



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

(LGOIMA compliance and practice at Invercargill City Council)

Office of the Ombudsman

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LGOIMA compliance and practice at Invercargill City Council

Opinion of the Chief Ombudsman

November 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 of 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 1987 (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.

At Invercargill City Council (the Council), the Chief Executive leads with an open style and this has contributed to an increasingly open culture within the Council. It is clear to me that the Chief Executive is working to encourage openness and champion accountability within the Council, but there is more work to do.

There is significant room for the Council to improve its official information practice, and I have made six recommendations. In my opinion, the Council has unreasonably failed to implement an effective official information practice. Minimal official information training is offered to staff. The Council lacks an official information policy, procedures, or guidance, nor does it have a LGOIMA request webpage. Decision making on LGOIMA requests appears ad hoc, with no consistent peer review or templates. There were times when the Council failed to inform a requester of the reasons for refusing a LGOIMA request, and failed to inform requesters of their right to complain to the Ombudsman when LGOIMA requests had been refused.

I note that the Chief Executive has had to deal with a number of challenges, with media coverage highlighting various tensions between the Council and elected members, and among elected members themselves. For councils to maintain a reputation of openness and transparency, positive relationships are fundamental, and achieving the purposes of LGOIMA largely depends on the attitudes and actions of leaders, including elected members.

Having met with the Chief Executive, she is committed to building capability and implementing my recommendations to effect change within the Council. I encourage the Chief Executive, senior leaders, and elected members to actively promote a commitment to meeting LGOIMA obligations, and to work together to build an effective LGOIMA practice at the Council. It is important all play their part in role modelling positive engagement with LGOIMA. The impact

of positive leadership, including from elected members, in developing an environment that promotes openness and transparency should not be underestimated.

The Council was given the opportunity to comment on my provisional opinion. The Council responded positively and has accepted all of my recommendations and action points. 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 should note that my investigation coincided with an unprecedented event: the emergence of COVID-19 and the resulting nationwide state of emergency and 'lockdown'. I wish to acknowledge the Council for the positive and open way it engaged with this investigation, including during the lockdown period. 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 members of the public, including journalists, regular requesters, and regular council meeting attendees, for the views they shared in my public survey.

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



Peter Boshier
Chief Ombudsman
November 2020

Introduction

This report sets out my opinion on how well Invercargill City Council (the Council)¹ 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.

The 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 that 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.² The full terms of reference for my investigation are in Appendix 1.

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

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

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

² See s 13(1) and 13(3) Ombudsmen Act 1975

Appendix 2 provides a set of good practice indicators for each of these areas. These indicators are not exhaustive and do not preclude an agency demonstrating that good practice in a particular area is being met in other ways.

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

My opinion

Through the investigation process, I have identified areas of good practice, and areas of vulnerability that I consider the Council should address. I have made six recommendations and suggested 34 actions that I consider will improve the Council's practices. The Council has accepted all recommendations and action points. I refer to the Council's specific responses in the body of this report.

It is of concern that the Council did not have an official information policy, procedures, or guidance in place, nor a LGOIMA request webpage. In addition, minimal official information training was being provided and decision making appeared to be undertaken on an ad-hoc basis, without effective templates or consistent peer review. Overall, my opinion is that the Council has unreasonably failed to implement an effective official information practice.³

In addition, I have also identified occasions where the Council failed to inform a requester of the reasons for refusing a LGOIMA request and failed to inform requesters of their right to complain to the Ombudsman when LGOIMA requests had been refused. It is my opinion this was contrary to law.

I recommend that the Council:

- create an official information request webpage and incorporate a link on the Council website home page that goes directly to this webpage;
- develop an official information training programme which includes more comprehensive induction training, as well as training for all current staff, refresher courses and targeted training for specific roles;
- develop a written policy and procedures on official information requests;
- develop guidance resources for staff on how to apply LGOIMA to information requests;
- establish a formalised peer review process; and
- ensure all LGOIMA responses, which contain a full or partial refusal, include the reason for withholding information and a reference to the requester's right to complain to the Ombudsman.

In my report, I address each of the five assessment areas listed above, setting out:

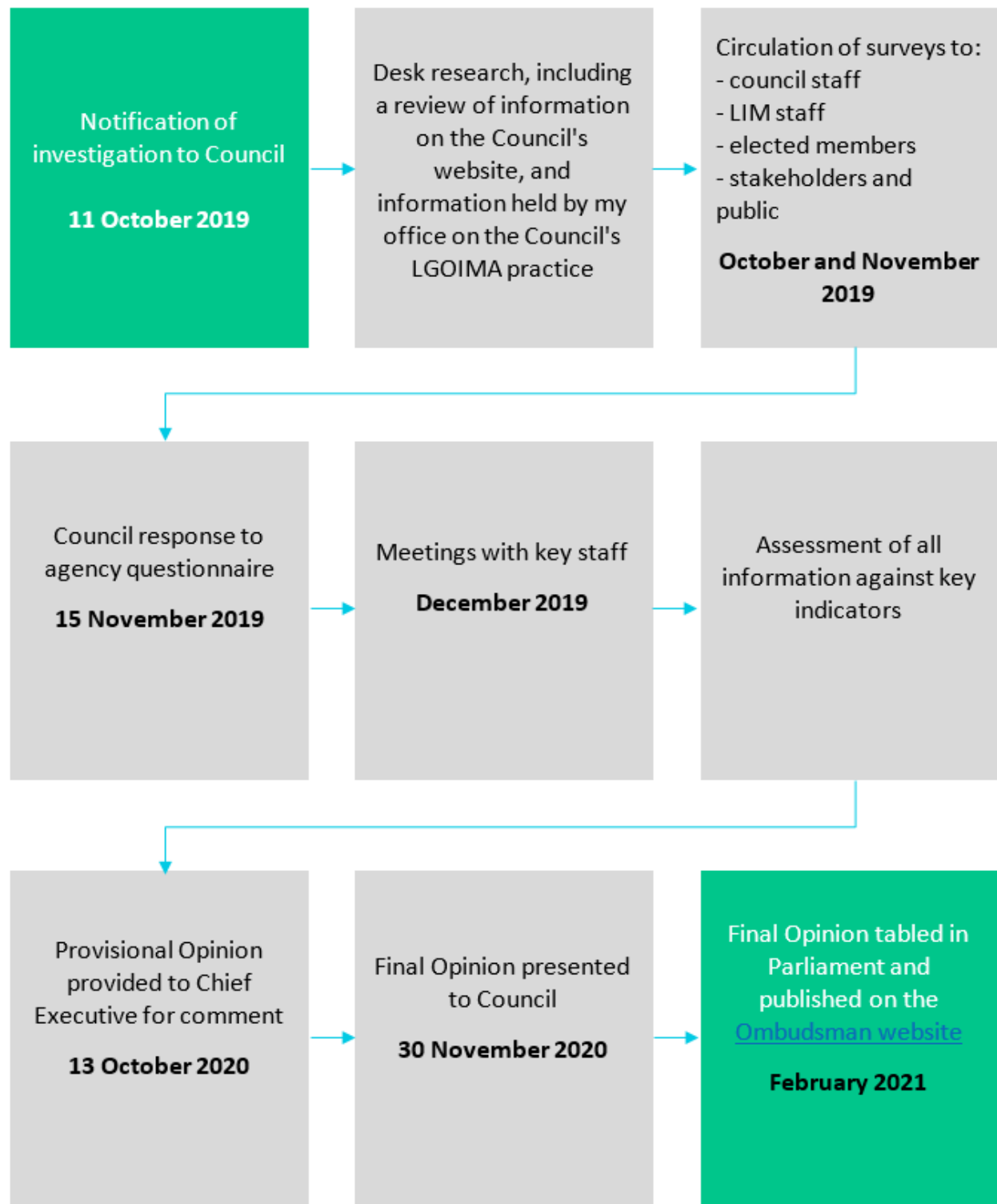
³ Formal recommendations under the OA are only made if I form an opinion that a decision, recommendation, act, or omission by the agency was wrong, unreasonable or contrary to law, etc. under s 22 of the OA.

- 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.⁴

⁴ On occasions, we 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.](#)

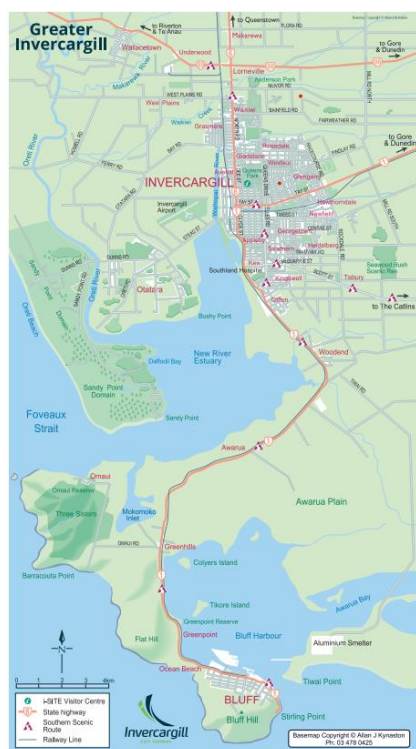
Invercargill City Council: a snapshot

Invercargill is located on the Oreti River in the Southland Plains on the southern tip of New Zealand's South Island. Its land area is 389 kilometres.

The local authority, Invercargill City Council (the Council), has 12 elected Councillors and one elected Mayor. Elections are held every three years, the last being in October 2019. The Council is one of four in the Southland region.

The Council's responsibilities include infrastructure, building, environmental health, planning, and parks and recreation. The Local Government Official Information and Meetings Act (LGOIMA) both requires and encourages the Council to be open and transparent in its decision making and activities.

The Council amalgamated in 1989 to include the town of Bluff.



In 2018/19, Invercargill City Council:

- Served 51,693 residents
- Received \$50,349 million in rates
- Employed approximately 400 staff
- Received 93 requests under LGOIMA
- Handled 87.1% of these requests within the legislative timeframe
- Processed 605 LIM reports
- Handled 100% of LIM applications within the legislative timeframe



Image courtesy of Invercargill City Council

Mayor	Sir Tim Shadbolt
Deputy Mayor	Nobby Clark
Elected Councillors	12
Community Boards	Bluff Community Board (five elected members)
Chief Executive	Clare Hadley

Executive summary

This summary draws together the key findings and suggested actions from my investigation. The diagram on [page 18](#) further summarises the action points into a ‘snapshot view’ of those aspects I consider will further lift LGOIMA performance at Invercargill City Council.

Leadership and Culture

I am encouraged to find that overall, the Council has an increasing culture of openness driven by dedicated leaders. However, there is still work to do. I found no evidence of explicit messaging from senior leaders to staff about the importance of LGOIMA in particular, as distinct from messaging about openness and transparency more generally. It is incumbent upon senior leaders to foster an organisation-wide culture that promotes good official information, record keeping, and information management practice. Appointing an executive sponsor for LGOIMA practice would support this initiative, as would updating the Delegation Register to include the positions of all staff who make decisions on LGOIMA requests.

The Council’s culture has been undergoing a significant shift in a positive direction, but there are still several areas in which improvements can be made. For instance, the Council could do more to also incorporate the concepts of transparency and accountability into its external messaging.

The Council does not currently have a webpage for official information requests. I consider an official information webpage to be an integral tool to enable and promote openness, accountability, and genuine public participation in the work of the Council. I recommend the Council create an official information request webpage. Once created, the Council can provide a direct link to this webpage from its homepage. The Council should also consider including an official information request category as part of the *My Invercargill* online services form.

I believe the Mayor and elected members could be more active within the organisation and publicly in promoting openness and transparency. While elected members have received some training on the meeting provisions of LGOIMA, they have not received any training on official information requests. Training on this topic should be provided without undue delay. Furthermore, refresher training on both meeting provisions and official information would be beneficial.

The Council uses a variety of methods to engage with the community, including groups that are historically hard to reach. I would encourage the Council to continue investing in this area, as having clear communication channels to the public is a cornerstone of a healthy democracy.

Recommendation: Leadership and culture

1. Create an official information request webpage and incorporate a link on the Council website home page that goes directly to this webpage

Action points: Leadership and culture

1. Provide elected members with training covering their roles and responsibilities in relation to official information requests
2. Provide elected members with LGOIMA refresher training on official information requests and meetings
3. Consider how to better signal commitment to transparency, accountability, and LGOIMA, in corporate documents and on the website
4. Regular, consistent, positive messaging to staff by senior leaders about the importance of good LGOIMA, information management and record keeping practices
5. Consider whether it would be useful to include an official information request category for the *My Invercargill* online services form
6. Ensure authority for decisions on LGOIMA requests is clear, up to date, and understood by senior leaders and staff
7. Appoint an executive sponsor for LGOIMA practices

Organisation structure, staffing and capability

The Council does not have a dedicated official information request team. Two staff members facilitate the processing of LGOIMA responses in addition to carrying out their full-time roles. All information requests from the media are handled by the Interim Team Leader - Communication Services. All other LGOIMA requests are handled by the Personal Assistant to the Chief Executive. The Chief Executive is usually the final decision-maker on what should be included in LGOIMA responses.

Having only two staff handling LGOIMA requests is a vulnerability for the Council. I suggest the Council review the current model, and explore options to provide organisational resilience. The Council should ensure the roles and responsibilities of staff who respond to LGOIMA requests are clearly defined for each step in the process, and consider whether it would be feasible to have a committed resource for LGOIMA requests. There are also resourcing issues throughout the Council which directly impacts on the Council's ability to meet its obligations under LGOIMA. Resourcing issues can be mitigated through training, guidance material, and messaging from senior leaders.

Limited official information training has only recently been provided to new staff upon induction. Prior to this, no regular training was being provided to Council staff on LGOIMA official information provisions. Staff respond to requests for information daily, and need to know how to respond consistently within the parameters of LGOIMA. The Council needs to lift LGOIMA knowledge of staff across the organisation. I recommend the Council develop a

LGOIMA training programme which includes more comprehensive induction training, as well as training for all current staff, refresher courses, and targeted training for specific roles (such as front line staff and decision makers).

I am pleased that all staff receive basic information management training upon induction. However, information management refresher training should be offered to all staff on a yearly basis to ensure consistency in record keeping across the organisation. To further support this initiative, the Council should consider appointing an executive sponsor for information management and record keeping.

As with processing requests for official information, the processing of LIM reports and the administration of Council meetings are also governed by LGOIMA. The Council's model for processing LIM requests and property file requests appears to work effectively, with an array of teams contributing at various points of the process. The administration of Council meetings also works well.

Recommendation: Organisation structure, staffing and capability

1. Develop a LGOIMA training programme which includes more comprehensive induction training, as well as training for all current staff, refresher courses, and targeted training for specific roles

Action points: Organisation structure, staffing and capability

1. Review the current model for responding to LGOIMA requests to determine if it is fit for purpose
2. Ensure roles and responsibilities for responding to LGOIMA requests are clearly defined for each step in the process
3. Consider having a committed resource for LGOIMA requests
4. Deliver information management and record keeping refresher training to all Council staff, as well as targeted training for specific roles
5. Appoint an executive sponsor for information management and record keeping

Internal policies, procedures and resources

The Council has some useful resources to guide staff. These include the Standing Orders, LIM report templates, a retention and disposal schedule, and a document on helpful hints and tips for using the information management system. However, there is very little in the way of guidance for staff on dealing with official information requests, and the Council has no policy or procedures for official information requests.

I recommend the Council develop an official information policy, procedures and guidance for staff. This material should include information about LGOIMA grounds, how to apply them,

how to weigh the public interest where relevant, and the operational path staff are expected to follow when responding to information requests.

The Council would also benefit from developing a proactive release policy, providing additional guidance for LIM reports (on the inclusion, modification, or exclusion of discretionary information) and expanding the guidance on workshops (to include how workshop records will be made available, and that any information generated as part of a workshop be kept as a record).

Every elected member is offered the use of a Council email address, but some choose to use their personal email address instead. Considering all information held by an elected member in their capacity as an elected member can be requested under LGOIMA, I suggest the Council encourage elected members to use their Council email addresses for all Council business. The Council should also consider developing a protocol for responding to LGOIMA requests from elected members.

The Council is commencing record keeping projects to develop much needed improvements. It would also be pertinent for the Council to develop a written information management policy which would strengthen its collection of information management resources.

I encourage the Council to ensure its LGOIMA, LIM, meeting administration, information management and record keeping resources are kept up-to-date and regularly reviewed.

Recommendations: Internal policies, procedures and resources

1. Develop a written policy and procedures on official information requests
2. Develop guidance resources for staff on how to apply LGOIMA to information requests

Action points: Internal policies, procedures and resources

1. Expand guidance on workshops to state that any information generated as part of a workshop ought to be saved, and how these records will be made available to the public
2. Ensure LGOIMA resources are regularly reviewed and up-to-date
3. Develop further LIM report guidance
4. Ensure LIM report resources are regularly reviewed and up-to-date
5. Develop a proactive release policy
6. Encourage elected members to use their Council email addresses for all Council business
7. Consider developing a protocol for responding to LGOIMA requests from elected members
8. Develop written policy and procedures on information management

Current practices

My investigation found that the Council is complying with the statutory timeframes for LIM reports (100 percent compliance rate) and has good practices for administering Council meetings. There is appropriate involvement from elected members in relation to notification of, and consultation on, LGOIMA requests. However, the percentage of LGOIMA requests processed within the statutory timeframe (87.1 percent) could be improved. I encourage the Council to consider the feasibility of introducing a workflow management tool to better enable LGOIMA timeliness.

I encourage the Council to move away from using a Microsoft Word table to input and track LGOIMA requests and decisions. I am concerned that the table does not have provision for documenting the decision making process on a request.

LGOIMA practice can be enhanced by the Council capturing the administrative steps and decision making process for each response. Following a review of LGOIMA file samples, it appears the administrative steps and reasoning behind LGOIMA decisions was not always being recorded. Furthermore, the Council would benefit from staff having quick access to previous LGOIMA decisions. While the decision making process may be surmised by reading documents, there is no exact place where the process is communicated.

During the investigation I identified that decision making on LGOIMA requests was ad hoc and inconsistent. Peer review is essential to identify when deficient practice occurs. Currently, the Council states it is informally peer reviewing a limited number of LGOIMA responses. I recommend the Council establish a formal peer review process. This will protect against inconsistency in decision making.

The Council appears to have acted contrary to law by failing to inform a requester of the reason for withholding information and by failing to inform requesters about their right to complain to the Ombudsman when a request was refused. The Council must ensure all LGOIMA responses, which contain a full or partial refusal, include the reason for withholding information and a reference to the requester's right to complain to the Ombudsman. I suggest the Council start using templates for responding to official information requests, such as the ones available on my website.

The Council should continue to livestream meetings, which ensures an accurate record of the public portion of a meeting is immediately available. Furthermore, the Council should revisit material heard in the public excluded portion of meetings for release at a later date (when the withholding grounds no longer apply), and record the reasoning when a decision to exclude the public is made.

Recommendations: Current practices

1. Ensure the reason for refusal and the right to complain to the Ombudsman is referenced in LGOIMA responses when a request is refused
2. Establish a formalised peer review process

Action points: Current practices

1. Consider introducing a workflow management tool to facilitate LGOIMA timeliness
2. Start using templates for responding to official information requests, such as the ones available on my website
3. Record the reasoning behind LGOIMA decisions, including any consideration of the public interest
4. Record the administrative steps taken in respect of LGOIMA responses where relevant
5. Consider an alternative to the Microsoft Word table for tracking LGOIMA requests and decisions
6. Provide a mechanism to ensure staff can quickly and easily access previous LGOIMA decisions
7. Continue to livestream Council meetings
8. Revisit and consider releasing material heard in public excluded portions of Council meetings
9. Record the reasoning behind public excluded decisions, including any consideration of the public interest

Performance monitoring and learning

It is pleasing that relevant information and guidance from the Ombudsman, Local Government New Zealand, the Society of Local Government Managers, and central government agencies, are shared by the Chief Executive with the Executive team and third tier managers. Data from the Customer Services team on the number of requests received through various platforms is tracked and reported on a monthly basis. The Communications team tracks website page views and uses Google analytics. Data on LIM reports and property file requests can be pulled as needed.

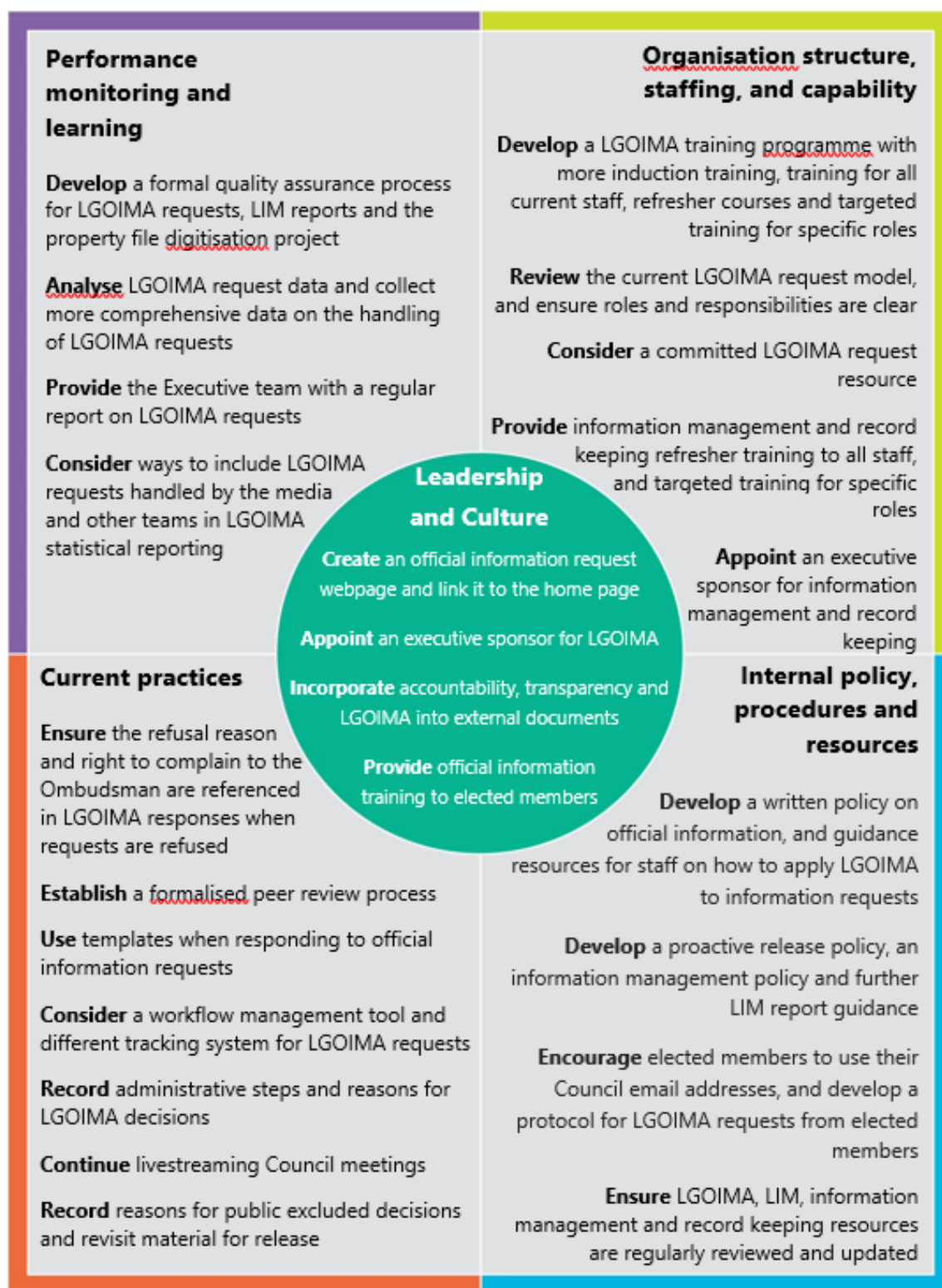
Some LGOIMA request data is collected, but it is not currently reported or analysed. Performance monitoring could be improved by analysing the data collected in the LGOIMA Microsoft Word table, as well as capturing additional data. A regular report should be provided to the Executive team. Such information could be used to inform decisions about business improvements, resourcing, capacity, and capability.

The Council also has an opportunity to present to the public a more complete picture of the volume of information requests it handles by including Customer Service, media, elected member, and property file, requests in its LGOIMA statistics. Furthermore, I consider that the Council could improve its performance monitoring by incorporating quality assurance measures for LGOIMA requests, LIM reports, and the property file digitisation project.

Action points: Performance monitoring and learning

1. Develop a formal quality assurance process for LGOIMA requests, LIM reports and the property file digitisation project
2. Analyse LGOIMA request data and collect more comprehensive data on the Council's handling of LGOIMA requests
3. Provide the Executive team with a regular report on LGOIMA requests
4. Consider ways to include Customer Service, media, elected member, and property file, requests in LGOIMA statistical reporting

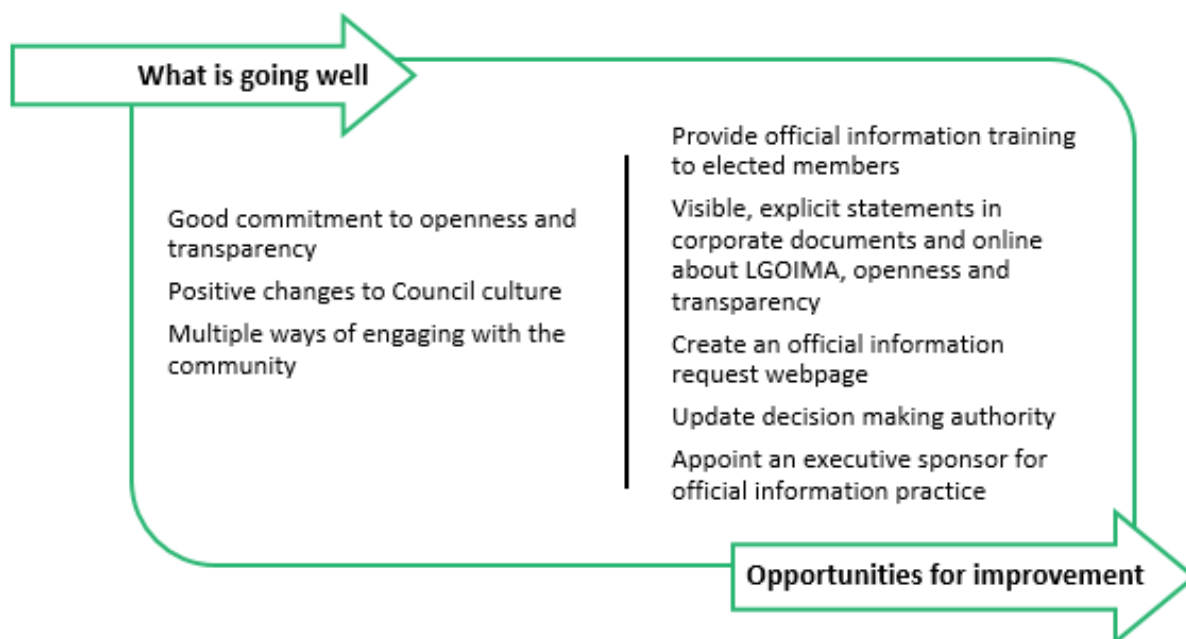
Lifting LGOIMA performance at Invercargill City Council: summary of actions



[Link to verbalisation of 'Lifting LGOIMA performance at Invercargill City 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 demonstrate a commitment to the Council meeting its LGOIMA obligations and actively foster a culture of openness;
- senior leadership have established an effective strategic framework which promotes a culture open to the release of information; and
- senior leadership demonstrate a commitment to proactive disclosure, and public participation with clear linkages to the Council's strategic plans creating a public perception, and a genuine culture, of openness.

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

Aspects that are going well

An increasingly open culture

As part of my investigation, I conducted a survey of all Council staff about openness and LGOIMA practice at the Council. There were 135 staff responses to this survey.⁵ Of those who responded, 81 percent said the Council was moderately or strongly pro-openness and public participation. Eighty percent of respondents also said the Chief Executive's messages⁶ to staff about fostering a culture of openness and public participation were moderately or strongly supportive of these concepts.

My investigators met with Council staff and asked for their views on the role Council leadership had played in creating this culture. A number of staff considered that the openness and transparency of the Council had improved under the Chief Executive, and referred positively to her role modelling this behaviour. I met with the Chief Executive in February 2020 and asked her how open she thinks her organisation is. Her view was that the Executive team are clear about their intentions of being open, because communities should have the best governance available.

The Chief Executive's tenure coincided with several substantial Council decisions⁷ such as the WasteNet recycling contract, a multi-million dollar city block development, and the future of Rugby Park. There are strong opinions about each of these issues, and a high level of public interest from a diverse range of stakeholders, including the media, ratepayers, elected members and, in the case of WasteNet, other Southland councils. This can make for a challenging environment in terms of the release of information when requests are made. However, I consider the Chief Executive's naturally open leadership style is a good foundation to build upon in order to gain public trust. With time and effort, the Council's practices should continue to become more open and transparent.

⁵ As per the agency questionnaire, the Council has approximately 323 full-time equivalent staff.

⁶ Such as internal emails, memos, publications, formal statements, and information statements

⁷ Links to:

[Recycling may end up in Southland landfills after tender process closed](#), Stuff Limited, 18 December 2019

[Recycle service tensions continue](#), Otago Daily Times, 28 January 2020

[Gore envoy no-show at waste meet](#), Otago Daily Times, 10 March 2020

[Lawyer pushes to 'put Invercargill City Council on notice'](#), Stuff Limited, 25 November 2019

[CBD project case to be heard today](#), Otago Daily Times, 21 January 2020

[Ratepayers to be hit up for another \\$16m for city block development](#), Stuff Limited, 3 March 2020

[Report into Invercargill's Rugby Park grandstand says results could be catastrophic](#), Stuff Limited, 30 November 2019

[Consultant: Consider Rugby Park's future before stumping up](#), Stuff Limited, 30 November 2019

[Crs. debate public safety at Rugby Park](#), Southland Express, 20 February 2020

Culture shift

The Council has recently experienced organisation-wide changes, including to staffing. One staff survey respondent said:

A lot of change has recently occurred with many managers and other staff having left which certainly impacts the culture and leadership.

Several Council staff spoke about the Chief Executive bringing the Council into the modern era by introducing more contemporary ways of working. This includes a review of Council information management and record keeping, not immediately recruiting when a position is vacated (to confirm it is still needed and fit for purpose), and ensuring Council spending and accountability for decision making is transparent. Furthermore, several Council staff said the Chief Executive is bringing the Council into line with local government best practice in terms of efficiencies, processes, and fostering a ratepayer-oriented focus.

The Chief Executive appears to have an open door policy and will talk to teams face-to-face, for example, when an area of concern is raised. This contributes to an open culture within the Council. There is also a monthly Leadership Forum meeting for third tier managers and the Executive team.

One staff meeting attendee noted the changes the Chief Executive has made are benefitting the Council, and the level of engagement with staff has lifted. Another staff meeting attendee said the Chief Executive is encouraging staff throughout the Council to share knowledge.

The Chief Executive's Office produces *Mahi*,⁸ a weekly update for elected members (which is also available to staff and published on the Council's website) about what is happening at the Council. Feedback from elected members on what they would like to see in future issues of *Mahi* is welcome. It was mentioned in a meeting that staff are more informed about what is happening across the Council as a whole, due to *Mahi*.

Community engagement

The Council is making improvements to how it proactively engages with the community. The Community Services team meets with constituents face-to-face around the city, including at community meetings, and using the consultation caravan. A staff member said the Council has a solid working relationship with the disability community and a good reputation for providing information to them. Meeting web accessibility standards is a developing area, which is important as these standards will allow the Council to continue its accessibility journey.

There is a Youth Council⁹ (open to 12 – 24 year olds) over which the Community Services team has oversight. The Youth Council engages '*in the Council decision-making processes*' and increases '*the Council's understanding of young people's perspectives and needs*'. Not every council in New Zealand has a Youth Council and I applaud the Council for taking the initiative to connect with what has historically been a hard group to reach.

⁸ Link to [Mahi](#)

⁹ Link to [Youth Council](#)

Several additional documents are published above and beyond those that are statutorily required to be made publicly available. One such document is *Identifying Invercargill's Points of Difference* (2010), which promotes transparency by providing both positive and negative views of what the public like and dislike about the city. Publishing the results of the yearly Residents Survey would complement this.

Public feedback is further supported by the Imagine Invercargill website¹⁰ which, as per the 2018-2028 Long-term Plan, 'allows for increased engagement and a community focus with members of the community able to suggest a change for the community at the touch of a keypad'.

An Engagement Strategy is being developed, as stated in the 2018-2028 Long-term Plan, which will:

...shape how each area of Council, including elected members and staff, will engage with our Community in the future. It is anticipated that the Engagement Strategy will assist in delivering positive outcomes to the Community by identifying how the different groups within our Community wish to be engaged on different topics. Key to the successful function of democracy is consultation with the community on significant issues, and being open to listen to people of the Invercargill District about their concerns.

In April 2019, a 4-hour workshop on engagement was presented to Council staff by an external contractor (through the Inspiring Communities¹¹ organisation). Even if engagement was not a core part of their role, staff from all areas of the Council were encouraged to attend. This resulted in a practical initiative, devised by attendees from one of the directorates, on engaging with the public on street works being carried out in the suburb of Windsor.

I commend the Council for placing increased focus on how it is communicating with the public. Empowering staff to be confident communicators, and providing as many channels as possible to ensure the public can get in touch with the Council, are good examples of how the public can be included in Council decision making.

However, I encourage the Council to better understand how proactive release of information can be viewed as another tool to demonstrate its commitment to openness, transparency and public participation. I discuss this further under [Internal policies, procedures and resources](#).

Opportunities for improvement

Working together to promote openness and transparency

A council's reputation for transparency and accountability will depend to a great extent on how its senior leaders and its elected members work together to promote an open and

¹⁰ Link to [Imagine Invercargill](#)

¹¹ Link to [Inspiring Communities](#)

transparent culture. During the period of the investigation, there has been media coverage highlighting various tensions between the Mayor, elected members, and Council staff.¹²

Such tensions can have a negative impact when seeking to build a culture of openness and transparency. From meetings my investigators had with Council staff and the Chief Executive, it was clear the Chief Executive is working to encourage openness and champion accountability at the Council.

However, there appears to be a perception among staff that some elected members are not as open and transparent as they could be. Comments from the staff survey include:

I consider that elected members often say what they think they should say, but are not as keen to put it into practice

...the elected council is secretive and unwilling to engage

Staff perception is also reflected in the percentage of staff survey respondents who said the Mayor (34 percent) and elected members (43 percent) were 'moderately supportive' or 'strongly supportive' of openness and public participation. This rating is among the lowest of the councils I have investigated so far, for both the Mayors (and Chair) and the elected members. The average across the other local government agencies was 64 percent for Mayors (and Chair) and 56 percent for elected members.

These results suggest the Mayor and elected members could do more within the organisation, and publicly, to promote openness and transparency.

Staff perception of leadership support for openness and public participation at Invercargill City Council¹³

Leadership level	Moderately or strongly supportive	Moderately or strongly negative	'They are silent on the issue' or 'don't know'
Mayor	34%	4%	62%
Elected members	43%	6%	51%
Chief Executive	81%	5%	13%

¹² Links to:

[Mayor Sir Tim Shadbolt backs MP's crack at Invercargill City Council](#), Stuff Limited, 22 November 2019

[Independent review into Invercargill council department scrapped](#), Stuff Limited, 12 December 2019

[Mayor sues his own council](#), Otago Daily Times, 3 March 2020

[Leaked report recommends \\$66m museum for Invercargill](#), Stuff Limited, 3 March 2020

[Councillors take aim at Mayor Tim Shadbolt over crack at deputy](#), Stuff Limited, 29 May 2020

[Tension between Mayor Sir Tim Shadbolt and some councillors festers](#), Stuff Limited, 6 June 2020

[Sir Tim Shadbolt: Council 'refuses' requests for computer training](#), Stuff Limited, 8 June 2020

Leadership level	Moderately or strongly supportive	Moderately or strongly negative	'They are silent on the issue' or 'don't know'
Senior Leadership team	71%	6%	22%
Immediate Manager	72%	4%	23%

Elected member development

Elected members receive training on their roles and responsibilities with regard to local authority meetings in the Inaugural Council meeting and throughout the induction process. This past election year (2019), the Council enrolled its elected members in the Local Government New Zealand (LGNZ) Essentials Series of ten digital modules,¹⁴ and encouraged them to attend the LGNZ induction workshop. However, training for elected members on their roles and responsibilities in relation to official information requests is minimal.

In the agency questionnaire, the Council advised training on official information requests is only provided by the Chief Executive when required. Training on official information requests should be provided as part of elected member induction each triennium. I urge the Council to provide training to the current elected members on this topic (even though the timeframe for induction has passed).

The Council should consider refresher training at regular intervals for all elected members on their responsibilities under LGOIMA in relation to both information requests and meetings. Refresher training should also reference workshops. Elected member attendance at regular training sessions would send a clear message they are committed to the principles and purposes of LGOIMA, and of openness and transparency more generally.

Action points

Provide elected members with training covering their roles and responsibilities in relation to official information requests

Provide elected members with LGOIMA refresher training on official information requests and meetings

¹⁴ The LGNZ Essentials Series digital training modules included Governance 101; Conflicts of Interest; Political Acumen; Standing Orders; Strategic Thinking; Ethics, Value, Integrity and Trust; Quality Decision making; Asset Management and Infrastructure; Cultural Awareness; and Financial Decision Making and Transparency.

The Council's response

The Council commented that:

Elected members were provided with LGNZ induction material and the opportunity to undertake the training associated with that, which covered LGOIMA matters. ...further training on a wide range of matters will be provided to elected members and LGOIMA matters will be included.

Strategic external messaging

While there are several mentions of the concepts of 'openness', 'transparency', and 'accountability' in the *Democratic Process Activity Management Plan 2017*, and one mention in the 2018-2028 Long-term Plan, it would be beneficial to the Council for these concepts to be included in other strategic documents, such as the Annual Plan and Annual Report. Moreover, a search of these keywords on the Council's website returned no results. Referencing these concepts on an official information request webpage would demonstrate senior leadership commitment to openness and accessibility of information about the Council's work and activities. I discuss this further below under [Create an official information request webpage](#).

There is one reference to LGOIMA in the *Democratic Process Activity Management Plan 2017* and a small section on it in the *Governance Statement 2016-2019* (which was amended on 31 May 2019). A website search for 'LGOIMA' brought up one result, which was a link to the public survey for this investigation.

In my view, the Council should consider incorporating more visible and explicit statements about LGOIMA and its commitment to openness, transparency and public participation in external corporate documents (such as the Annual Plan, Annual Report and Long-term Plan).

Action point

Consider how to better signal commitment to transparency, accountability and LGOIMA in corporate documents and on the website

The Council's response

The Council commented that:

...reflecting on how we can better message Council's commitment to transparency and accountability - organisationally and at the governance level - is a matter we will work with the communications team on. As you have identified in the report, there is a commitment from the Chief Executive and senior managers to this.

Internal messaging

It is the responsibility of senior leaders to foster a culture that promotes good official information and record keeping practices. A council with an internal culture of openness and transparency provides regular, clear statements from senior leaders to staff about their commitment to the principles and purposes of LGOIMA.

As outlined in the table below, the results of the staff survey indicate that staff do consider the Chief Executive and senior leaders to be supportive of LGOIMA:

Leadership level	Strongly or moderately supportive of LGOIMA	Strongly or moderately negative of LGOIMA	'They are silent on the issue' or 'don't know'
Chief Executive	72%	2%	26%
Senior Leadership team	63%	3%	35%
Immediate Manager	62%	3%	36%

However, my investigators were unable to find any evidence of regular, clear statements being delivered to staff about the commitment to the principles and purposes of LGOIMA, whether through emails, newsletters, the intranet, or speaking notes from meetings.

It is equally important that senior leaders provide positive internal messaging to staff about good record keeping and information management practices. My investigators found that steps are being taken to improve record keeping and information management practices at the Council (discussed further under [Internal policies, procedures and resources](#)). However, they were unable to find evidence of good information management or record keeping practices being 'championed' by senior leaders.

Explicit messaging about the importance of LGOIMA, information management, and record keeping, signals senior leaders value and actively promote good LGOIMA practices. These messages can be conveyed through regular office communications where appropriate (for example, in *Mahi* or at the monthly Leadership Forum meeting of third tier managers). Providing positive and visible feedback to staff when they see good LGOIMA or record keeping practice is another effective way to signal that the Council values this work.

Action point

Regular, consistent, positive messaging by senior leaders about the importance of good LGOIMA, information management and record keeping practices

The Council's response

The Council advised that it will be appointing a Manager of Records and Archives as '*part of the commitment to good record keeping practices.*'

Create an official information request webpage

The Council does not currently have a webpage for official information requests. An official information webpage is an integral mechanism to promote openness, transparency and genuine public participation in the work of a council. I recommend the Council create an official information webpage and incorporate a link on the Council website home page that goes directly to this webpage.

I would expect the webpage to include the following:

- the purpose and principles of LGOIMA;
- what constitutes official information;
- how to make an official information request and how it will be processed;
- timeframes for responding to a request;
- links to any policies the Council develops on official information;
- reference to the ability to complain to the Ombudsman; and
- links to further guidance and contact information on the Ombudsman website.

I encourage the Council to consider how it wants to introduce the content on this webpage. The wording at the beginning of the page should reference the concepts of openness and transparency, which would further demonstrate commitment to the principle and purposes of LGOIMA.

Additionally, the Council should consider adding a link to the official information webpage on other relevant webpages (such as the *Contact ICC* page or the *A to Z* page). The Public Services Commission provides guidance on official information webpage content and structure that the Council may find useful.¹⁵

Finally, it would be worth exploring whether the *My Invercargill*¹⁶ online services application (app) could be adapted to incorporate LGOIMA requests. The app is a tool that allows the public to '*report issues, ask questions, make Council-related payments from any device (smartphone, tablet or computer) and to check on previous requests.*' The drop down menu of the '*Request Type*' list does not include requests for information or LGOIMA requests, although

¹⁵ Link to Public Services Commission [Agency Website Guidance](#)

¹⁶ Link to [My Invercargill](#)

there is an ‘Other’ category. The Council could consider whether a request for official information category would be a useful addition to the list.

Recommendation

Create an official information request webpage and incorporate a link on the Council website home page that goes directly to this webpage

Action point

Consider whether it would be useful to include an official information request category for the *My Invercargill* online services form

The Council’s response

The Council commented that it plans to create an official information request webpage, incorporate a link on the Council website home page that goes directly to this webpage, and include an official information request category for the *My Invercargill* online services form.

Decision making authority and accountability for LGOIMA at a senior level

According to the Delegation Register, last updated in July 2018, only the Director of Finance and Corporate Services is authorised to make decisions on LGOIMA requests. I note the titles of second tier management have recently been renamed, having changed from ‘Director’ to ‘Group Manager’, but this is not yet reflected in the Delegation Register. There is currently an Interim Group Manager of Finance and Corporate Services who works part time every other week and is based remotely (outside of Invercargill).

The Chief Executive makes the decision on the vast majority of LGOIMA requests. Despite only one Group Manager having the authority to make decisions on LGOIMA requests, current practice is that when the Chief Executive is away, any of the three Group Managers can step in. However, this practice does not appear to be consistent with the Delegation Register. Furthermore, for low-risk LGOIMA requests that are unlikely to impact on other parts of the Council, the Interim Team Leader - Communication Services or the Personal Assistant to the Chief Executive will make the final decision.

It is positive to see senior leaders taking ownership of LGOIMA requests, and that decision makers are sufficiently senior to take responsibility for the decisions made. I am pleased there are some resilience arrangements in place. However, I encourage the Council to review the Delegation Register and update it so it is consistent with current practice and position titles. Furthermore, this document should be revisited periodically to ensure it is still fit for purpose, and to provide further structural resilience to LGOIMA decision making.

Strategic accountability for LGOIMA requests, meeting administration, providing advice to elected members, information management, record keeping, and proactive release of

information, is the responsibility of the Chief Executive with support from her Personal Assistant. I encourage the Council to consider allocating some of these strategic accountabilities to the Group Managers within the Council's Executive team to build more resilience within the Council.

I consider that, at a strategic leadership level, it is important a member of the Executive team be charged not only with ensuring LGOIMA compliance, but with ensuring information is published proactively (where possible) and made accessible. Where an agency has appropriate authority at a senior level, it signals the importance the Executive team places on LGOIMA practice and proactive release of information.

It is important decision making authority, and any changes made to the Delegation Register, are clear and understood by staff. Decision making and accountability for LGOIMA practice and proactive release of information at a senior level must also be clear. Throughout my report I make a number of suggestions for action that senior leaders will need to work through to improve the Council's LGOIMA practice. In light of this, it may be useful for the Council to appoint an executive sponsor for LGOIMA practice to effectively promote leadership and accountability in this area.

Action points

Ensure authority for decisions on LGOIMA requests is clear, up to date, and understood by senior leaders and staff

Appoint an executive sponsor for LGOIMA practices

The Council's response

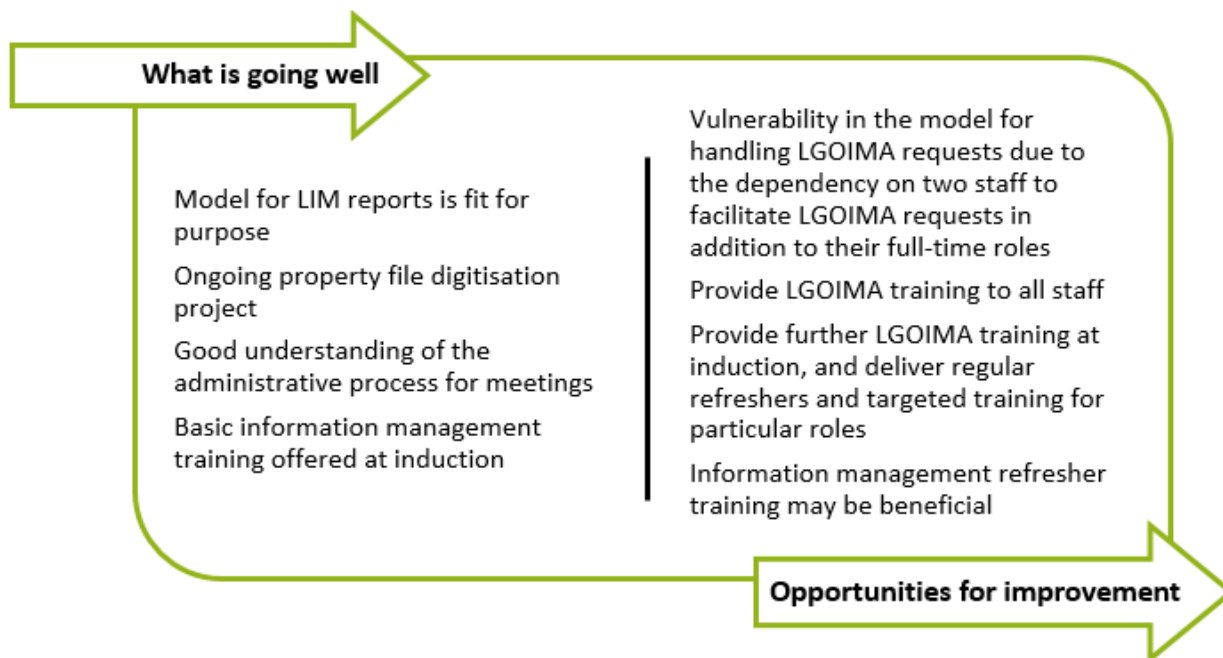
The Council has said:

Clear delegations have already been effected by the inclusion of decision making relating to LGOIMA as an appendix to the Delegations Manual adopted by Council at its meeting on 27 October 2020.

By the end of November, a full complement of permanently appointed members to Council's Executive Leadership Team will be in place. The Executive Manager, Office of the Chief Executive will be the sponsor for official information practice.

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 that 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.

Organisational structure

The Council is divided into three directorates, each with a Group Manager who reports to the Chief Executive (and is a member of the Executive team). The directorates are:

- Environmental and Planning Services;
- Finance and Corporate Services; and
- Works and Services.

Information requests are received through a variety of channels, with the Customer Services team receiving the bulk through email and the *My Invercargill* online services app. A few information requests also come in via telephone or mail. 'Pathway' is the request for service system used by the Customer Services team for logging and tracking requests, complaints, and questions. If a request is for 'business as usual' information (for example, if the request can be answered quickly and easily), Customer Services will generally answer it straightaway. If Customer Services is unsure of where a request should go, they will ask the Team Leader – Customer Services.

Any incoming correspondence that cannot be turned into a request for service through Pathway (such as large attachments) is referred to the Mailroom, where a Records Officer has the responsibility of identifying whether a request for information has been made. I note this may create a risk of unnecessary delay if the request is handled by multiple teams before being directed through to the correct team for response.

All media requests are funnelled through the Communications team. This team comprises four individuals, the Interim Team Leader - Communication Services (whose normal role is as a Communications Advisor), the Communications Advisor – Digital Media (who is responsible for uploading documents to the Council's website), and two Graphic Designers. Following a review of the team's needs, additional roles are being considered.

Aspects that are going well

Model for handling LIM reports

In 2016, the Council received an Information Management Award from the Association of Local Government Information Management (ALGIM) for changing their LIM report process to *'provide a more thorough and useful document than what was previously produced'*.¹⁷

LIM applications are received in three ways:

- online;¹⁸
- by email to lims@icc.govt.nz; and
- in person at the ICC Administration Building Counter.

Once received, the Planning and Building Support team manage the application process. This includes checking for payment and alerting the Property Records team (who cleanse and digitise the property file).

Documents for LIM reports are compiled by staff from across the Council. The final merge of these documents into a LIM report is completed by one of the six Property File Officers in the Property Records team. The Planning and Building Support team complete a final check of the LIM report before it is sent to the applicant.

¹⁷ Link to [quote](#) from the Council's website

¹⁸ Link to Invercargill City Council's [online LIM application](#)

As part of my investigation, I conducted a survey of all staff who work on LIM requests at the Council. Sixteen staff responded to this survey. Staff who handle LIM requests receive one-on-one training on an ad hoc basis. However, 60 percent of LIM staff survey respondents would be interested in further training opportunities (such as formal, team-wide training with examples and guidelines). I discuss this further under [Opportunities for improvement](#).

If there is a question about whether certain information should go in a LIM report, senior leaders (such as the Environmental Legal / Technical Support Manager) are available to advise. In addition, a LIM Officer position has been created and is being recruited for. The staff member in this role will formalise the process for what is included in a LIM report to ensure consistency.

The majority of the Property Records team have worked in this area for some time and approximately 75 percent of their work week is spent processing LIM requests.

Property files

A large project is being undertaken by Property File Officers to digitise property files, which I commend. The project has identified some misfiling issues in relation to physical documents not always being linked to the correct properties. Had this project not been initiated, this issue may not have been uncovered for some time. The project has also identified more information that can be included in LIM reports. However, my investigators found no evidence of quality assurance processes occurring (to ensure, for example, the accuracy of the file digitised as part of this project). I touch on this further under [Performance monitoring and learning](#).

When a property file request is made, Property File Officers respond to requests for the files that have already been digitised. Planning and Building Support Officers respond to requests for files that have not yet been digitised (physical files). Training on the handling of property file requests is informal and no written training documents are available.

Administration of Council meetings

Staff my investigators met with had a good understanding of the Council's administrative processes for meetings. Meetings are held every six weeks, and several days are spent building the agenda. Agendas are put together through a system called Diligent,¹⁹ which formats the final agenda and automatically notifies elected members when the final agenda is available to view. The final agenda is also uploaded to the Council's website.

Training on Diligent was provided two to three years ago when the system was introduced. Over the telephone training is currently available to any new users. A staff meeting attendee said Diligent has made the process of compiling the agenda much easier and more eco-friendly (as there is less printing involved). However, only certain administrative staff have access to Diligent.

¹⁹ Link to [Diligent](#)

One Governance Officer is responsible for creating agendas and taking minutes at Council and Committee meetings. The Personal Assistant to the Chief Executive, and the Governance and Corporate Administrator, are available to help with minute taking. Staff are trained in minute taking by an external provider in Invercargill, but there are also training sessions offered by the Council. The Manager - Governance and Administration reviews agendas and minutes before they go to the Chief Executive for final approval. I discuss the content of minutes further in [Current practices](#).

For reports, Personal Assistants and Secretarial Services create an alias in Diligent, which is accessed by the Governance Officer for inclusion in the agenda. Reports are drafted by staff and reviewed by the Executive team.

The Chief Executive and the Executive team are responsible for deciding what is heard in public excluded sessions. A staff meeting attendee said the Council's default position is that everything should be heard in public. In my meeting with the Chief Executive, she also expressed her preference for items to be heard in public. However, as I will discuss further in [Current practices](#), in order to avoid any ambiguity the Council should ensure records are maintained of the discussion behind the decision making if an item is moved to a public excluded session.

When workshops are requested by elected members, they are organised through the Chief Executive's Office. The Governance Officer helps with agendas and the organiser of a workshop generally keeps a record. Keeping a record of workshops is a relatively new initiative, which is discussed further under [Internal policies, procedures and resources](#). It was apparent staff had a clear understanding about the purpose of workshops and that workshops are not a decision making forum.

Elected member requests

Councils will generally supply decision making information to elected members under the common law 'need-to-know' principle. Where an elected member requests further information, a council can consider whether the information should be supplied on the same basis, or whether it is more appropriate to treat it as a LGOIMA request. It is important to remember that, when an elected member requests information, their request is subject to LGOIMA.

Requests for information from elected members are made to, and handled by, the Chief Executive's Office. If information is released to one Councillor that relates to Council business, the standard practice is to release the information to the other Councillors. It is not current practice for elected member requests to be handled as anything other than 'business as usual' requests (even if, for example, a request will take substantial time to compile).

Regardless of how the Council chooses to handle requests from elected members, the important point to remember is that these requests are subject to LGOIMA. To provide some structure and clarity to elected member requests, I consider there are benefits to having a protocol for responding to requests from elected members. I discuss this further under [Policies, procedures and resources](#).

Information management and record keeping capability

If staff need help finding information for a LGOIMA request, they can ask the two Records Officers or the Information Systems team. The Records Officers were described in meetings as very approachable and helpful.

All staff receive basic information management training during induction which covers the use of Objective.²⁰ Objective is the information management system for record keeping used by most of the Council staff and overseen by the Records Officers. Some staff receive training on Pathway (mentioned above). Most areas of Objective are available to most Council staff. If there is an area a staff member cannot access, that they think they should have access to, they ask the Records team for assistance.

Objective is audited every week to ensure any documents left in draft are finalised. Staff are not able to delete any information out of Objective (only Records Officers have that ability). Refresher training or one-on-one training on Objective is available to those who ask.

Despite the push to use Objective, some information is still saved on G-Drives (network drives). One measure the Council has implemented to ensure staff are saving documents in Objective is increased staff training. In addition, the Information Systems team audits the G-Drive whenever it nears capacity.

One Records Officer received training on the Public Records Act 2005 in October 2019 from an external consultant. That training has ensured the Records Officer is aware of the Council's obligations under the Public Records Act, and they are now advocating for Public Records Act training to be provided to the rest of the Council staff. I strongly support this initiative as I consider it important for the Public Records Act to be front of mind for the Council, and in particular, the Records Officers who are working with the Public Records Act on a daily basis.

An external course covering New Zealand's regulatory compliance was run by the People and Capability team and delivered to select staff from the Environmental and Planning Services directorate. Other staff were able to attend modules on an ad hoc basis and the Records team attended one on *Managing Information, Records and Evidence*. There was also a brief mention of LGOIMA during this course.

Opportunities for improvement

Model for handling LGOIMA requests

All requests for information made to a council are LGOIMA requests. However, most information requests are 'business as usual' and are able to be answered readily by the staff member receiving the request. When a request is more complicated, requires consultation, or is for a large quantity of information, a council may decide to nominate a 'LGOIMA' person or team to process it.

²⁰ Link to [Objective](#)

The Council does not have a dedicated resource to respond to LGOIMA requests that are outside 'business as usual'. These LGOIMA requests are sent to either the Personal Assistant to the Chief Executive or the Interim Team Leader - Communication Services. These two staff members are able to provide cover for each other if one is absent.

Any LGOIMA requests from the media (including requests made via social media channels) are handled by the Interim Team Leader - Communication Services and tracked through Objective. The rest are handled by the Personal Assistant to the Chief Executive and are tracked through a table in a Microsoft Word document. Any requests received by, or filtered through, the mailroom are sent to the Personal Assistant to the Chief Executive (regardless of whether it is obvious a request should go somewhere else).

If a request needs to be clarified with a requester, generally the Interim Team Leader - Communication Services or the Personal Assistant to the Chief Executive will make contact. Requests are then given to subject matter experts in the directorates who collate the information for the response and send it back. This can contribute to delayed responses, which I discuss further below under [LGOIMA training](#).

If staff compiling the information for a response have questions about what should be included, they can ask the Interim Team Leader - Communication Services and the Personal Assistant to the Chief Executive. If those two staff members also have questions, they will escalate them to the Chief Executive and the Executive team. The Chief Executive and the Executive team may seek advice from a member of staff with legal training. The Interim Team Leader - Communication Services and the Personal Assistant to the Chief Executive coordinate (and eventually send) the responses for which they each have oversight. All final responses are filed in Objective.

The model the Council operates for responding to LGOIMA requests is best described as 'mixed'.²¹ As the current structure is relatively dependent on two staff members, this is a vulnerability. While there is no question of the commitment of those staff members to meeting LGOIMA obligations, should either have an extended absence or move to a different position, it could take some time for the Council to recover. I acknowledge the staff members are able to provide some cover for one another, but they have full-time roles to do as well as responding to LGOIMA requests. The volume of other work on hand will sometimes make it difficult for them to meet all the demands on their time.

Furthermore, the process for responding to LGOIMA requests is not documented and appears to be ad hoc, which further impacts on the timeliness of LGOIMA responses. If processes are not documented, and it is not clear what steps staff should take when they are asked to compile information for a LGOIMA response, then it cannot be assumed they will know who to approach if issues arise.

When asked what other resources would assist with handling LGOIMA requests, a staff survey respondent commented:

²¹ A 'mixed' model is when the coordination of LGOIMA requests is performed, for the most part, by staff in the organisation's LGOIMA team(s), but most of the processing is performed by other staff in the organisation.

Dedicated LGOIMA officer resource. There is currently a small number of key officers who have the knowledge / skill to make recommendations to the CE, but this isn't their core role and there should be someone who is responsible for and well trained in this area.

When asked if there is anything else about the Council's LGOIMA policies, training or practices, the same staff survey respondent continued with:

We heavily rely on two...officers to make a call when it comes to LGOIMA even though this is outside of their core duties.

I encourage the Council to review the current model they have in place, to ensure an appropriate, flexible structure is established that builds resilience and provides for the clear definition of roles and responsibilities within each step. The review should determine who is responsible for coordinating and tracking responses, who the decision makers are, how to manage the processing of requests, and by whom. This will provide the Council with an opportunity to demonstrate that responding to requests is core business and, combined with training (as I discuss below under [LGOIMA training](#)), will lift the Council's performance in this area of its work.

I also encourage the Council to consider having a committed resource for LGOIMA requests who will handle LGOIMA requests as part of their core job description, are trained as LGOIMA 'champions', and are able to provide cover during staff absences or periods of increased requests.

Action points

Review the current model for responding to LGOIMA requests to determine if it is fit for purpose
--

Ensure roles and responsibilities for responding to LGOIMA requests are clearly defined for each step in the process
--

Consider having a committed resource for LGOIMA requests
--

The Council's response

The Council has said:

A realignment of roles has occurred between the time of your review and the provisional opinion. We will now review this to ensure roles and responsibilities for responding to LGOIMA requests are clearly defined for each step in the process.

LGOIMA training

The *Not a Game of Hide and Seek* investigation outlined that an effective training framework should encompass:²²

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

As mentioned above under [*Aspects that are going well*](#), select staff from the Environmental and Planning Services directorate participated in a training course on New Zealand's regulatory compliance. Other staff were able to attend some of the modules on an ad hoc basis. This course included mention of LGOIMA, but my understanding is that it did not go into detail.

Other than this course, the only training most staff at the Council have received on LGOIMA requests has been informal and provided by the Interim Team Leader - Communication Services. In my view, all new staff should have training upon induction, which should include the meetings and official information provisions of LGOIMA. Furthermore, any current staff who have not had LGOIMA training should receive training without further delay.

I was encouraged to learn the Council was including official information training in their new induction programme, which began in 2020. My investigators viewed a video of the five minute, high-level, training which gave an overview of LGOIMA. I was pleased to hear requests should be responded to 'as soon as reasonably practicable',²³ the principle of availability was mentioned, and examples were given of the type of information requesters can ask for (such as emails, text messages, and even a staff member's best recollection of an event). However, I believe the Council would benefit from more in-depth induction training on LGOIMA in the future, which should also be offered to all staff.

I recommend the Council develop (or make arrangements for) a LGOIMA training programme, which includes more comprehensive induction training, as well as training for all current staff, refresher courses, and targeted training for specific roles.

I suggest future induction training include the following:

- further clarity around the purposes and principles of LGOIMA – consider having the Chief Executive or a General Manager deliver the message about why LGOIMA is important (for example, the Council endeavours to meet the principles of LGOIMA as a way to give ratepayers, and the community, trust and confidence in the Council);

²² Link to [*Not a Game of Hide and Seek*](#) (December 2015): 65.

²³ See s 13(1) LGOIMA 1987

- further clarity around what is and is not official information
 - the difference between a LGOIMA request and a Privacy Act 1993 request;
 - an explanation that a LGOIMA request only applies to information already ‘held’ by the Council, and does not oblige the Council to create new information in order to respond to a request;
 - official information is held by staff, but also by elected members and contractors;
- an overview of the reasons for withholding information and an explanation of the public interest test, plus an example for added context; and
- an explanation of how LGOIMA requests are handled internally at the Council, such as who does the coordinating and who is authorised to make decisions.

In the agency questionnaire, the Council informed me LGOIMA responses may be sent later than the 20 working day statutory timeframe due to waiting for information from business units, and difficulties locating or collating the information. Training can be an effective tool to emphasise to all staff in an organisation the importance of responding to LGOIMA requests and the priority it should be given. As I discussed above in [Model for handling LGOIMA requests](#), having a dedicated LGOIMA resource and a clearly documented and understood process, including guidance material, can also be effective tools to ensure processing and responding to requests occurs ‘as soon as reasonably practicable’.²⁴ I discuss timeliness of LGOIMA responses further under [Current practices](#).

Even for staff who may not ever have direct involvement in responding to an information request, LGOIMA is a key piece of legislation in the operation of local government. LGOIMA induction training would help highlight the importance of every staff member’s role in creating and storing documents in a manner that facilitates retrieval. At the very least, staff should be aware all of the information they create may be the subject of a request, and if they are asked for information by a member of the public, they should respond consistently within the parameters of LGOIMA. Staff making recommendations for the public to be excluded from a meeting should also be well versed in LGOIMA withholding grounds.

I consider the Council needs to lift staff knowledge of LGOIMA across the board. Staff dealing with requests at the front line (such as the Customer Services team and Communications team) should have more targeted training that addresses what they need to know about how to deal with requests they may receive. Senior leaders who are likely to have input into decision making should also receive targeted LGOIMA training.

I encourage the Council to develop and introduce formalised training delivered to all senior leaders on a regular basis. This not only sends a clear message that senior leaders are committed to the principles and purposes of LGOIMA and of openness and transparency more generally, but will help to ensure they are able to appropriately apply LGOIMA provisions (including the public interest test). In the meetings held between senior leaders and my

²⁴ See s 13(1) LGOIMA 1987

investigators, it was established that the Council has not provided senior leaders with any recent, LGOIMA-specific training.

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

- demonstrates leadership from the top, that responding to LGOIMA requests is core business and should be prioritised;
- ensures officials' understanding and knowledge;
- promotes efficiencies and consistencies in decision making; and
- demonstrates commitment to support and grow the professional development of staff.

I note those processing LGOIMA requests (the Interim Team Leader - Communication Services and the Personal Assistant to the Chief Executive) are not provided with specialised 'in depth' training. Additionally, as mentioned above under [Aspects that are going well](#), many LIM staff survey respondents would be interested in further training. Three specifically mentioned they would welcome further training on LGOIMA with a LIM-focus.

In demonstrating leadership and the importance of LGOIMA, senior leaders should encourage staff to attend, and attend themselves. My Office is available to deliver tailored LGOIMA training, and can, likewise, review training materials developed by the Council.

Recommendation

Develop a LGOIMA training programme which includes more comprehensive induction training, as well as training for all current staff, refresher courses and targeted training for specific roles

The Council's response

The Council has advised it will develop comprehensive induction training on LGOIMA, along with targeted training for specific roles and refresher courses.

Resourcing

There has been a high amount of staff turnover at the Council in nearly every department, which directly impacts on the Council's ability to meet its obligations under LGOIMA. Nearly all staff my investigators met with raised this as an issue. It appears most staff wear multiple hats

and are doing their best to shoulder the responsibilities of two (or even three) full-time positions, some of which have remained vacant for extended periods of time.

The loss of staff can correlate to the loss of institutional knowledge. This highlights the importance of staff awareness around their Public Records Act obligations, as well as the ability of current staff to find information in Objective created by former staff. Understaffing also runs the risk of LGOIMA requests not being prioritised as a core business function. This reinforces the need for training and documented processes.

I understand recruitment takes time, especially in the case of specialised positions. I also understand the Council has been working hard to fill vacant positions and build their organisational capability. An example of this was the Council providing the option of flexible working arrangements for potential recruits, such as the ability to work remotely outside of Invercargill.

Any impact on LGOIMA practice due to the lack of resourcing can be managed in the interim by further training (as discussed above in [LGOIMA training](#)), having a committed LGOIMA resource (as discussed above in [Model for handling LGOIMA requests](#)), and messaging from senior leaders about the importance of record keeping and LGOIMA (as discussed above in [Leadership and culture](#)). When staff leave an organisation, this reinforces the need for policies, processes, and guidance, to be documented so new staff members have a point of reference to which they can refer (discussed further below under [Internal policies, procedures and resources](#)). These suggestions can provide a level of organisational resilience.

Information management and record keeping training

Staff received training when Objective was first introduced to the Council (over 10 years ago). However, that training was held a month in advance of staff actually receiving access to the system. In meetings, a few staff members mentioned that by the time Objective was in place, what was learned in training had all but been forgotten. This is an experience from which the Council can learn. As part of big projects, such as introducing new systems, timely provision of training should be included as part of the product roll out.

In their survey responses and in meetings, a number of staff noted there should be yearly refresher training on Objective and record keeping obligations, along with position-specific training. I concur with these suggestions. While some refresher training occurs on request, it should be offered to all Council staff.

The Environmental and Planning Services directorate has a competency check sheet that covers eight essential Objective tasks. This check sheet allows new staff to track their training dates and the dates they are deemed to be '*fully competent*' in using the system. This check sheet could be rolled out to the other two directorates to ensure consistency across the Council.

There used to be staff 'champions' for Pathway (the request for service system) on each floor, but it appears this practice has disappeared. I suggest reinstating Pathway 'champions' for staff who use this system, and adding Objective 'champions' as Objective is the most commonly used system. Furthermore, it would be helpful to have an executive sponsor to promote the

importance of information management and record keeping throughout the Council. I am encouraged to note that the Chief Executive has advised this is under consideration.

Action points

Deliver information management and record keeping refresher training to all Council staff, as well as targeted training for specific roles

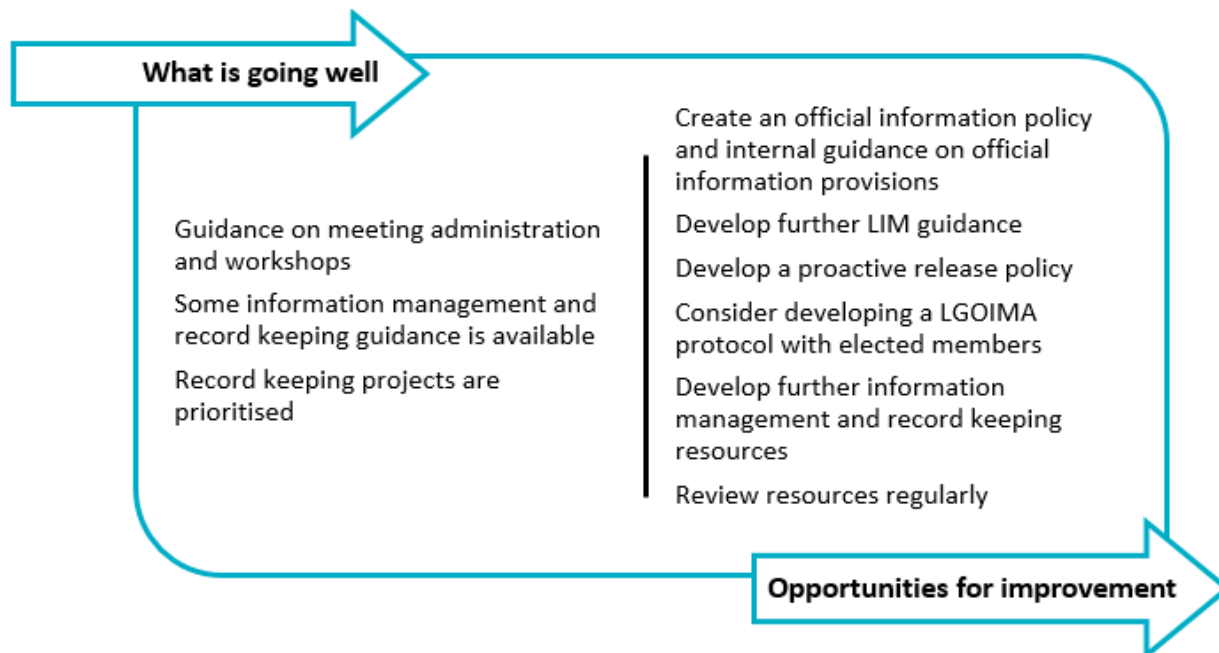
Appoint an executive sponsor for information management and record keeping

The Council's response

The Council stated that the Group Manager of Finance and Assurance will be the executive sponsor of information management and record keeping (as they have responsibility for those areas).

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 LGOIMA 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 LGOIMA.

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 LGOIMA'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

Resources on meeting administration

The Governance and Administration team is guided by the legislation itself (LGOIMA and the Local Government Act 2002) along with the relevant Standing Orders applicable to the Council. The Standing Orders provide comprehensive guidance for governance staff and elected members. Subject matter experts are available to provide guidance as well.

As mentioned above in [Organisation structure, staffing and capability](#), meeting agendas are created and minutes are compiled in Diligent, a specialist software programme designed specifically for this purpose and used by a number of councils. The *Diligent Boards Admin Client Reference Guide* is available for staff and there is a free telephone number for users to call for assistance (which is staffed 24/7).

Diligent contains comprehensive report templates and includes the provisions to be considered for a recommendation that the public be excluded for an agenda item. Report writers generate their reports in Diligent, and managers are able to peer review and sign off those reports electronically. One-on-one assistance on an 'as required' basis also provides guidance for items heard in public excluded.

Current information management and record keeping resources

The Council has the following resources related to information management and record keeping:

- Policy on disposal of pre-1946 items and other protected records (8 March 2017)
- Draft Restricted Access Policy
- Completing a Document Disposal
- Helpful Hints and Tips using objective
- Is this a record? (flowchart)
- Retention and Disposal Schedule (January 2019)
- ALGIM Fact sheet S1 What is a record? (2016)
- ALGIM Fact sheet S2 Naming conventions (2016)
- ALGIM T7 Information Security Classification Guidelines (February 2014)

It would be helpful for the Council to add dates to the above (Council-created) documents that do not already have them so it is clear when periodic reviews and updates should be undertaken. The Draft Restricted Access Policy should also be finalised.

Additional resources include regular emails with useful information and reminders, which are sent by a Records Officer to all Council staff. There is a current subscription to ALGIM, which allows staff to access ALGIM's Information Management Toolkit (from which some of the

above-listed documents were acquired). However, an overarching information management policy would be beneficial, which I discuss further under [Opportunities for improvement](#).

I am pleased the Council completed the Archives New Zealand 2018/19 Survey of Public Sector Information Management.²⁵ Furthermore, in 2019, an external contractor carried out a record keeping review of the Council, which resulted in a report that has prompted several prioritised projects to be implemented over the next two years. The Council has shown initiative in undertaking this review. While it has yet to be decided who at the Council will have oversight of these projects, there will be a dedicated resource available to see them through to completion.

Workshop guidance

It is common for councils to conduct workshops or briefing sessions about complex or technical issues on which elected members will later be required to debate and make decisions. Because these are not forums for decision making, LGOIMA meeting provisions do not apply. Decisions and resolutions cannot lawfully be made outside the context of a properly constituted meeting. Councils should, however, adopt a standard approach to recording information about workshops as a matter of good practice, and in line with any relevant provisions of the Public Records Act.²⁶ Creating a record of workshops promotes a council's accountability and transparency. The record would then be available to be requested under LGOIMA.

In order to gain a full picture of the public perception of the Council, I invited the public to answer a survey about its LGOIMA practice. Although I did not receive a large number of responses,²⁷ a few respondents to the public survey raised concerns about access to information from Council workshops, and the perception that Councillors came to meetings with matters already decided after attending a workshop. For example:

Due to the...lack of debate at times during meetings, many times matters seem to be pre-determined

Workshops are held prior to a meeting, the workshop is about a decision to be made at a meeting, the meeting is then held and limited discussion is held regarding the decision. We do not see the debate or rigorous decision making process that is often required.

A number of staff in meetings said they had a clear understanding about the use of workshops, and that workshops are not forums for decision making. However, in order to avoid any public perception of elected members deliberating on issues behind closed doors, and to ensure information gathering does not stray into decision making, councils should ensure accurate records are taken. I am pleased that the Council has recently updated its Standing Orders to

²⁵ Link to Archives New Zealand [survey](#)

²⁶ See s 17(1) Public Records Act 2005

²⁷ There were 30 responses to the public survey in total. Any comments should be balanced against the total population of the electorate.

include an Appendix on workshops. Appendix 11 states *‘A written record of a workshop should be kept and include:*

- Time, date, location and duration of workshop;*
- Person present; and*
- General subject matter covered.’*

Although the Council’s Standing Orders do not state that workshop records are required to be made available to the public, my investigators were told in the agency questionnaire that workshop records are generally made available in the next meeting of the Council or Committee. This is a relatively new practice and I encourage the Council to continue on this trajectory.

It is positive that the Council has included an appendix for workshops in the Standing Orders. However, to ensure consistent practice, the Council should expand its written policy for workshops to include how these records will be made available, and that any information generated as part of the workshop (such as memos, presentations or notes taken by elected members) also be kept as a record.

Appendix 11 also states, *‘...workshops can be either open to the public or public excluded.’* As a matter of best practice, the Council should ensure all workshops are open to the public by default, and only go into public excluded if a good reason exists (as per LGOIMA).

Action point

Expand guidance on workshops to state that any information generated as part of a workshop ought to be saved, and how these records will be made available to the public

The Council’s response

The Council has advised it is reviewing guidance on workshops.

Opportunities for improvement

Develop official information resources

In its response to my agency questionnaire, the Council advised it does not have a documented policy or procedures regarding official information requests. While the Chief Executive has stated a policy and procedures will be developed in the future, I consider it is unreasonable that these do not exist at present. I recommend the Council develop a written policy and procedures on official information requests, and develop guidance resources for staff on how to apply LGOIMA to information requests.

I acknowledge there is a half-page section at the end of the *Governance Statement 2016-2019* on 'Processes for Requests for Official Information' from which more comprehensive resources could be built. I suggest making the following amendments:

- Separate out the 'conclusive' reasons for withholding official information from the 'other' reasons for withholding official information.
- Explain the difference between 'conclusive' reasons and 'other' reasons.
- Ensure all 'other' reasons for withholding information are included.
- Clarify how requesters can ask for information, as currently the only way listed is to physically mail a request to the Council.

Section 9.1 'Enquiries' of the *Environmental and Planning Services Directorate Quality Manual* also makes reference to enquiries being answered within 20 working days, but does not mention LGOIMA.

However, without the benefit of overarching official information policy and procedures, and LGOIMA guidance material, the Council is vulnerable to potential non-compliance with its LGOIMA obligations. Staff across the Council are responding to information requests daily. At present, they do not have sufficient guidance to ensure their responses comply with the legislation. As stated above, and as a priority, the Council should develop an official information policy, procedures and guidance for staff on how to recognise requests and apply LGOIMA provisions correctly and consistently. The Council could look to the official information policy, procedures, and guidance, of other, similarly sized councils for a foundation on which to build their own resources.

A policy document on official information provides a platform for the Council to confirm its commitment to the purposes of LGOIMA and the principles of transparency and accountability. This is an opportunity for senior leaders to promote good official information and record keeping practices among staff and encourage a positive LGOIMA culture within the Council.

The policy, procedures, and guidance material should include high-level principles such as:

- a statement or explanation about the purposes of LGOIMA;
- a commitment statement from the Council indicating the priority it ascribes to responding to requests for official information;
- an explanation of what constitutes 'official information' – that it is anything held by the Council and what the term 'information' includes; and
- the principle of availability – that information should be made available unless there is good reason to withhold.

The material should also include information about LGOIMA processing provisions and withholding grounds, how to apply them, and how to weigh the public interest where relevant.

Links to the further guidance available on my website²⁸ can be incorporated for staff who want to know more or are dealing with more complex requests. Furthermore, there should be guidance on how the Council makes a decision to charge for information.

The resources should describe the operational path expected for information requests, and ideally include a list of roles within the Council that are responsible for each aspect of the official information process. Promapp,²⁹ a business process mapping software tool, could prove useful for this, as could a workflow management tool. As I discussed above in [Organisational structure, staffing and capability](#), once the Council has reviewed its LGOIMA model, any new processes can be reflected in this material. This is an opportunity to set out the strategic responsibilities of senior leadership for the Council's official information practices, as well as operational responsibilities at various levels.

Once developed, LGOIMA policy, procedures, and guidance materials, should be periodically reviewed to ensure they are up to date and fit for purpose. My Office is also available to review these resources as they are developed.

Recommendations

Develop a written policy and procedures on official information requests

Develop guidance resources for staff on how to apply LGOIMA to information requests

Action point

Ensure LGOIMA resources are regularly reviewed and up-to-date

The Council's response

The Council stated:

The recommendation that Council develop an official information policy, procedures and guidance for staff is accepted and will be implemented.

LIM guidance

Over 50 percent of LIM staff survey respondents would like to have more guidance as an additional resource for processing LIM reports:

...I feel access to a LIM guidance document would be very helpful if we had one.

There are no proper resources available.

There is not a written procedure for LIMs that I know of.

²⁸ Link to the Office of the Ombudsman [Resources and publications](#) webpage

²⁹ Link to [Promapp](#)

Currently there is a template for each section of a LIM report and the Council recently invested in Promapp. The Works and Services Directorate has been documenting their procedures for LIM reports in Promapp, with the Planning team from the Environmental and Planning Services Directorate soon to follow. However, there is an opportunity to develop further resources.

The Council should include in a policy or guidance document information about the inclusion, modification, or exclusion, of discretionary information in a LIM report. This would prove useful to staff when deciding whether to include or exclude information on a LIM report where there is a discretion, and who makes the final decision on the issue. Examples of the kinds of information that might be considered for inclusion or exclusion could be included as a point of reference. As with any new or existing resources, the Council should ensure they are periodically reviewed and updated.

I note the Planning and Building Support team uses a document called LIM Handy Hints which states:

Confidential Plans

Are able to be noted on the LIM Reports as available on written request. Plans marked confidential can be requested in writing under the Local Government Official Information and Meetings Act 1987...

Section 217 of the Building Act 2004 provides a right of access to plans, even confidential ones, unless a withholding ground under LGOIMA applies or the confidential marking relates to security.³⁰ I suggest the Council's LIM guidance be updated to reflect section 217 of the Building Act.

When a LIM report references confidential plans, the following wording is used:

Building floor plans related to this property are held by Council. Further plans are noted confidential and are available by written request.

I suggest this wording be amended to reference LGOIMA, remove the word 'written' (as neither LGOIMA nor the Building Act requires a request to be written) and to provide information on how the confidential plans can be requested (for example, through an email address).

Action points

Develop further LIM report guidance

Ensure LIM report resources are regularly reviewed and up to date

The Council's response

The Council said it is reviewing the development of further LIM report guidance.

³⁰ Link to [Building Act 2004](#)

Develop a proactive release policy

While the Council does publish a range of information on its website outside of the minimum statutory reporting requirements of the Local Government Act,³¹ it has no policy guiding the proactive release of information.

In the absence of a policy, deciding what information should be in the public domain can be a reactive exercise. It would be helpful for the Council to have a policy framework around proactive release of information in order to regularise and embed its practice. A proactive release policy would also complement an official information policy.

Feedback received from several public survey respondents is that they would like further breakdowns of financial information beyond what is released in the Annual Report. This indicates there is a desire for the Council to publish more information on its website. The development of a proactive release policy would help facilitate this, and my Office has recently published a proactive release guide, which the Council can use.³²

A policy for the proactive release of information might usefully include the following:

- a high level commitment to proactively releasing information;
- a process for identifying opportunities for proactive release of information (for example, where a high number of LGOIMA requests is received about a subject, or there is otherwise high interest in the topic);
- a process for preparing for proactive release of information (including managing risks around personal or confidential information, commercial information and information subject to third party copyright);
- a process for considering frequency and timing of publication;
- a commitment to releasing information in the most useable form (in accordance with the New Zealand Government Open Access and Licensing framework);
- the types of information that will be proactively released, such as:
 - information that has been released in response to LGOIMA requests;
 - information described in section 21 of LGOIMA about the Council's internal decision making rules, including its LGOIMA policies and procedures;
 - performance information;
- financial information relating to income and expenses, tendering, procurement and contract; and
- provision for the policy to be regularly reviewed and updated.

³¹ Under the Local Government Act 2002, councils are required to make certain documents publicly available, such as their Annual Plan, Long Term Plan and fees.

³² Link to the Office of the Ombudsman [Proactive release guide](#)

Action point

Develop a proactive release policy

The Council's response

The Council stated it will be developing a proactive release policy as part of its report writing template.

Working with elected members

Elected members should be aware any information they hold in their capacity as elected members (including emails and text messages) is subject to LGOIMA. Likewise, any requests made by elected members to the Council are also subject to LGOIMA.

Every elected member is offered the use of a Council email address. However, some elected members opt to use their personal email instead. Their personal email is then listed on the Council's website and used to receive correspondence from the public. A staff meeting attendee said the Council does inform elected members that emails concerning Council business sent through their personal email addresses can be requested under LGOIMA. However, I suggest the Council encourage elected members to use their Council email addresses for all Council business. Archives New Zealand considers this to be consistent with the '*normal, prudent business practice*' requirements of Public Records Act as it ensures the Council has a defensible case for adequate access to records.³³

To provide more guidance and clarity for elected members, as both holders of information and requesters of information, I suggest a protocol be developed for requests made by elected members. As discussed above under [Organisation structure, staffing and capability](#), councils generally supply decision making information to elected members under the common law need-to-know principle. When an elected member requests further information, the Council can consider whether the information be supplied on the same basis, or whether it is more appropriate to treat it as a LGOIMA request.

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

The underlying principle of the protocol should recognise and reflect that LGOIMA applies to requests by elected members regardless of whether it is referenced, and information must be released unless there is good reason not to. Where a request is fully or partially refused, the Council must provide reasons for the refusal and a reference to seeking a review by the Ombudsman. The protocol should also include guidance on the amount of involvement from

³³ See s 17(3) Public Records Act 2005

elected members on LGOIMA requests and responses in which consultation and/or notification is needed. I discuss consultation and notification of LGOIMA requests and responses to elected members further in [Current practices](#).

Action points

Encourage elected members to use their Council email addresses for all Council business

Consider developing a protocol for responding to LGOIMA requests from elected members

The Council's response

The Council advised:

Officers have previously encouraged elected members to use Council email addresses, and this will also be raised.

Develop further information management and record keeping resources

While some resources exist in relation to information management and record keeping, there is a lack of an overarching information management policy and procedures. The Council has access to the following documents, which I would encourage them to utilise in their development of an information management policy and procedures:

- Best Practice ALGIM IM Toolkit - Module B1 - Information Management Policy (April 2017) '*has been designed to provide overview guidance in the development of an Information Management Policy document and a template for generating an information management policy.*'
- Best Practice ALGIM IM Toolkit - Module B2 - Information Management Procedures (July 2016) '*has been designed to guide information managers through the process of developing procedures for managing information.*'

Information management policy and procedures should incorporate LGOIMA and provide guidance on the use of personal email addresses, text messaging and social media messaging.

While there is a useful document on how to use Objective, there appears to be a lack of guidance on staff responsibilities under the Public Records Act in relation to the use of that system. The Council also does not have a specific policy to facilitate compliance with the Public Records Act. A policy could help ensure information relevant to a LGOIMA request is identified and collated. Furthermore, all information management and record keeping policies and guidance should be reviewed and updated periodically.

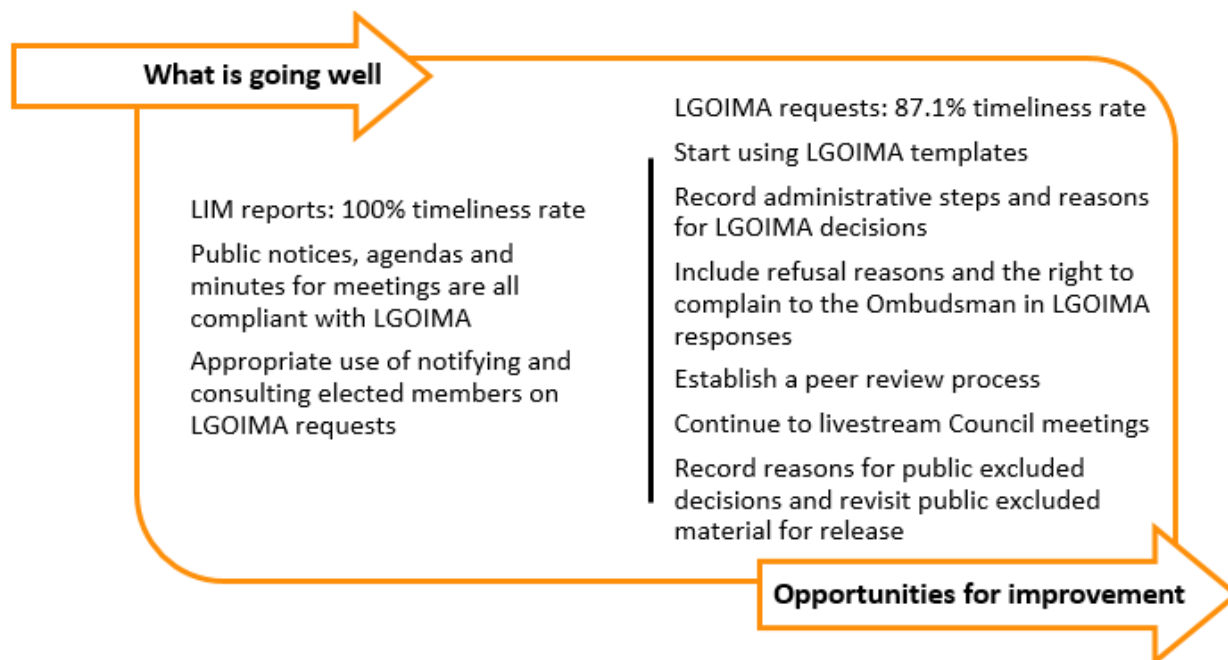
Action points

Develop written policy and procedures on information management

Ensure information management and record keeping resources are regularly reviewed and up to date

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 that 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 that Act.

Aspects that are going well

LIM practices

The Council issued 605 LIM reports from 1 July 2018 to 30 June 2019. All of the LIM applications were processed inside the 10 working day statutory timeframe, meaning compliance was met 100 percent of the time. The Council sets its own timeliness target for 'Residential 5 working day LIMs', which it met 99 percent of the time.

The effectiveness of the Council's current practices for compiling LIM reports was rated as 'very good', 'good' or 'acceptable' by 87 percent of LIM staff survey respondents.

Meeting practices

The Council website has a meeting schedule (in calendar form) with known Council and Committee meeting dates for the year. The public is also notified about meetings through online advertising on websites (such as Stuff Limited) and monthly printed advertising in the *Southland Times*.³⁴ Extraordinary meetings are notified in the *Southland Times* as they arise.³⁵ If an extraordinary meeting is being held so abruptly as to not make the publication deadline for the *Southland Times*, it is notified on the Council's website instead (and subsequently advertised in the newspaper as soon as possible thereafter).

The Council has demonstrated it is compliant with the statutory requirements for public notification of meetings, publication of agendas, and issuing minutes. Evidence suggests agendas are published within the statutory timeframe of two working days prior to the relevant meeting.³⁶ Meeting minutes are made available in the next agenda and include how many Councillors voted on each side of a decision. Sometimes the Councillors are named and sometimes they are not. This is consistent with section 19.6 of the Standing Orders which states, '*If requested by a member immediately after a vote the minutes must record the member's vote or abstention.*'

Elected member involvement

LGOIMA decisions must be made by the Chief Executive or any '*officer or employee*' authorised by the Chief Executive.³⁷ Elected members (Mayors or Councillors) are not '*officers or employees*', and are therefore not permitted to make decisions on LGOIMA requests. A Council must ensure elected members are not involved, or seen to be involved, in the decision making process on LGOIMA requests. This is to ensure there is no political interference, or even the perception of such, in the decisions made by the Chief Executive. However, elected members may be consulted before the Council makes the decision on the request.³⁸

The Council is clear on the boundaries between governance and operations when dealing with LGOIMA requests. Elected members are not involved in decision making on LGOIMA requests.

Whether or not an elected member is notified about a LGOIMA request is a decision made by the Interim Team Leader - Communication Services, sometimes in conjunction with the Chief Executive. It is common practice for elected members to be notified of LGOIMA responses sent to the media, particularly if the topic is a matter of significant public interest. Consultation only

³⁴ See definition of 'publicly notified' s 2 LGOIMA 1987

³⁵ See s 46(3) LGOIMA 1987 (amended in March 2019) if notice of an extraordinary meeting is not possible to publish in a newspaper prior to the meeting, publication on the Council's website will be sufficient to count as a valid notice.

³⁶ See s 46 LGOIMA 1987

³⁷ See s 13(5) LGOIMA 1987

³⁸ See s 13(6) LGOIMA 1987

occurs if a request directly relates to an elected member, and that elected member would only be involved if it were appropriate.

Opportunities for improvement

Official information practices

For the period 1 July 2018 to 30 June 2019, the Council completed 93 LGOIMA requests. In 81 instances, decisions on requests were made and communicated within the maximum statutory (20 working day) timeframe. In 12 instances, a decision was not made and communicated within this timeframe. Therefore, the Council had a timeliness rate of 87.1 percent.

For comparison, the table below shows the timeliness percentage of the other councils I have investigated thus far:

Council name	Timeframe	LGOIMA timeliness percentage
Auckland Council	1 July 2017 - 30 June 2018	90
Christchurch City Council	1 July 2017 - 30 June 2018	98
Far North District Council	1 July 2017 - 30 June 2018	97
Greater Wellington Regional Council	1 July 2017 - 30 June 2018	98.5
Horowhenua District Council	1 July 2017 - 30 June 2018	87.9
Tasman District Council	1 July 2017 - 30 June 2018	83

In the agency questionnaire, the Council was asked to select reasons, in order of priority, for missing the statutory timeframes. The Council's top four reasons for delays, in priority order were:

1. Complexity and broad scope of the request
2. Waiting to receive advice or documents from different sections of the Council
3. Difficulties locating or collating the information
4. Factors external to the individual request (for example, high numbers of requests or resource constraints)

The Council can take steps to improve its performance on meeting statutory timeframes. If Council leadership places value on this, then there will be organisational awareness that meeting the statutory timeframes is important, and it will encourage individuals to reprioritise work in order to better achieve deadlines. As mentioned in [Leadership and culture](#), internal messaging from senior leaders about the importance of LGOIMA is crucial.

In relation to difficulties about where information is located and how it is collated, the planned record keeping project should improve timeliness in the long term (see [Internal policies, procedures and resources](#)). In the short term, timeliness could be further improved by information management and record keeping training; positive messaging from senior leaders

about the importance of good record keeping practices; and the development of an overarching information management policy.

Staff noted in meetings with my investigators that resource constraints throughout the Council have an impact on LGOIMA timeliness and quality of responses. As mentioned in [Organisation structure, staffing and capability](#), the Council's current structure for dealing with LGOIMA requests is vulnerable, as it is dependent on two staff members to facilitate LGOIMA responses in addition to their full-time roles. The process for responding to LGOIMA requests is also not documented, and I have made suggestions for improvements to the Council's structure in that same section. In addition, there are no policies, or resources to guide staff about how to apply LGOIMA to requests (as discussed in [Internal policies, procedures and resources](#)).

If there was a major influx in LGOIMA requests, the Council might struggle to cope without a resilience plan. In a meeting with investigators, a staff member suggested that having a workflow management tool for LGOIMA requests would be beneficial, and I agree with this suggestion. Having a dedicated LGOIMA resource for requests would also help, as well as investing in LGOIMA training.

Action point

Consider introducing a workflow management tool to facilitate LGOIMA timeliness

The Council's response

The Council advised that a workflow management tool will be implemented.

Processing of LGOIMA requests

To gain an understanding of the Council's processing of requests, my investigators reviewed a random selection of recent LGOIMA request files. While I was pleased to find evidence that the Council works with requesters to refine their requests (when needed), and uses the provisions of section 15(1) of LGOIMA when releasing information (which allows information to be made available in multiple ways), there are still several areas in need of improvement.

During the review of the selected LGOIMA files, my investigators found acknowledgements of LGOIMA requests were not being sent consistently to requesters. Of those sent, most were missing the date the request was received, the detail of the subject matter requested and the timeframe for responding to the request (no later than 20 working days). I suggest the Council reword their acknowledgement letter to be consistent with the template available on my website.³⁹

There were also a number of other instances where various practice issues were identified. These included:

³⁹ Link to the Ombudsman [template acknowledgement letter](#)

- the quality of LGOIMA response emails—such as not answering all of a requester’s questions, and providing the reason for partially refusing a request but no reference to the refusal ground;
- administrative oversights—such as not documenting whether a thorough search for information was carried out when a request was refused;
- a lack of decision making records—such as the date of a decision not always being recorded if the decision was not sent in written form, and whether there was any consideration of the public interest when information was withheld;
- inconsistent application of the reasons and grounds for withholding information, such as:
 - referring to two withholding grounds, and giving a high-level overview of the information withheld under one ground but not the other;
 - not collating all the information at issue before making a decision on a request, as it was assumed some of the information would be withheld; and
- referencing withholding grounds in a LGOIMA response despite no information having been withheld.

These issues indicate inconsistency of practice, which may reflect a lack of training and documented policy, procedures, guidance, and templates, to help guide staff through the process of responding to LGOIMA requests. I discuss training and documenting LGOIMA policy and procedures respectively in [Structure, staffing and capability](#) and [Internal policies, procedures and resources](#). I also consider that an effective peer review process would help mitigate any inconsistencies or gaps in practice (as discussed below under [Peer review](#)), as well as the use of standard template letters.

Action point

Start using templates for responding to official information requests, such as the ones available on my website

The Council’s response

The Council stated that it will begin using templates for responding to official information requests.

Documenting decision making

The Council does not appear to be taking adequate steps to record the decision making process for LGOIMA requests.

In relation to how LGOIMA requests are currently documented, my investigators were told everything should be saved in Objective. However, this practice appeared to be inconsistent, as my investigators found gaps in the documentation of decision making when reviewing LGOIMA

file samples. As stated above in [Processing of LGOIMA requests](#), some examples included not recording the date of a decision (if the decision was not sent in written form), and not considering the public interest if information was withheld under section 7.

It is important for agencies to keep records of the process of 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;
- make it easier to respond to the Ombudsman in the event of a review and investigation of a decision; and
- provide an opportunity to create a repository of knowledge about how the Council makes decisions on LGOIMA requests, thereby developing a consistent approach.

The key elements that ought to be documented for decisions on LGOIMA requests include:

- the information at issue that was considered;
- the reason for refusing a request—how and why the relevant refusal ground applies in support of that reason;
- if withholding is being considered under section 7(2) of LGOIMA, how the public interest test in section 7(1) was considered;
- if the requested information involves a third party, the consultation that took place with that third party and how the third party's views were considered;
- where appropriate, the administrative steps in relation to processing a LGOIMA request. Documenting the steps taken to search for documents, and the number and type of documents located, can assist staff handling similar requests in future (particularly if the request is for a broad range of information). In addition, documenting the time taken to collate a sample of documents within the scope of a request for a large amount of information can assist in responding to an Ombudsman's investigation into refusals for administrative reasons, as well as decisions to charge for the supply of information.

The LGOIMA spreadsheet used by the Personal Assistant to the Chief Executive does not currently have a specific field for documenting the decision making process on a request. Due to the volume of requests being received by the Council and the vulnerability of Microsoft Word tables when, for example, storing a lot of data, I suggest moving away from using Microsoft Word to input and track LGOIMA requests. I would encourage the Council to consider an alternative system for tracking LGOIMA requests that includes a workflow tool and data reporting functions, and is accessible to all staff to assist as a reference point in the handling of future LGOIMA requests.

Furthermore, the Council should provide staff with an easy way to access previous LGOIMA decisions. Previous decisions can serve as a reference point in the handling of future LGOIMA requests to ensure consistency of decision making or a justified departure from a standard line

of response. Although the decision making process can be inferred by inspecting the documents saved in a LGOIMA request file, building a step into the decision making process whereby similar requests are noted would be beneficial.

Action points

- | |
|--|
| Record the reasoning behind LGOIMA decisions, including any consideration of the public interest |
| Record the administrative steps taken in respect of LGOIMA responses where relevant |
| Consider an alternative to the Microsoft Word table for tracking LGOIMA requests and decisions |
| Provide a mechanism to ensure staff can quickly and easily access previous LGOIMA decisions |

The Council's response

The Council said that it will record the reasoning behind LGOIMA decisions.

Failure to comply with statutory requirements when informing requesters of LGOIMA decisions

As stated above, my investigators reviewed a number of LGOIMA request files. In one example information was withheld from a document, but the reason for withholding the information was not provided. This is contrary to section 18(a)(i) of LGOIMA, which states:

18 Reason for refusal to be given

Where a request made in accordance with [section 10](#) is refused, the local authority shall—

- (a) subject to [section 8](#), give to the applicant—*
 - (i) the reason for its refusal*

I am also concerned that when information was refused, more than one LGOIMA response reviewed did not include information about the requester's right to complain to the Ombudsman. This is contrary to section 18(b) of LGOIMA, which states:

18 Reason for refusal to be given

Where a request made in accordance with [section 10](#) is refused, the local authority shall—

- (b) give to the applicant information concerning the applicant's right, by way of complaint under [section 27\(3\)](#) to an Ombudsman, to seek an investigation and review of the refusal.*

In my opinion, the Council appears to have acted contrary to law in these instances. I recommend the Council ensure all LGOIMA responses, which contain a full or partial refusal,

include the reason for refusal and a reference to the requester's right to complain to the Ombudsman.

Additionally, in LGOIMA request files where the requester was informed of their right to complain to the Ombudsman, the Ombudsman's contact details were not always included. It is best practice to provide the Ombudsman's contact details in a LGOIMA response to assist the requester if they do decide to make a complaint.

Recommendation

Ensure the reason for refusal and the right to complain to the Ombudsman is referenced in LGOIMA responses when a request is refused

The Council's response

The Council commented that:

The reason for refusal and the right to complain to the Ombudsman will be referenced in LGOIMA responses when a request is refused commencing immediately.

Peer review

As discussed above, my investigators identified instances where a number of practice issues were identified. Peer review is essential to ensure consistency and identify when deficient practice occurs. Peer review also provides a quality check before a response is sent to a requester.

In reviewing LGOIMA files, my investigators found the practice of peer review was not occurring in all cases. In meetings with investigators, staff stated that informal peer review does take place, depending on the directorate and the complexity of the request. For example, every request within the Environmental and Planning Services Directorate that goes through the LGOIMA process gets peer reviewed, but the other two directorates do not follow the same practice.

I recommend the Council introduce a formalised peer review process for all LGOIMA responses. This could be as simple as a checklist to document elements including, but not limited to:

- what is the identified information at issue;
- what are the reasons for the decision on the request;
- who made a decision on the request, and does the signatory reflect this;
- that a record of the decision making process has been kept in the correct place;
- that all aspects of the request have been responded to; and

- compliance with statutory obligations.

I consider it an important part of council management to maintain checks and balances. This creates a culture of openness and transparency around LGOIMA decision making process.

Recommendation

Establish a formalised peer review process

The Council's response

The Council has said it will introduce a formalised peer review process.

Council meetings

Prior to the COVID-19 pandemic, Council meetings were not livestreamed or recorded. As per section 47A of LGOIMA (*Modifications to section 47 while epidemic notice in force for COVID-19*),⁴⁰ the Council began livestreaming the video conferenced meetings on YouTube.⁴¹ The video recording was uploaded to the Council's website⁴² upon the conclusion of each meeting.

However, the Council did not continue to livestream meetings once New Zealand moved to Alert Level 1. I encourage the Council to continue livestreaming meetings after the modifications to section 47A of LGOIMA expire (under the Epidemic Preparedness Notice). Keeping a record in this way benefits the community by making the accessibility of meetings more inclusive for those who are not able to attend in-person. Another added benefit of livestreaming is it ensures an accurate record of the public portion of the meeting is immediately available. Livestreaming was also suggested by a public survey respondent.

The Council could also improve its meeting practices by considering the release of reports heard in the public excluded portion of Council meetings. Section 48 of LGOIMA states a local authority may exclude the public from meetings on certain grounds. I consider it to be good practice for councils to revisit material heard in public excluded to assess whether it may be suitable for release at a later date. The Council does not currently have a practice of revisiting and considering the release of these reports.

Furthermore, the decision making process on items to be heard in public excluded is not currently recorded. It is important a record is kept of the decision making process that was undertaken when deciding to hear an item with the public excluded.

Action points

Continue to livestream Council meetings

⁴⁰ Link to [s 47A LGOIMA \(Modifications\)](#)

⁴¹ Link to Invercargill City Council's [YouTube channel](#)

⁴² Link to Invercargill City Council's [meeting videos](#)

Action points

Revisit and consider releasing material heard in public excluded portions of Council meetings

Record the reasoning behind public excluded decisions, including any consideration of the public interest

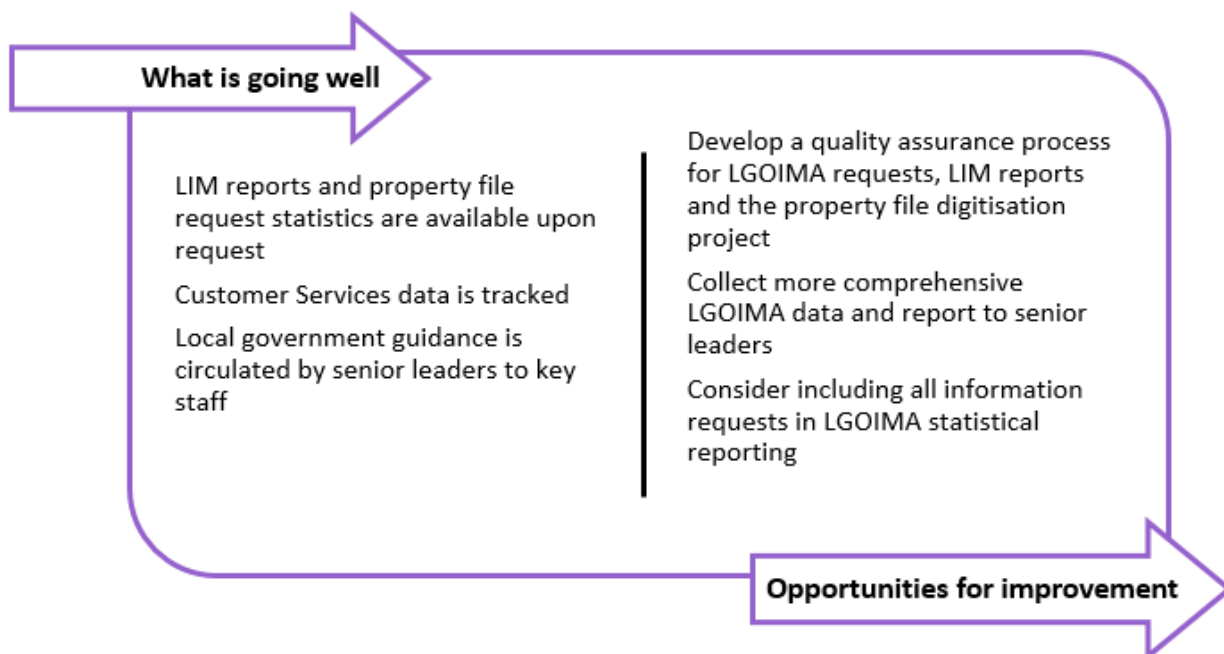
The Council's response

The Council advised:

An upgrade of technology in the Chamber is underway now, and livestreaming of all meetings will recommence before the end of 2020.

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 supported 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

Data capture, tracking and sharing

Several areas of the Council are set up to capture, track, and share, data on the work they are doing. The Communications team tracks website page views and uses Google Analytics. This information is sometimes shared in *Mahi*.

When requested, or as needed, a *LIMs Statistics* document and a *Building Services Request Count* document are produced through the Pathway system. These documents can be produced by the Quality team, the Building Administration team, or the Group Manager – Environmental and Planning Services. The *LIMs Statistics* document includes the number of LIM applications lodged and cancelled, as well as the number of LIM reports issued, and their timeliness statistics (including the average time taken to respond in days). The *Building Services Request Count* document includes the count of property file requests and the average time taken to respond in hours. These documents are shared with the Executive team.

Data from the Customer Services team is tracked in the form of a spreadsheet and reported to the Interim Group Manager - Finance and Corporate Services on a monthly basis. This data includes the number of emails, *My Invercargill* app requests, and requests for service received per month, as well as the average number of helpdesk customers served, and average number of phone calls received, per day. In fact, all phone calls taken by the Customer Services team are tracked and the result of each call is logged.

I encourage the Council to consider whether the format of the above mentioned reports could inspire the creation of a similar report for LGOIMA requests, as discussed further below.

I also note the Chief Executive shares relevant information from the Ombudsman, Local Government New Zealand, Society of Local Government Managers, and relevant central government agencies (such as the Department of Internal Affairs and the Ministry of Business, Innovation and Employment) with the Executive team and third tier Managers. This information is sometimes shared in *Mahi* as well.

Opportunities for improvement

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, the property file digitisation project, or measuring whether community engagement has been successful.

There is merit in the Council developing a 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 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 suggested in [Current practices](#).

The Environmental and Planning Services Directorate has future plans to develop a quality assurance process for LGOIMA requests handled within that group. I would suggest including the other two directorates in these plans as well for consistency across the organisation.

For the property file digitisation project, providing a quality assurance process would ensure digitised files have been captured consistently and accurately. This might include a random audit of files to ensure scanned pages are clear and readable, and checking that all pages are in chronological order and none have been missed.

Action Point

Develop a formal quality assurance process for LGOIMA requests, LIM reports and the property file digitisation project

The Council's response

The Council commented that:

Quality assurance is receiving more attention internally, and LGOIMA matters will be added to our reviews.

Collection, analysis and reporting of LGOIMA performance data

At the time of my investigation, very little LGOIMA data was being collected, and no LGOIMA data was being reported to senior leaders. In order to provide the timeliness percentage of requests that went through the LGOIMA process for my investigation, the data had to be collated by Council staff manually. That said, the data routinely collected by the Council consists of:

- the date a request is received;
- the latest due date for the response (to ensure statutory compliance within the 20 working day timeframe);
- the information sought;
- the name of the requester and the organisation they are associated with (if applicable);
- the staff member at the Council who is responsible; and
- the date the request is completed/sent to the requester.

I consider the Council should begin collecting and reporting the following data on LGOIMA requests:

- the number of requests;
- the number of requests completed within the legislated timeframe;

- the type of requester (for example: media, political researcher, corporation, individual citizen, elected member, interest group); and
- the outcome of the request (granted in full, granted in part, refused in full, withdrawn, or abandoned).

Collecting data will allow the Council to develop key performance indicators for LGOIMA requests, which would drive performance improvement. There cannot be key performance indicators if past performance is unknown. Additionally, data analysis of LGOIMA performance and information demand should be reported regularly to the Executive Leadership team, and at least quarterly to the Chief Executive. Having more comprehensive reporting at this level would ensure senior leaders are fully informed.

If data is not collected and analysed, there is a missed opportunity for senior leaders to become aware of trends in subject matter that could prompt a decision to release information proactively, or to oversee the effectiveness of the organisational structure, resources, capacity, and capability. There is also a missed opportunity for point-in-time comparisons. The Leadership Forum meeting of third tier managers could provide the right setting to discuss requests and share data.

While timeliness is important, other measures (like the outcome of a request) are equally important. There is an opportunity to collect more meaningful information about the Council's LGOIMA performance. In addition to the performance data outlined above, I encourage the Council to consider whether it may benefit from collecting other information,⁴³ such as:

- the type of request (Part 2, 3 or 4 of 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 transfers;
- the reason for and length of any extensions;
- whether the decision was notified to, or consulted with, elected members;
- whether, and which, third parties were consulted; and
- the amount of any charges.

I understand some of the above data can be ascertained through a manual search of individual LGOIMA responses, but having a proper system in place to capture and extract data could lessen the time-consuming task of manual research (as suggested above in [Current Practices](#)).

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

⁴³ Link to Performance monitoring and learning [indicators](#)

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

As previously discussed, another issue to note is the importance of capturing data on information requests that are processed by the Communications team and Customer Services team, as well as elected member requests and property file requests. Not including this information results in an incomplete picture of the Council's reported LGOIMA timeliness compliance, and restricts the Council's ability to accurately gauge information demand.

Action points

Analyse LGOIMA request data and collect more comprehensive data on the Council's handling of LGOIMA requests

Provide the Executive team with a regular report on LGOIMA requests

Consider ways to include Customer Service, media, elected member and property file requests in LGOIMA statistical reporting

The Council's response

The Council stated that:

Performance monitoring across a wide range of activities will occur more frequently, and LGOIMA requests, LIM reports and other data will be added to reporting.

Appendix 1: LGOIMA practice investigation terms of reference

This document sets out the terms of reference for a self-initiated investigation by the Chief Ombudsman into the practices of Invercargill City Council relating to the Local Government Official Information and Meetings Act 1987 (LGOIMA).⁴⁴

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.⁴⁵

Scope of the investigation

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

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

The investigation will include consideration of how the Council liaises with its elected members on LGOIMA requests, and may meet with elected members if, as the investigation progresses,

⁴⁴ See sections 13(1) and 13(3) of the Ombudsmen Act 1975 (OA).

⁴⁵ Formal recommendations under the OA will only be made if the Chief Ombudsman forms an opinion that a decision, recommendation, act, or omission by the agency was unreasonable or contrary to law under section 22 of the OA.

it would be prudent to. The investigation will also consider how the agency administers Part 7 Local Authority meetings. The investigation will not consider decisions taken by full council (committee of the whole).⁴⁶ 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.⁴⁷ However, the investigation will consider the extent to which the agency subject to the investigation has appropriate processes, policies or resources in place to manage the relationship between the CCO or CB and the council in relation to:

- transferring requests to ensure compliance with the requirements of s12 of LGOIMA
- decision making and accountability on a request, in that the lines of accountability and decision making are clear between the Council and CCO or CB particularly in circumstances where the Council provides administrative support for LGOIMA responses⁴⁸
- consultation on requests, to ensure the process is managed appropriately.

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

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

Investigation process

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

⁴⁶ See s13(1) Ombudsmen Act 1975

⁴⁷ Council Controlled Organisations are subject to Parts 1-6 of LGOIMA see section 74 of Local Government Act 2002.

⁴⁸ The decision must be made by the Chief Executive or any officer or employee authorised by the Chief Executive (see section 13(5)). Elected members (mayors or councillors or members of boards) are not officers or employees and are therefore not permitted to make decisions on LGOIMA requests.

Information gathering

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

Desk research

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

Surveys

The following surveys will be conducted:

- A survey of the agency, including requests for the supply of internal documents about:
 - authorisations to make decisions on LGOIMA requests
 - strategic plans, work programmes, operational plans
 - policies, procedures and guidance on responding to LGOIMA requests
 - training materials and quality assurance processes
 - reports on LGOIMA performance and compliance to the agency's senior management
 - the logging and tracking of LGOIMA requests for response
 - template documents for different aspects of request processing
 - policies, procedures and guidance on records and information management to the extent they facilitate achieving the purposes of the LGOIMA
 - policies, procedures and guidance on proactive publication.
- A survey of council staff about their experience of the LGOIMA culture and practice within the council.
- A survey of key media and stakeholder organisations that have sought information from the agency. The Chief Ombudsman may issue a media release that includes a link to the stakeholder survey.
- A survey of elected members, asking them about training received on LGOIMA, information management, and their roles and responsibilities under LGOIMA.

Meetings

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

A member or members of staff with responsibility for	Approximate time required
Strategic direction, organisation and operational performance	1 hour
Logging and allocating and tracking LGOIMA requests, processing and dispatch of LGOIMA requests	1 hour
Providing information in response to LGOIMA requests	½ to 1 hour
Decision makers on LGOIMA requests	½ hour
Media/communications	1 hour
External relations/stakeholder engagement	1 hour
Website content	½ hour
Information management	½ hour
Human Resources and training	½ hour
Providing legal advice on LGOIMA, including the application of refusal grounds, when a response is being prepared, and 'public excluded' resolutions	1 hour
Receiving public enquiries (receptionist, Call Centre manager if relevant)	½ hour
Those involved in the administration and arrangement of meetings under part 7, for example the Council Secretary or Meeting Secretary, and including Council staff who provide advice and make recommendations to elected members as to whether items should be discussed as public excluded meetings.	1 hour

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

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

Other

A review of the Council's intranet.

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

Fact checking

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

Reporting

Draft report

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

The Chief Ombudsman is required to consult with the Mayor or Chairperson before he forms his final opinion, if the Mayor or Chairperson so requests.⁴⁹

Final report

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

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

Evaluation

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

⁴⁹ See section 18(5) Ombudsmen Act 1975.

Appendix 2: Key dimensions and indicators

Introduction

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

[Leadership and culture](#)

[Organisation structure, staffing and capability](#)

[Internal policies, procedures and resources](#)

[Current practice](#)

[Performance monitoring and learning](#)

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

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

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

Leadership and culture

Achieving the purposes of the Local Government Official Information and Meetings Act 1987 (the Act) largely depends on the attitudes and actions of leaders, including elected members⁵⁰, 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"> ✓ Chief executives, leaders and the relevant elected members work together to promote a culture of positive LGOIMA compliance and good administrative practice ✓ Senior leaders make clear regular statements to staff and stakeholders in support of the principle and purposes of official information legislation, reminding staff of their obligations ✓ Senior leaders demonstrate clear knowledge and support of the Act's requirements ✓ Senior leaders encourage staff to identify areas for improvement and provide the means for suggesting and implementing them when appropriate ✓ Senior leaders make examples of good practice visible ✓ A visible and explicit statement exists about the agency's commitment to openness and transparency about its work.

⁵⁰ Elected members are not subject to LGOIMA, but they do hold information that is subject to the Act, and they are requesters under the Act. The expectation is that they model openness and transparency in the work that they do, and demonstrate a commitment to compliance with the legislation in order to secure the public's trust and confidence in the local authority.

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

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

Organisation structure, staffing and capability

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

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

Elements	Things to look for (indicators)
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"> • roles; • accountabilities; • reporting lines; • delegations; and • resilience arrangements. 	<ul style="list-style-type: none"> ✓ An appropriate, flexible structure exists to manage official information requests and obligations around local authority meetings which is well resourced reflecting the: <ul style="list-style-type: none"> – size of the agency – number of requests received (and from whom, public, media, other) – number or percentage of staff performing official information and meeting functions in the agency – percentage of time these staff are also required to undertake other functions – need to respond within statutory time limits – use of staff time, specialisations, structural resilience. ✓ Roles and responsibilities are clearly defined: <ul style="list-style-type: none"> – Specific responsibility exists for coordinating, tracking and monitoring official information requests and agency decisions (and ombudsman decisions), and there is the authority and support to ensure compliance⁵¹ – Decision makers are sufficiently senior to take responsibility for the decisions made and are available when required, and if not, resilience arrangements exist. – The official information function is located in an appropriate unit or area within the agency that facilitates effective working relationships with relevant business units (for example, media and legal teams).

⁵¹ 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"> ✓ Training at all levels on the requirements of the Act is provided regularly and staff are expected to attend, and to apply the knowledge acquired ✓ Training is role specific with additional training for senior managers, decision makers and staff with official information and meeting responsibilities to support their work ✓ Expectations are set by senior leaders that regular refreshers are provided to all staff ✓ Training is provided on information management and record keeping that is role-specific and includes guidance on information retrieval as well as information storage ✓ The process for staff to assess and make decisions on official information requests and meetings is clear, understood, up to date and staff apply and document the process ✓ Agency staff, including front line staff and contractors, know what an official information request is and what to do with it ✓ User-friendly, accessible resources, guidance and 'go to' people are available ✓ Staff official information capability is regularly assessed and monitored through, for example, performance reviews and regular training needs analyses ✓ Official information obligations, and obligations related to local authority meetings are included in induction material for all staff ✓ The agency's internal guidance resources are accessible to all staff.

Internal policies, procedures and resources

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

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

Elements	Things to look for (indicators)
	<ul style="list-style-type: none"> – making a decision whether to release the information – making a decision on the format in which information is released – making a decision whether to charge for the release of information – guidance on application of withholding or refusal grounds relevant to requests made under Parts 2, 3 and 4 – guidance on any statutory bars on disclosure relevant to the legislation the agency administers – imposing conditions on release where appropriate – advising the requester of the decision – recording reasons for each item of information withheld, and the agency's consideration of the public interest in release where required. <p>✓ Good policies, procedures and resources exist for releasing requests, which cover:</p> <ul style="list-style-type: none"> – providing the information in the form requested – preparing information for release, including redactions. <p>✓ Good policies, procedures and resources exist for the administration of local authority meetings, which cover:</p> <ul style="list-style-type: none"> – how and when meetings (ordinary and extraordinary) are publicly notified – how items not on the agenda for a meeting may be dealt with – how and when agendas and associated reports are made available to the public – when it is appropriate to hold a workshop rather than a meeting – preparing, and allowing the public to inspect or receive copies of minutes of meetings and workshops – decision making on whether meetings should be 'public excluded' – ensuring a resolution to exclude the public is compliant with Schedule 2A LGOIMA. <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"> ✓ Staff are able to identify, access and collate information that has been requested under the Act ✓ The agency has accurate and comprehensive records and information management policies, procedures and resources which enable information relevant to a request to be identified and collated ✓ The policies and procedures cover aspects such as: <ul style="list-style-type: none"> – creating, organising, maintaining and storing records – how to access information held by elected members – managing and modifying records – the security of information – a guide to determining which records systems exist and what information each holds – retaining, retrieving and disposing of records – both manual and electronic records, including personal email accounts, instant messaging and text messages – assigned responsibilities and performance criteria for records and information management by staff – the provision of secure audit trails – annual/periodic audits of records. ✓ These policies and procedures are regularly reviewed and up-to-date ✓ Staff find the policies and procedures useful and easy to access.
The agency has accurate and comprehensive proactive release policies, procedures and resources.	<ul style="list-style-type: none"> ✓ The policies and procedures cover the release of such things as: <ul style="list-style-type: none"> – information that has been released in response to official information requests – information described in section 21 of the LGOIMA about the agency's internal decision making rules, including its official information policies and procedures – strategy, planning and performance information – financial information relating to income and expenses, tendering, procurement and contracts – information about work programmes and policy proposals – information about public engagement processes, including public submissions – minutes, agendas, and papers of advisory boards or committees – information about regulatory or review activities carried out by agencies.

Elements	Things to look for (indicators)
	<ul style="list-style-type: none"> ✓ The policies and procedures include a process for identifying opportunities for proactive release, for example, where a high number of official information requests is received about a subject ✓ The policies and procedures include a process for preparing for proactive release, including managing risks around private or confidential information, commercially sensitive information and information subject to third party copyright ✓ The policies outline how and where the information should be made available for access, and if any charge should be fixed ✓ They are regularly reviewed and up-to-date ✓ Staff know about the agency's proactive release policies and procedures ✓ Staff find the policies useful and easy to access.

Current practices

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

Elements	Things to look for (indicators)
Official information and meeting practices demonstrate understanding, compliance, and commitment to the principles and requirements of the Act.	<ul style="list-style-type: none"> ✓ The agency complies with maximum statutory timeframes to transfer, extend, decide on requests, and release official information ✓ The agency complies with statutory timeframes for notifying meetings, and making available agendas ✓ The agency makes standing orders, meeting agendas and associated reports, and meeting minutes available to the public ✓ The agency produces comprehensive meeting minutes which contain, for example: <ul style="list-style-type: none"> › the time the meeting opened and closed, the date, place and nature of the meeting › the names of the councillors attending the meeting, those who have leave of absence or who have given an apology, and the arrival and departure times of councillors who arrive or leave during the course of the meeting › a record of every resolution, motion, amendment, order, or other proceeding of the meeting and whether they were passed or not › any 'public excluded' resolutions are in the form set out in Schedule 2A and comply with section 48 LGOIMA › the outcome of any vote taken › the names of members voting for or against a motion when requested or after a division is called. ✓ Requests are handled in accordance with the applicable law (Privacy Act; Part 2, 3, 4, or 6 of LGOIMA) ✓ The agency makes appropriate use of the withholding grounds and administrative reasons for refusal, and the provisions for excluding the public from the whole or any part of local authority meetings ✓ The agency makes appropriate use of the legislative mechanisms for dealing with large and complex official information requests ✓ The agency gives proper consideration to the public interest in release of official information, and explains this to requesters ✓ The agency interprets the scope of official information requests reasonably ✓ The agency consults with, and provides reasonable assistance to requesters

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

Performance monitoring and learning

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

Element	Things to look for (indicators)
The agency has an established system for capturing and analysing data to inform meaningful and appropriate performance measures.	<ul style="list-style-type: none"> ✓ Performance measures include: <ul style="list-style-type: none"> – quantity – for example the number of requests, from where and the number processed – efficiency – for example duration of request handling, number of responses that exceed legislative maximum time limits, the reasons for any delays – quality – for example outcome of any internal quality assurance reviews and/or external reviews of official information and meeting decisions and processes and whether or not the results of those reviews provide evidence of system wide issues – monitoring of opportunities for proactive release – for example identifying common types of requests or a high number that indicates information that could be made available. ✓ The agency collects data about its performance under the Act including: <ul style="list-style-type: none"> – the number of requests – the type of request (Part 2, 3, 4 or 6 of LGOIMA) – the type of requester (for example media, political researcher, corporation, individual citizen, elected member, interest group etc) – the information sought – the number and reason for transfers, and whether the transfer was made in time – the number and reason for any ‘public excluded’ resolutions – the number, length and reason for extensions – the outcome of the request (granted in full, granted in part, refused in full, withdrawn or abandoned) – the number and amount of charges made and collected – the grounds on which information was withheld or the request refused – whether the requester was consulted prior to any refusal under section 17(f), which provides that ‘A request made in accordance with section 10 may be refused (if)... the

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

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

Appendix 3. 'Timeline and methodology' diagram verbalisation

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 11 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 OIA practice / Box 3: Circulation of surveys to: - council staff, - LIM staff, - elected members, - stakeholders and public October and November 2019

Row 2 (steps 4 to 6)

Box 4: Council response to agency questionnaire 15 November 2019 / Box 5: Meetings with key staff December 2019 / 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 13 October 2020 / Box 8: Final Opinion presented to Council 30 November 2020 / Box 9: Final Opinion tabled in Parliament and published on the [Ombudsman website](#) February 2021

Appendix 4. 'Lifting LGOIMA performance at Invercargill City 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.

(Green circle) Leadership and Culture

- Create an official information request webpage and link it to the home page
- Appoint an executive sponsor for LGOIMA
- Incorporate accountability, transparency and LGOIMA into external documents
- Provide official information training to elected members

Organisation structure, staffing, and capability (yellow outline)

- Develop a LGOIMA training programme with more induction training, training for all current staff, refresher courses and targeted training for specific roles
- Review the current LGOIMA request model, and ensure roles and responsibilities are clear
- Consider a committed LGOIMA request resource
- Provide information management and record keeping refresher training to all staff, and targeted training for specific roles
- Appoint an executive sponsor for information management and record keeping

Internal policies, procedures, and resources (blue outline)

- Develop a written policy on official information, and guidance resources for staff on how to apply LGOIMA to information requests
- Develop a proactive release policy, an information management policy and further LIM report guidance
- Encourage elected members to use their Council email addresses, and develop a protocol for LGOIMA requests from elected members
- Ensure LGOIMA, LIM, information management and record keeping resources are regularly reviewed and updated

Current practices (orange outline)

- Ensure the refusal reason and right to complain to the Ombudsman are referenced in LGOIMA responses when requests are refused
- Establish a formalised peer review process
- Use templates when responding to official information requests
- Consider a workflow management tool and different tracking system for LGOIMA requests
- Record administrative steps and reasons for LGOIMA decisions
- Continue livestreaming Council meetings
- Record reasons for public excluded decisions and revisit material for release

Performance monitoring and learning (purple outline)

- Develop a formal quality assurance process for LGOIMA requests, LIM reports and the property file digitisation project
- Analyse LGOIMA request data and collect more comprehensive data on the handling of LGOIMA requests
- Provide the Executive team with a regular report on LGOIMA requests
- Consider ways to include LGOIMA requests handled by the media and other teams in LGOIMA statistical reporting

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"> • Good commitment to openness and transparency • Positive changes to Council culture • Multiple ways of engaging with the community 	<ul style="list-style-type: none"> • Provide official information training to elected members • Visible, explicit statements in corporate documents and online about LGOIMA, openness and transparency • Create an official information request webpage • Update decision making authority • Appoint an executive sponsor for official information practice

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

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> • Model for LIM reports is fit for purpose • Ongoing property file digitisation project • Good understanding of the administrative process for meetings • Basic information management training offered at induction 	<ul style="list-style-type: none"> • Vulnerability in the model for handling LGOIMA requests due to the dependency on two staff to facilitate LGOIMA requests in addition to their full-time roles • Provide LGOIMA training to all staff • Provide further LGOIMA training at induction, and deliver regular refreshers and targeted training for particular roles • Information management refresher training may be beneficial

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

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> • Guidance on meeting administration and workshops • Some information management and record keeping guidance is available • Record keeping projects are prioritised 	<ul style="list-style-type: none"> • Create an official information policy and internal guidance on official information provisions • Develop further LIM guidance • Develop a proactive release policy • Consider developing a LGOIMA protocol with elected members • Develop further information management and record keeping resources • Review resources regularly

Table 4: Current practices ‘At a glance’

What is going well	Opportunities for improvement
<ul style="list-style-type: none"> • LIM reports: 100% timeliness rate • Public notices, agendas and minutes for meetings are all compliant with LGOIMA • Appropriate use of notifying and consulting elected members on LGOIMA requests 	<ul style="list-style-type: none"> • LGOIMA requests: 87.1% timeliness rate • Start using LGOIMA templates • Record administrative steps and reasons for LGOIMA decisions • Include refusal reasons and the right to complain to the Ombudsman in LGOIMA responses • Establish a peer review process • Continue to livestream Council meetings • Record reasons for public excluded decisions and revisit public excluded material for release

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

What is going well	Opportunities for improvement
<ul style="list-style-type: none">• LIM reports and property file request statistics are available upon request• Customer Services data is tracked• Local government guidance is circulated by senior leaders to key staff	<ul style="list-style-type: none">• Develop a quality assurance process for LGOIMA requests, LIM reports and the property file digitisation project• Collect more comprehensive LGOIMA data and report to senior leaders• Consider including all information requests in LGOIMA statistical reporting

Document ends