to look for (indicators)
Senior leadership demonstrates 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.	<ul style="list-style-type: none"> <li>✓ 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"> <li>– regular stakeholder meetings and surveys</li> <li>– reviewing and analysing requests and media logs</li> <li>– reviewing and analysing website searches.</li> </ul> </li> <li>✓ 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"> <li>– the role and structure of the agency and the information it holds</li> <li>– strategy, planning and performance information</li> <li>– details of current or planned work programmes, including background papers, options, and consultation documents</li> <li>– internal rules and policies, including rules on decision-making</li> <li>– the agency's significance and engagement policy</li> <li>– corporate information about expenditure, procurement activities, audit reports and performance</li> <li>– monitoring data and information on matters the agency is responsible for</li> <li>– information provided in response to official information requests</li> <li>– other information held by the agency in the public interest.</li> </ul> </li> <li>✓ 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"> <li>– what official information it holds</li> <li>– how it can be accessed or requested by the public and its stakeholders</li> <li>– how to seek assistance</li> <li>– what the agency's official information policies and procedures are (including charging)</li> <li>– how to complain about a decision.</li> </ul> </li> <li>✓ The agency makes information available in different formats, including open file formats</li> <li>✓ The agency's position on copyright and re-use is clear</li> <li>✓ The public and stakeholders perceive the agency to be open and transparent.</li> </ul>

## 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)
Agency has the capacity to discharge its official information obligations, and obligations around local authority meetings, with clear and fully functioning: <ul style="list-style-type: none"> <li>• roles;</li> <li>• accountabilities;</li> <li>• reporting lines;</li> <li>• delegations; and</li> <li>• resilience arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>✓ 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"> <li>– size of the agency</li> <li>– number of requests received (and from whom, public, media, other)</li> <li>– number or percentage of staff performing official information and meeting functions in the agency</li> <li>– percentage of time these staff are also required to undertake other functions</li> <li>– need to respond within statutory time limits</li> <li>– use of staff time, specialisations, structural resilience.</li> </ul> </li> <li>✓ Roles and responsibilities are clearly defined:               <ul style="list-style-type: none"> <li>– Specific responsibility exists for coordinating, tracking and monitoring official information requests and agency decisions (and ombudsman decisions), and there is the authority and support to ensure compliance<sup>47</sup></li> <li>– Decision makers are sufficiently senior to take responsibility for the decisions made and are available when required, and if not, resilience arrangements exist.</li> <li>– 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).</li> </ul> </li> </ul>

<sup>47</sup> This indicator is also relevant to performance monitoring and learning.

Elements	Things to look for (indicators)
Agency has the capability to discharge its official information obligations, and obligations around local authority meetings.	<ul style="list-style-type: none"> <li>✓ 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</li> <li>✓ Training is role specific with additional training for senior managers, decision makers and staff with official information and meeting responsibilities to support their work</li> <li>✓ Expectations are set by senior leaders that regular refreshers are provided to all staff</li> <li>✓ Training is provided on information management and record keeping that is role-specific and includes guidance on information retrieval as well as information storage</li> <li>✓ 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</li> <li>✓ Agency staff, including front line staff and contractors, know what an official information request is and what to do with it</li> <li>✓ User-friendly, accessible resources, guidance and 'go to' people are available</li> <li>✓ Staff official information capability is regularly assessed and monitored through, for example, performance reviews and regular training needs analyses</li> <li>✓ Official information obligations, and obligations related to local authority meetings are included in induction material for all staff</li> <li>✓ The agency's internal guidance resources are accessible to all staff.</li> </ul>

## 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)
The agency has official information and meeting policies, procedures and resources that are accurate and fit for purpose.	<ul style="list-style-type: none"> <li>✓ Good policies, procedures and resources exist for receipt and assessment of requests, which cover:               <ul style="list-style-type: none"> <li>– what is official information</li> <li>– identifying the type of official information request received (Part 2, 3, 4 or 6 of LGOIMA) and distinguishing from Privacy Act requests</li> <li>– what to do if information is held by an elected member</li> <li>– identifying the scope of the request</li> <li>– consulting with and assisting the requester</li> <li>– logging requests for official information</li> <li>– acknowledging receipt of the request</li> <li>– correctly determining statutory time limits and tracking the handling of the requests</li> <li>– identifying who in the agency should respond to the request</li> <li>– establishing criteria for deciding whether, and if so, how a response to a request should be provided urgently</li> <li>– managing potential delays including the reasons for them, the escalation process, and invoking the extension provision.</li> </ul> </li> <li>✓ Good policies, procedures and resources exist for information gathering on requests, which cover:               <ul style="list-style-type: none"> <li>– identifying the information within the scope of the request</li> <li>– searching, finding and collating the information at issue</li> <li>– documenting the search undertaken for the information within the scope of the request (including time taken if charging is likely)</li> <li>– transferring requests to other agencies and advising the requester</li> <li>– consulting officials within the agency and third parties</li> <li>– what to do if the information is held by a contractor covered by the Act by virtue of section 2(6) of LGOIMA</li> <li>– engaging with elected members on official information requests.</li> </ul> </li> <li>✓ Good policies, procedures and resources exist for decision making on requests, which cover:</li> </ul>

Elements	Things to look for (indicators)
	<ul style="list-style-type: none"> <li>– making a decision whether to release the information</li> <li>– making a decision on the format in which information is released</li> <li>– making a decision whether to charge for the release of information</li> <li>– guidance on application of withholding or refusal grounds relevant to requests made under Parts 2, 3 and 4</li> <li>– guidance on any statutory bars on disclosure relevant to the legislation the agency administers</li> <li>– imposing conditions on release where appropriate</li> <li>– advising the requester of the decision</li> <li>– recording reasons for each item of information withheld, and the agency's consideration of the public interest in release where required.</li> </ul> <p>✓ Good policies, procedures and resources exist for releasing requests, which cover:</p> <ul style="list-style-type: none"> <li>– providing the information in the form requested</li> <li>– preparing information for release, including redactions.</li> </ul> <p>✓ Good policies, procedures and resources exist for the administration of local authority meetings, which cover:</p> <ul style="list-style-type: none"> <li>– how and when meetings (ordinary and extraordinary) are publicly notified</li> <li>– how items not on the agenda for a meeting may be dealt with</li> <li>– how and when agendas and associated reports are made available to the public</li> <li>– when it is appropriate to hold a workshop rather than a meeting</li> <li>– preparing, and allowing the public to inspect or receive copies of minutes of meetings and workshops</li> <li>– decision making on whether meetings should be 'public excluded'</li> <li>– ensuring a resolution to exclude the public is compliant with Schedule 2A LGOIMA.</li> </ul> <p>✓ 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</p> <p>✓ The agency's official information and meeting policies, procedures and resources are regularly reviewed and up-to-date</p> <p>✓ Staff find the policies useful and easy to access.</p>

Elements	Things to look for (indicators)
The agency has appropriate record keeping and information management policies, procedures and resources.	<ul style="list-style-type: none"> <li>✓ Staff are able to identify, access and collate information that has been requested under the Act</li> <li>✓ 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</li> <li>✓ The policies and procedures cover aspects such as: <ul style="list-style-type: none"> <li>– creating, organising, maintaining and storing records</li> <li>– how to access information held by elected members</li> <li>– managing and modifying records</li> <li>– the security of information</li> <li>– a guide to determining which records systems exist and what information each holds</li> <li>– retaining, retrieving and disposing of records</li> <li>– both manual and electronic records, including personal email accounts, instant messaging and text messages</li> <li>– assigned responsibilities and performance criteria for records and information management by staff</li> <li>– the provision of secure audit trails</li> <li>– annual/periodic audits of records.</li> </ul> </li> <li>✓ These policies and procedures are regularly reviewed and up-to-date</li> <li>✓ Staff find the policies and procedures useful and easy to access.</li> </ul>
The agency has accurate and comprehensive proactive release policies, procedures and resources.	<ul style="list-style-type: none"> <li>✓ The policies and procedures cover the release of such things as: <ul style="list-style-type: none"> <li>– information that has been released in response to official information requests</li> <li>– information described in section 21 of LGOIMA about the agency's internal decision making rules, including its official information policies and procedures</li> <li>– strategy, planning and performance information</li> <li>– financial information relating to income and expenses, tendering, procurement and contracts</li> <li>– information about work programmes and policy proposals</li> <li>– information about public engagement processes, including public submissions</li> <li>– minutes, agendas, and papers of advisory boards or committees</li> <li>– information about regulatory or review activities carried out by agencies.</li> </ul> </li> </ul>



Elements	Things to look for (indicators)
	<ul style="list-style-type: none"> <li>✓ 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</li> <li>✓ 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</li> <li>✓ The policies outline how and where the information should be made available for access, and if any charge should be fixed</li> <li>✓ They are regularly reviewed and up-to-date</li> <li>✓ Staff know about the agency's proactive release policies and procedures</li> <li>✓ Staff find the policies useful and easy to access.</li> </ul>

## 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"> <li>✓ The agency complies with maximum statutory timeframes to transfer, extend, decide on requests, and release official information</li> <li>✓ The agency complies with statutory timeframes for notifying meetings, and making available agendas</li> <li>✓ The agency makes standing orders, meeting agendas and associated reports, and meeting minutes available to the public</li> <li>✓ The agency produces comprehensive meeting minutes which contain, for example:               <ul style="list-style-type: none"> <li>› the time the meeting opened and closed, the date, place and nature of the meeting</li> <li>› 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</li> <li>› a record of every resolution, motion, amendment, order, or other proceeding of the meeting and whether they were passed or not</li> <li>› any 'public excluded' resolutions are in the form set out in Schedule 2A and comply with section 48 LGOIMA</li> <li>› the outcome of any vote taken</li> <li>› the names of members voting for or against a motion when requested or after a division is called.</li> </ul> </li> <li>✓ Requests are handled in accordance with the applicable law (Privacy Act; Part 2, 3, 4, or 6 of LGOIMA)</li> <li>✓ 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</li> <li>✓ The agency makes appropriate use of the legislative mechanisms for dealing with large and complex official information requests</li> <li>✓ The agency gives proper consideration to the public interest in release of official information, and explains this to requesters</li> <li>✓ The agency interprets the scope of official information requests reasonably</li> <li>✓ The agency consults with, and provides reasonable assistance to requesters</li> </ul>

Elements	Things to look for (indicators)
	<ul style="list-style-type: none"> <li>✓ The agency consults appropriately with third parties</li> <li>✓ Elected members involvement in agency official information decision making is appropriate</li> <li>✓ The process for escalation of issues is used where necessary and is effective</li> <li>✓ Official information is released in the form requested unless there is a good reason not to</li> <li>✓ Consideration is given to releasing information in accessible formats</li> <li>✓ There is evidence that agency practice aligns with its policies and procedures</li> <li>✓ Staff regularly use the agency's policies and procedures.</li> </ul>
The agency has good record keeping and information management practices.	<ul style="list-style-type: none"> <li>✓ 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</li> <li>✓ 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)</li> <li>✓ 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></li> <li>✓ The agency demonstrates good record keeping processes and practices for all meetings, both formal and informal.</li> </ul>
The agency has good proactive release practices.	<ul style="list-style-type: none"> <li>✓ The agency publishes useful information online including the types of information described in the <i>Good proactive release policies, procedures and resources</i> indicator, under <a href="#">Internal policies, procedures, and resources</a></li> <li>✓ The agency publishes information in multiple formats, and applies open use standards</li> <li>✓ The agency's position on copyright and re-use is clear</li> <li>✓ Staff use the agency's proactive release policies and procedures where applicable.</li> </ul>

## Performance monitoring and learning

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

Element	Things to look for (indicators)
The agency has an established system for capturing and analysing data to inform meaningful and appropriate performance measures.	<ul style="list-style-type: none"> <li>✓ Performance measures include:               <ul style="list-style-type: none"> <li>– quantity – for example the number of requests, from where and the number processed</li> <li>– efficiency – for example duration of request handling, number of responses that exceed legislative maximum time limits, the reasons for any delays</li> <li>– 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</li> <li>– 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.</li> </ul> </li> <li>✓ The agency collects data about its performance under the Act including:               <ul style="list-style-type: none"> <li>– the number of requests</li> <li>– the type of request (Part 2, 3, 4 or 6 of LGOIMA)</li> <li>– the type of requester (for example media, political researcher, corporation, individual citizen, elected member, interest group etc)</li> <li>– the information sought</li> <li>– the number and reason for transfers, and whether the transfer was made in time</li> <li>– the number and reason for any ‘public excluded’ resolutions</li> <li>– the number, length and reason for extensions</li> <li>– the outcome of the request (granted in full, granted in part, refused in full, withdrawn or abandoned)</li> <li>– the number and amount of charges made and collected</li> <li>– the grounds on which information was withheld or the request refused</li> <li>– whether the requester was consulted prior to any refusal under section 17(f), which provides that ‘A request made in accordance with section 10 may be refused (if)... the</li> </ul> </li> </ul>

Element	Things to look for (indicators)
	<p><i>information requested cannot be made available without substantial collation or research.'</i></p> <ul style="list-style-type: none"> <li>– whether any elected member was consulted on the decision</li> <li>– whether the decision was notified to any elected member</li> <li>– Whether, and which, third parties were consulted</li> <li>– the time from receipt of the request to communication of the decision</li> <li>– the time from receipt of the request to release of the information</li> <li>– if the time limit (extended or not) was breached, the reasons for the delay</li> <li>– whether the response was proactively published and if not, why</li> <li>– whether the Ombudsman investigated or resolved a complaint about the request</li> <li>– the outcome of the Ombudsman's investigation or involvement</li> <li>– the outcome of any internal quality assurance reviews of processes or decisions</li> <li>– 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.</li> </ul> <ul style="list-style-type: none"> <li>✓ The agency analyses this data to determine whether it is complying with its relevant performance measures</li> <li>✓ The agency monitors information demand (for example, through official information requests, website use, and other enquiries) to identify opportunities for proactive release</li> <li>✓ The agency monitors any difficulties in identifying and collating information that has been requested.</li> </ul>
There is regular reporting about the agency's management and performance in respect of official information requests.	<ul style="list-style-type: none"> <li>✓ 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</li> <li>✓ Reports include emerging themes or trends, opportunities for improvement and proactive release, resourcing, capacity or capability (training) issues</li> <li>✓ Reporting informs planning, resourcing and capability building decisions.</li> </ul>

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

## Appendix 3. 'Timeline and methodology' diagram verbalisations

**General notes:** This diagram features nine, same-sized boxes set out in three rows across the page, in three columns. Blue arrows lead from each box to the next step in the process. The first and last square boxes are green and the others are grey. The boxes are in chronological date order. The information in each box to follow. Please note boxes are not numbered but are here for clarity.

### Row 1 (steps 1 to 3)

Box 1: Notification of investigation to Council 18 October 2019 / Box 2: Desk research, including a review of information on the Council's website, and information held by my Office on the Council's LGOIMA practice / Box 3: Council response to agency questionnaire November 2019

### Row 2 (steps 4 to 6)

Box 4: Circulation of surveys to: - council staff, - LIM staff, - elected members, - stakeholders and public December 2019 / Box 5: Meetings with key staff / Box 6: Assessment of all information against key indicators

### Row three (steps 7 to 9)

Box 7: Provisional Opinion provided to Chief Executive for comment 29 July 2020 / Box 8: Final Opinion presented to Council 23 September 2020 / Box 9: Final Opinion tabled in Parliament and published on the [Ombudsman website](#) February 2021

## Appendix 4. 'Lifting LGOIMA performance at Buller District Council: summary of actions' diagram verbalisation

**General notes:** This is a full-page rectangular diagram. The diagram is set out as four, equal-sized quadrants, with a green circle in the middle of the diagram. The outside borders of each part of the diagram are colour-coded based on the colour assigned to each of the five key dimensions. The information in this diagram has been added under the following titles below, starting with the circle and continuing clockwise. Please note have added bullet points for clarity.

### Leadership and Culture (green circle)

- Review and update LGOIMA webpage, including charging policy
- Develop a strategic framework linking public engagement with access to information
- Implement plans to publish LGOIMA responses

### Organisation structure, staffing, and capability (yellow outline)

- Establish a training framework for IM and record keeping
- Consider how targeted and refresher LGOIMA training can be delivered
- Ensure sufficient training and guidance to support LIM and meetings functions
- Establish and formalise mechanisms for structural resilience
- Ensure LGOIMA signatory is that of authorised decision-maker
- Confirm CE's delegated authority for LGOIMA decision-makers

### Internal policies, procedures, and resources (blue outline)

- Prioritise the completion of IM file structure project
- Update proactive release policy, with accountability assigned to a single leader
- Prioritise the development of LGOIMA and record keeping guidance, clearly outlining record keeping responsibilities
- Prioritise the development of LGOIMA policy, including charging policy
- Consider how residents' information needs of residents can be ascertained, and incorporated within proactive release policy

### Current practices (orange outline)

- Establish a robust method to track timeliness, report to senior leaders, and consider publishing timeliness statistics in Annual Report



- Formalise a LGOIMA response peer review process
- Create a centralised record of reasons for LGOIMA decisions; record administrative steps behind responses where this may be necessary
- Develop policy for keeping records of workshops, aligned with PRA obligations
- Consider revisiting 'public excluded' meeting minutes and releasing information where reasons for exclusion no longer apply
- Consider recording and publishing meetings

### Performance monitoring and learning (purple outline)

- Embed LGOIMA compliance monitoring into practice and report to senior leaders
- Ensure governance KPIs published in Annual Report are measured consistently
- Consider collecting and analysing information on LGOIMA handling to identify opportunities for improvement
- Formalise process for learning from Ombudsman and other agencies' guidance and reflect this in LGOIMA policy
- Develop formal LGOIMA and LIM quality assurance processes

## Appendix 5. 'At a glance' diagram verbalisations

### General notes for 'At a glance' diagrams

Each diagram features a large box (each has a different coloured outline) which extends across the width of the page with two columns of text separated by a black line. On the left hand side is an arrow at the top with the text reading 'What is going well'. At the bottom of the box, on the right hand side (beneath the second column of text) is an arrow with the text 'Opportunities for improvement'. The information in these diagrams has been added to the following tables below.

**Table 1: Leadership and culture 'At a glance'**

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> <li>• Strong leadership and commitment to openness from CE and senior leaders</li> <li>• A 'no blame' culture that lends itself to openness</li> <li>• A strong start has been made to LGOIMA content on website</li> <li>• Sharing resources in local government networks</li> <li>• External messaging promoting openness and public engagement</li> </ul>	<ul style="list-style-type: none"> <li>• Enhancements can be made to website content</li> <li>• Develop a strategic framework that links policies for public engagement with those relating to access to information</li> </ul>

**Table 2: Organisation structure, staffing, and capability 'At a glance'**

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> <li>• A recent focus on building a strong framework for handling LGOIMA requests in line with statutory requirements</li> <li>• LGOIMA training delivered to all staff, and to Councillors</li> </ul>	<ul style="list-style-type: none"> <li>• Implementation of induction and ongoing training for information management and record keeping</li> <li>• On-going and targeted LGOIMA training</li> <li>• Ensuring LGOIMA decision making delegations are formalised; LGOIMA response signatory is that of decision maker</li> <li>• Building resilience into LGOIMA handling process</li> </ul>

**Table 3: Internal policies, procedures and resources ‘At a glance’**

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> <li>Developing policy and strategy to underpin information management and record keeping improvements</li> <li>Developing resources to guide the LGOIMA handling process</li> </ul>	<ul style="list-style-type: none"> <li>Develop a LGOIMA policy, including policy on charging for the supply of information</li> <li>Develop guidance on LGOIMA</li> <li>Continue to develop policy on the proactive release of information, ensuring residents' needs are identified</li> <li>Develop a policy on record-keeping for workshops</li> <li>Prioritising completion of file structure project</li> </ul>

**Table 4: Current practices ‘At a glance’**

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> <li>LIM process functioning effectively</li> <li>LGOIMA decision making appears generally sound</li> <li>Appropriate interactions with elected members on LGOIMA responses</li> <li>Some good practices in relation to meeting obligations and workshops</li> <li>An open approach to the proactive release of some information</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring adherence to LGOIMA timeliness obligations</li> <li>Possible enhancements to meeting processes, including reviewing public excluded meetings, and making meetings more accessible</li> <li>Documenting decision making and administrative steps for LGOIMA responses</li> <li>Establishing peer review processes</li> <li>Consistent practice for minuting workshops</li> </ul>

**Table 5: Performance monitoring and learning ‘At a glance’**

What is going well	Opportunities for improvement
<ul style="list-style-type: none"><li>• Publication of performance data relating to openness and transparency</li></ul>	<ul style="list-style-type: none"><li>• Monitoring an expanded range of data related to LGOIMA requests to identify systemic improvements; report regularly to senior leaders</li><li>• Ensure published LGOIMA and openness KPIs are based on consistent measures, year-on-year</li><li>• Establish a quality assurance framework</li><li>• Formalise processes for learning from Ombudsman and other guidance</li></ul>

Document ends